

# Contractor's Application For Payment No. 17

To (Owner): City of Cumberland Project: Cumberland Wastewater Treatment Facility Upgrades Owner's Contract No.:	Application Period: 6/2/16 - 6/30/16 From (Contractor): Magney Construction Contract: Contractor's Project No.:
Application Date: 6/30/2016 Notice to Proceed Date: 2/13/15 Via (Engineer) Bill Chang, PE Engineer's Project No.: 8109016	

## Application for Payment

### Change Order Summary

Approved Change Orders	Number	Additions	Deductions
	1 thru 7	\$ 25,343.00	
	8	\$ 28,789.00	
	9	\$ (2,669.00)	
	10	\$ 957.00	
	11	\$ 3,456.00	
	12	\$ (78,344.00)	
	<b>TOTALS</b>	<b>\$0.00</b>	<b>\$ (22,468.00)</b>
<b>NET CHANGE BY</b>			
<b>CHANGE ORDERS</b>		<b>\$</b>	<b>(22,468.00)</b>

1. ORIGINAL CONTRACT PRICE \$ 6,641,600.00
2. Net change by Change Orders \$ (22,468.00)
3. CURRENT CONTRACT PRICE (Line 1 ± 2) \$ 6,619,132.00
4. TOTAL COMPLETED AND STORED TO DATE \$ 6,352,938.00  
(Column G on Progress Estimate)
5. RETAINAGE:
  - a. 5 % Work Completed \$ 317,646.90
  - b. 5 % Stored Material \$ 0.00
  - c. Total Retainage (Line 5a + Line 5b) \$ 317,646.90
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c) \$ 6,035,291.10
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) \$ 5,939,211.90
8. AMOUNT DUE THIS APPLICATION \$ 96,079.20
9. BALANCE TO FINISH, PLUS RETAINAGE \$ 583,840.90  
(Column I on Progress Estimate + Line 5 above)

## Contractor's Certification

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

By:  Date: 6/29/16

Payment of: \$ 96,079.20  
(Line 8 or other - attach explanation of other)

is recommended by: \_\_\_\_\_ (Engineer) \_\_\_\_\_ (Date)

Payment of: \$ 96,079.20  
(Line 8 or other - attach explanation of other)

is approved by: \_\_\_\_\_ (Owner) \_\_\_\_\_ (Date)

Approved by: \_\_\_\_\_ Funding Agency (if applicable) \_\_\_\_\_ (Date)

Cumberland Wastewater Treatment Facility

Application No. 17

Date of Application: 6/30/2016  
Work Complete Through: 6/30/2016

Spec.	Description	Scheduled Value	Previous Application	This Application	Stored Material	Completed & Stored To Date	Pct. Compl.	Balance to Finish
006113	Bonding & Insurance	\$99,500	\$99,500	\$0	\$0	\$99,500	100%	\$0
013500	Mobilization & General Conditions	\$295,200	\$278,200	\$8,500	\$0	\$286,700	97%	\$8,500
014000	Allowances - Dewatering	\$35,000	\$10,194	\$0	\$0	\$10,194	29%	\$24,806
015000	Temporary Facilities/Trailers	\$24,000	\$22,500	\$750	\$0	\$23,250	97%	\$750
024119	Selective Demolition - Site	\$9,400	\$6,400	\$3,000	\$0	\$9,400	100%	\$0
024120	Selective Demolition - Headworks Building	\$52,500	\$49,875	\$2,625	\$0	\$52,500	100%	\$0
024121	Selective Demolition - Digestor Complex	\$76,700	\$74,195	\$2,505	\$0	\$76,700	100%	\$0
025613	Polyethylene Geomembrane Liner	\$36,600	\$36,600	\$0	\$0	\$36,600	100%	\$0
026500	Underground Tank Removal	\$6,300	\$6,300	\$0	\$0	\$6,300	100%	\$0
032000	Concrete Reinforcement	\$117,200	\$117,200	\$0	\$0	\$117,200	100%	\$0
033001	Concrete Work - MBR Building	\$359,300	\$359,300	\$0	\$0	\$359,300	100%	\$0
033002	Concrete Work - Dump Station/Septage Receiving	\$74,200	\$74,200	\$0	\$0	\$74,200	100%	\$0
033003	Concrete Work - Headworks	\$8,800	\$5,760	\$3,040	\$0	\$8,800	100%	\$0
033001	Concrete Work - Digestor Complex	\$9,200	\$9,200	\$0	\$0	\$9,200	100%	\$0
033516	Heavy Duty Concrete Floor Finishing	\$7,100	\$0	\$0	\$0	\$0	0%	\$7,100
034133	Precast Structural Concrete	\$24,200	\$24,200	\$0	\$0	\$24,200	100%	\$0
036423	Epoxy Grout Injection Crack Repair	\$4,100	\$4,100	\$0	\$0	\$4,100	100%	\$0
042200	Masonry Work	\$155,200	\$152,596	\$0	\$0	\$152,596	98%	\$2,604
055000	Miscellaneous Metals	\$185,400	\$166,661	\$16,189	\$0	\$182,850	99%	\$2,550
061000	Rough Carpentry	\$13,200	\$12,320	\$880	\$0	\$13,200	100%	\$0
071300	Sheet Waterproofing	\$21,500	\$21,500	\$0	\$0	\$21,500	100%	\$0
072113	Board Insulation	\$5,300	\$5,300	\$0	\$0	\$5,300	100%	\$0
072726	Air Vapor Barrier	\$12,500	\$12,500	\$0	\$0	\$12,500	100%	\$0
075324	EPDM Membrane Roofing	\$29,400	\$29,400	\$0	\$0	\$29,400	100%	\$0
076200	Roof Patches at Headworks and Digestor	\$9,800	\$7,971	\$1,829	\$0	\$9,800	100%	\$0
079200	Sheet Metal Flashings and Trim	\$4,600	\$2,898	\$1,702	\$0	\$4,600	100%	\$0
081000	Joint Sealants	\$14,900	\$5,811	\$0	\$0	\$5,811	39%	\$9,089
083323	Doors, Frames & Hardware (FRP & HM)	\$43,500	\$37,193	\$5,367	\$0	\$42,560	98%	\$940
083459	Overhead Coiling Doors	\$16,400	\$15,580	\$0	\$0	\$15,580	95%	\$820
085113	Vault Doors	\$11,300	\$11,300	\$0	\$0	\$11,300	100%	\$0
088100	Aluminum Windows	\$7,400	\$5,550	\$0	\$0	\$5,550	75%	\$1,850
092900	Gypsum Board & Framing	\$16,700	\$900	\$4,200	\$0	\$16,700	100%	\$0
093013	Ceramic Tile	\$1,700	\$1,700	\$0	\$0	\$1,700	100%	\$0
095100	Acoustical Ceilings	\$5,600	\$0	\$4,000	\$0	\$4,000	71%	\$1,600
096516	Resilient Flooring and Base	\$5,300	\$0	\$0	\$0	\$0	0%	\$5,300
096813	Tile Carpeting	\$2,200	\$0	\$0	\$0	\$0	0%	\$2,200
097760	FRP Panels	\$6,900	\$0	\$0	\$0	\$0	0%	\$6,900
099600	High Performance Coatings and Special Coatings	\$246,100	\$184,575	\$17,227	\$0	\$201,802	82%	\$44,298
101400	Signage	\$700	\$0	\$350	\$0	\$350	50%	\$350
102813	Toilet Accessories	\$800	\$800	\$0	\$0	\$800	100%	\$0

Application No. 17

Date of Application: 6/30/2016  
Work Complete Through: 6/30/2016

Spec.	Description	Scheduled Value	Previous Application	This Application	Stored Material	Completed & Stored To Date	Pct. Compl.	Balance to Finish
104416	Fire Extinguishers	\$600	\$600	\$0	\$0	\$600	100%	\$0
133420	Pre-Engineered Pole Building	\$122,800	\$122,800	\$0	\$0	\$122,800	100%	\$0
220000	Plumbing	\$60,500	\$52,635	\$1,815	\$0	\$54,450	90%	\$6,050
230000	HVAC	\$351,200	\$333,640	\$3,512	\$0	\$337,152	96%	\$14,048
260500	Electrical	\$1,363,100	\$1,340,124	\$14,797	\$0	\$1,354,921	99.4%	\$8,179
312316	Excavation, Backfill and Grading	\$199,900	\$193,903	\$4,798	\$0	\$198,701	99%	\$1,199
312500	Erosion and Sediment Controls	\$11,500	\$10,810	\$204	\$0	\$11,014	96%	\$486
321123	Aggregate Base Course	\$45,700	\$19,194	\$26,506	\$0	\$45,700	100%	\$0
321216	Asphaltic Concrete Paving	\$53,800	\$0	\$53,800	\$0	\$53,800	100%	\$0
321310	Concrete Walks	\$9,600	\$7,872	\$957	\$0	\$8,829	92%	\$771
323113	Chain Link Fencing	\$34,300	\$34,300	\$0	\$0	\$34,300	100%	\$0
329219	Seeding	\$11,500	\$9,775	\$1,725	\$0	\$11,500	100%	\$0
330505	Site Utilities	\$299,700	\$296,455	\$1,358	\$0	\$297,813	99%	\$1,887
334723	Equalization Basin Construction	\$48,400	\$48,400	\$0	\$0	\$48,400	100%	\$0
402336	Wastewater Process Piping Systems	\$338,200	\$335,420	\$0	\$0	\$335,420	99%	\$2,780
412213	Portable Davit Crane	\$1,600	\$1,600	\$0	\$0	\$1,600	100%	\$0
412223	Hoist	\$3,500	\$3,100	\$400	\$0	\$3,500	100%	\$0
444219	Positive Displacement Blowers	\$64,200	\$64,200	\$0	\$0	\$64,200	100%	\$0
444223	FRP Covers	\$106,400	\$101,950	\$958	\$0	\$102,908	97%	\$3,492
444239.1	Grit Removal Equipment	\$46,900	\$46,900	\$0	\$0	\$46,900	100%	\$0
444239.2	Vortex Torque Flow Grit Pumps	\$21,200	\$21,200	\$0	\$0	\$21,200	100%	\$0
444240	Jet Aeration Equipment	\$46,500	\$46,500	\$0	\$0	\$46,500	100%	\$0
444256	Dry Pit Submersible Pumps	\$90,600	\$90,600	\$0	\$0	\$90,600	100%	\$0
444276	Wastewater Process Valves and Accessories	\$76,500	\$76,500	\$0	\$0	\$76,500	100%	\$0
444276.1	Stop Gates	\$6,800	\$6,800	\$0	\$0	\$6,800	100%	\$0
444276.2	Weir Plates & Guides	\$2,400	\$2,400	\$0	\$0	\$2,400	100%	\$0
444650	Tank Cleaning	\$25,700	\$25,700	\$0	\$0	\$25,700	100%	\$0
445000	Ovivo Package	\$1,112,400	\$997,630	\$0	\$0	\$997,630	90%	\$114,770
445001	Installation Labor - Ovivo Package	\$29,500	\$29,500	\$0	\$0	\$29,500	100%	\$0
CO#1	Change Exterior Pipe to C900	(\$23,800)	(\$23,800)	\$0	\$0	(\$23,800)	100%	\$0
CO#1	Change Wire from Copper to Aluminum	(\$18,000)	(\$18,000)	\$0	\$0	(\$18,000)	100%	\$0
CO#1	Installation of Electric Gate	\$13,000	\$11,000	\$0	\$0	\$11,000	85%	\$2,000
CO#1	Delete Software in Division 26	(\$12,000)	(\$11,760)	(\$240)	\$0	(\$12,000)	100%	\$0
CO#1	Change Sierra Gas Monitor to AIT (Div 26)	(\$3,500)	(\$3,500)	\$0	\$0	(\$3,500)	100%	\$0
CO#1	Move Septage Station and delete manhole	(\$4,575)	(\$4,575)	\$0	\$0	(\$4,575)	100%	\$0
CO#1	Reduce size of equalization basin by 25%	(\$15,200)	(\$15,200)	\$0	\$0	(\$15,200)	100%	\$0
CO#1	Change Special Coatings System 09 97 23	(\$64,800)	(\$48,600)	(\$16,200)	\$0	(\$53,136)	82%	\$11,664
CO#1	Replace specified Pressurized Water System	(\$13,700)	(\$13,700)	\$0	\$0	(\$13,700)	100%	\$0
CO#1	Delete installation of repeater at the water tower	(\$4,000)	(\$4,000)	\$0	\$0	(\$4,000)	100%	\$0
CO#1	Add Plant Water System 44 42 56.16	\$75,000	\$75,000	\$0	\$0	\$75,000	100%	\$0
CO#1	Add Plant Pump Station 44 42 56.18	\$60,000	\$60,000	\$0	\$0	\$60,000	100%	\$0
CO#2	Move Septage Station and delete manhole Cor 16	\$3,370	\$3,370	\$0	\$0	\$3,370	100%	\$0

Cumberland Wastewater Treatment Facility

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Spec.	Description	Scheduled Value	Previous Application	This Application	Stored Material	Completed & Stored To Date	Pct. Compl.	Balance to Finish
CO#2	Relocate salvaged light fixture Cor 34	\$989	\$989	\$0	\$0	\$989	100%	\$0
CO#2	Change grit pump motor PR 4 Cor 36	\$1,002	\$1,002	\$0	\$0	\$1,002	100%	\$0
CO#2	Replace digester sample line and valves PR 1 Cor 42	\$2,000	\$2,000	\$0	\$0	\$2,000	100%	\$0
CO#2	Add two auto air release valves in digester PR 11 Cor 47	\$3,683	\$2,355	\$1,328	\$0	\$3,683	100%	\$0
CO#2	Add brick façade to MBR Building PR 2R Cor 51	\$11,587	\$11,587	\$0	\$0	\$11,587	100%	\$0
CO#2	Revise blower layout PR 5 Cor 56	\$677	\$677	\$0	\$0	\$677	100%	\$0
CO#2	Change service ground at MBR Building Cor 64	\$1,753	\$1,753	\$0	\$0	\$1,753	100%	\$0
CO#3	Revise plant water system PR 8 Cor 38	\$22,975	\$22,975	\$0	\$0	\$22,975	100%	\$0
CO#3	Delete plant water pump station PR 9 Cor 38	(\$60,000)	(\$60,000)	\$0	\$0	(\$60,000)	100%	\$0
CO#3	Revise yard piping 6" effluent PR 7R Cor 46	\$400	\$400	\$0	\$0	\$400	100%	\$0
CO#3	Revise site fence location PR 7R Cor 55	(\$2,100)	(\$2,100)	\$0	\$0	(\$2,100)	100%	\$0
CO#3	Revise trolley beam and hoist Option 1 PR 12 Cor 59	\$5,958	\$5,958	\$0	\$0	\$5,958	100%	\$0
CO#3	Jet aeration equipment piping change PR 6 Cor 61	\$5,823	\$5,823	\$0	\$0	\$5,823	100%	\$0
CO#4	Add plumbing roof drains PR 3 Cor 57	\$17,100	\$17,100	\$0	\$0	\$17,100	100%	\$0
CO#4	Delete Hydronic Heating Systems A&B PR 18R Cor 69	(\$17,715)	(\$17,715)	\$0	\$0	(\$17,715)	100%	\$0
CO#4	Add gas service for site PR 17 Cor 81	\$21,661	\$21,661	\$0	\$0	\$21,661	100%	\$0
CO#4	Add heaters in MBR Building PR 19 Cor 84	\$8,996	\$8,996	\$0	\$0	\$8,996	100%	\$0
CO#4	Delete Pipe Insulation PR 20 Cor 85	(\$2,730)	(\$2,730)	\$0	\$0	(\$2,730)	100%	\$0
CO#4	Add gas piping inside MBR Building PR 23 B Cor 88	\$6,427	\$6,427	\$0	\$0	\$6,427	100%	\$0
CO#4	Elec panel changes for generator in MBR PR 24 Cor 89	(\$1,896)	(\$1,896)	\$0	\$0	(\$1,896)	100%	\$0
CO#4	Motor disconnects for process and HVAC Equip PR 25 Cor 90	(\$3,219)	(\$3,219)	\$0	\$0	(\$3,219)	100%	\$0
CO#5	Change motor starter in VFD MCC-1	\$9,587	\$9,587	\$0	\$0	\$9,587	100%	\$0
CO#6	Add controls for screen compactor	\$6,934	\$6,934	\$0	\$0	\$6,934	100%	\$0
CO#7	Delete site fencing	(\$6,344)	(\$6,344)	\$0	\$0	(\$6,344)	100%	\$0
CO#8	Replace existing Hydrocyclone PR 26 Cor 91	\$24,032	\$24,032	\$0	\$0	\$24,032	100%	\$0
CO#8	Add wall hydrant to MBR, Delete fire hose connection PR 27	\$4,757	\$4,757	\$0	\$0	\$4,757	100%	\$0
CO#9	Change screen piping PR 10 Cor 53	(\$591)	(\$591)	\$0	\$0	(\$591)	100%	\$0
CO#9	Add drain for screen PR 33 Cor 53	\$1,483	\$1,483	\$0	\$0	\$1,483	100%	\$0
CO#9	Delete floor drain in grit room PR 32 Cor 112	(\$853)	(\$853)	\$0	\$0	(\$853)	100%	\$0
CO#9	Delete tile work from toilet room PR 35 Cor 115	(\$1,725)	(\$1,725)	\$0	\$0	(\$1,725)	100%	\$0
CO#9	Delete ceiling sound insulation PR 36 Cor 116	(\$983)	\$0	\$0	\$0	\$0	0%	(\$983)
CO#10	Revise Davit Crane bases Cor 119	\$957	\$957	\$0	\$0	\$957	100%	\$0
CO#11	Custom fabricate fine screen hopper PR 34C Cor 53	\$3,456	\$0	\$3,456	\$0	\$3,456	100%	\$0
CO#12	Delete bituminous paving and class five PR 40 Cor 137	(\$81,866)	\$0	(\$81,866)	\$0	(\$81,866)	100%	\$0
CO#12	Remove grit tank garting, replace piping PR 37.2 Cor 122	\$3,522	\$0	\$0	\$0	\$0	0%	\$3,522
<b>Totals</b>		<b>\$6,619,132</b>	<b>\$6,251,802</b>	<b>\$101,136</b>	<b>\$0</b>	<b>\$6,352,938</b>	<b>96%</b>	<b>\$266,194</b>

COMMON COUNCIL  
CITY OF CUMBERLAND  
JUNE 7, 2016

The Common Council of the City of Cumberland met on Tuesday, June 7, 2016, 7:00 P.M., at the Cumberland City Hall, 950 1<sup>st</sup> Avenue Ave. The meeting was properly posted and all interested parties were notified.

Mayor Skinner called the meeting to order at 7:00 pm.

Those members present were Bents, Slayton, Bridger, Strickland, Schullo, Wallin, Goldsmith and Laursen. Others present were Rick Rieper, Keith Hardie and other citizenry.

The pledge of allegiance was said.

Motion by Bridger, second by Bents, to approve the agenda as presented. Motion Carried

Motion by Strickland, second by Wallin, to approve the May expenses with check # 34917 thru # 35156 in the amount of \$ 762,422.03. Motion Carried

Motion by Bents, second by Bridger, to approve the payment of Payment application No. 16 in the amount of \$216,499.30. Motion Carried

Motion by Bridger, second by Slayton, to approve the minutes of the May 3, 2016 Council meeting. Motion Carried

Jim Coil asked if the sewer plant is on-line yet and about the project around Library Lake. Keith Hardie responded to both questions.

Motion by Schullo, second by Bridger, to approve the Class A, B & C liquor, beer and wine licenses for the licensing period of July 1, 2016 thru June 30, 2017 currently on file at the City Clerk-Treasurer's Office contingent upon all applicants being in compliance with 12.03 (4) MC. Motion Carried

Motion by Wallin, second by Strickland, to approve a Second hand Article Dealer license for Tracy Grant for the licensing period of January 1, 2016 thru December 31, 2016. Motion Carried

Motion by Schullo, second by Bents, to approve Mobile Home Court license applications currently on file at the City Clerk-Treasurer's Office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried

Motion by Slayton, second by Bridger, to approve Operator's Licenses on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried

Motion by Schullo, second by Goldsmith, to approve the Bowling Alley License on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried

Motion by Bents, second by Wallin, to approve a Temporary Class B License for the Cumberland Gap for July 3, 4 and 5, 2016. Motion Carried

Motion by Goldsmith, second by Bridger, to approve the Cigarette & Tobacco Products licenses on file in the Clerk-Treasurer's office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried

Motion by Schullo, second by Wallin, to approve the Transient Merchant licenses on file in the Clerk-

Treasurer's Office. Motion Carried

Motion by Slayton, second by Bridger, to approve the Self Service Laundry Licenses on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried

Motion by Goldsmith, second by Bridger, to approve Resolution 16-6A Providing for the Sale of \$1,375,000 Sewer System Revenue Bond Anticipation Notes, Series 2016. Motion Carried

Motion by Bridger, second by Slayton, to approve Ordinance 690 amending subsection 10-03(11) of the Municipal Code of the City of Cumberland Relating to the Storage of Inoperative Motor Vehicles. Motion Carried

Motion by Goldsmith, second by Bridger, to approve Ordinance 691 amending 13.01 of the Municipal Code of the City of Cumberland to add fees and violation fees for the FOG program. Motion Carried

Motion by Bents, second by Schullo, to approve Change Order #11 for the WWTP Project. Motion Carried

Motion by Bridger, second by Wallin, to approve Resolution 16-6B supporting Transportation Funding in the State of Wisconsin and forward the completed resolution to our Governor and local Legislators. Motion Carried

Motion by Schullo, second by Bents, to approve the Fireworks Permit for the Cumberland GAP for July 4, 2016, with a rain date of July 5, 2016, that has been approved by the Fire Chief of the Cumberland Fire District as required by 9.03 of the municipal code. Motion Carried

Motion by Strickland, second by Goldsmith, to approve Resolution 16-6C for the 2015 Compliance Maintenance Annual Report (CMAR) for the municipal sanitary sewer system. Motion Carried  
Committee reports were given.

Motion by Strickland, second by Goldsmith, to adjourn. Motion Carried

Julie A. Kessler, Clerk-Treasurer

### **Detail for Operator's Licenses**

#### **Bourbon's Bar**

1. Donna Larson
2. Andrew Visger
3. Jennifer Jackson

#### **Club Cumberland**

- Martha Kirby  
Chad Ostrum

#### **Corner Bar**

- Valerie Anderson  
Jaida Couture-Barrows  
Luke Anderson

#### **Das Lach Haus**

1. Shannon Bents
2. Brooke Blechinger
3. Mandy Rouzer
4. Todd Bents

#### **Holiday**

- Gari Odenbreit

#### **Spot Bar**

- Mary Richter  
Jamie A Frie  
Stephanie Nichols

### **Detail for Peddlers, Solicitors and /or Transient Merchants**

1. Sons of Norway Dovre Lodge at Louie's Brats – June 30, 2016
2. Cumberland Baseball at Louie's Brats – July 3 & 4
3. Project Santa at Louie's Brats – July 8 & 9
4. Vermillion Cruisers at Louie's Brats – July 14
5. Keith Pickerign – sweet corn at Louie's – July thru Early September
6. St Anthony's Catholic Church at Louie's Brats – July 28-30

### **Temporary Class "B"/"Class B" Retailer's License**

none

**Planning Commission**  
**June 8, 2016**

Chair Skinner called the meeting to order at 4:00 pm.

Those members present were Bert Skinner, Tom Goldsmith, Tom Schroeder, Cliff Wiita, Paul Flottum and Gary Gannon.

Dennis Zappa was absent.

Also attending were Keith Hardie, Kurt Jacobs, Bob & Jeanene Solum, Doug Hanson, Paul Lange, Chris Straight, Greg Chafer and Julie Kessler.

Motion by Schroeder, second by Gannon, to approve the minutes of the January 27, 2016 Planning Commission meeting. Motion Carried.

It was noted that today's meeting was published in the May 25, 2016 edition of the Cumberland Advocate and that all parties in interest have been noticed of this meeting by first class mail.

- I. Consider the approval on an application for a Tourist Rooming House for parcel #212-1177-24-000, located at 1637 3<sup>rd</sup> Avenue, Cumberland, Wisconsin.

Motion by Goldsmith, second by Gannon, to approve the application for a Tourist Rooming House for 1637 3<sup>rd</sup> Avenue, Cumberland.

Hardie explained that because of the ordinance change last year, the tourist rooming house is a conditional use. The initial approval comes from this committee and then it is automatically renewed every year as long as there are no violations. With 2 documented violations, it needs to be reviewed by this committee and the conditional use can be pulled. The owner is responsible for a Public Health inspection by the county, listed rules and emergency contacts need to be in place.

Discussion continued as to restrictions and concerns of the previous split of the property. Neighbor Doug Hanson expressed his concerns and feels this is a commercial use and would like a privacy fence put up.

Neighbor Paul Lange expressed his concerns about establishing a roadway to the lake to ensure that they aren't using other people's property. Also feels like this is just extending main-street.

Committee members discussed the proposed splitting of the lot that was approved previously. Jeanene Solum explained that their plan is to not split the lot unless they have to in the future. She expressed that it would not be a vacation rental if the lot is split.

Motion to amend by Goldsmith, second by Schroeder, that this be approved subject to the present property lines of the lot without the subdivision only. Motion carried on the amendment and original motion by voice vote with Skinner abstaining.

- II. Consider the approval of an application for a conditional use permit for grading within the shoreland district MC 17.36(9) on property located at 1251 & 1255 Grove Street, Cumberland, Wisconsin, parcel #212-1200-73-000 and 212-1200-74-000 for the purpose of constructing a storm water treatment pond on behalf of the Beaver Dam Lake Management District with funding from the Wisconsin Department of Natural Resources.

Motion by Wiita, second by Flottum, to approve the conditional use permit for grading within the shoreland district on property at 1251 & 1255 Grove Street, Cumberland.

Hardie explained that they will be disturbing more than 300 square feet at one time for the conditional use is needed.

Kurt Jacobs questioned how much dredging will be done. Schroeder answered on behalf of the Lake District.

Motion carried on voice vote of all yea, with Schroeder abstaining.

Chris Straight from West Central Regional Planning will stay after the meeting to discuss updating the Comprehensive Plan.

Motion by Goldsmith, second by Schroeder, to adjourn. Motion Carried.

Julie A. Kessler, Clerk-Treasurer  
City of Cumberland

Date: May 17, 2016

To: Cumberland City Planning Commission; (B.Skinner, G. Gannon, T. Goldsmith, P. Flottum, T. Schroeder, D. Zappa, C. Wiita)

From: Julie Kessler, Clerk-Treasurer

Re: Consider Tourist Rooming House/Vacation Rental application as per Municipal Code 12.075

*Cumberland municipal code on line:* <http://www.municode.com>

NOTICE

There will be a meeting of the Cumberland City Planning Commission on June 8, 2016 at 4:00 pm at the Cumberland City Hall to consider the following agenda:

Consider the approval of an application for a Tourist Rooming House for parcel # 212-1177-24-000, located at 1637 3<sup>rd</sup> Avenue Cumberland Wisconsin 54829

Julie A. Kessler, Clerk-Treasurer  
City of Cumberland  
950 1<sup>st</sup> Avenue  
Cumberland, WI 54829  
715.822.2752/ Fax 715.822.3799  
clerk@cityofcumberland.net  
www.cityofcumberland.net

Posted: May 23, 2016

**P.S. In order to insure a commission member quorum, please advise City Hall if you cannot attend this meeting.**

PC: Keith Hardie, Zoning Admin.  
Jim Heldstab, Bldg. Insp., Residential.  
Today's Date; May 23, 2016 **Advocate: Publish Class I Notice; May 25, 2016.**

**Area Residents / Parties in Interest:**

The American Legion Post 98, Greg Shafer, Kenneth Doerr, Douglas & Jean Hansen, Paul & Nancy Lange

Note: This memo is for notification purposes only. This Planning Commission meeting is not the forum for the requisite Public Hearing on the referenced rezoning issue which will be held by the Common Council on July 5, 2016 at 7:00 p.m. at the Cumberland City Hall.

PS: If any property owner in receipt of this notice knows of another property owner *within 100 feet of the proposed re-zoning boundaries* which has inadvertently been excluded from the above listing, please advise City Hall accordingly.

**CITY OF CUMBERLAND ZONING AND BUILDING**  
**APPLICATION FORM, APPROVAL RECORD AND PERMIT**

SHADED AREAS FOR STAFF USE ONLY

- ZONING PERMIT
- XX** CONDITIONAL USE PERMIT
- REZONING
- APPEAL OF ADMINISTRATIVE DECISION
- VARIANCE
- LAND DIVISION
- PLANNED UNIT DEVELOPMENT

PROJECT NUMBER		PROJECT NAME VACATION RENTAL/ TOURIST ROOMING HOUSE		
<b>CHECK ALL THAT APPLY</b>				
<input type="checkbox"/> ZONING PERMIT	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> JUNKYARD	<input type="checkbox"/> SKETCH PLAN	
<input type="checkbox"/> BUILDING	<input type="checkbox"/> ADULT ESTABLISHMENT	<input type="checkbox"/> METALLIC MINE	<input type="checkbox"/> PRELIMINARY PLAT	
<input type="checkbox"/> OTHER STRUCTURE	<input type="checkbox"/> COMMUNICATION TOWER	<input type="checkbox"/> MOBILE HOME PARKING FEE	<input type="checkbox"/> FINAL PLAT	
<input type="checkbox"/> SIGN	<input type="checkbox"/> LAND SPREADING/STORAGE	<input type="checkbox"/> MOBILE HOME PARK	<input type="checkbox"/> CSM	
<input type="checkbox"/> ZONING AMENDMENT, TEXT	<input type="checkbox"/> HOME OCCUPATION	<input type="checkbox"/> NON-METALLIC MINE	<input type="checkbox"/> PUD:	
<input type="checkbox"/> ZONING AMENDMENT, MAP	<input type="checkbox"/> ADMINISTRATIVE APPEAL	<input type="checkbox"/> VARIANCE	<input type="checkbox"/> OTHER:	
LOCATION(S) - STREET ADDRESS(ES) 1637 3 <sup>RD</sup> AVENUE			COUNTY PIN 212- 1177-24-000	
CUMBERLAND , WISCONSIN 54829				
SUBDIVISION OR PLANNED UNIT DEVELOPMENT NAME HODGKIN'S PLAT OF SUB BLK1 NORTH CUMBERLAND				
LOT(S) 1	BLOCK(S) 10	SECTION(S) 06	TOWNSHIP(S) 35N	RANGE(S) 13W
<b>APPLICANTS</b>				
APPLICANT/PROPERTY OWNER ROBERT & JEANENE SOLUM			STREET ADDRESS 1031 W CTY HWY B	
CITY SHELL LAKE	STATE WISCONSIN	ZIP CODE 54871	PHONE 715-296-4929	FAX 715-234-3226
AGENT/CONSULTANT			STREET ADDRESS	
CITY	STATE	ZIP CODE	PHONE	FAX
<b>ZONING AND BUILDING PERMIT INFORMATION</b>				
<input type="checkbox"/> NEW CONSTRUCTION OR <input type="checkbox"/> MODIFICATION TO EXISTING STRUCTURE				
PROPOSED USE _____				
ESTIMATED COST _____				
<b>DESCRIPTION OF PROJECT OR PERTINENT CIRCUMSTANCES:</b> WE WOULD LIKE TO MAKE OUR HOME A "VACATION RENTAL". WE WILL PLAN TO RENT IT BY THE WEEK WITH A MAXIMUM OCCUPANCY OF 8 PEOPLE. OUR HOME HAS 4 BEDROOMS, 1 BATH. WE HAVE OFF STREET PARKING.				
<b>CERTIFICATION</b>				
I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing the application, I am acting with the knowledge and consent of those persons who are owners of subject property or are parties to this application. I understand that all materials required by the City of Cumberland must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that additional fees or materials may be required as the result of considerations, which may arise in the processing of this docket. I understand that road and park dedications may be required as a condition of approval. I understand that I am consenting to allow City of Cumberland staff involved with this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.				
SIGNATURE <b>X</b> <i>Jeanene Solum</i>			DATE 5/12/16	
SIGNATURE <b>X</b>			DATE	
<b>PLEASE NOTE</b>				
REFER TO THE REGULATIONS FOR COMPLETE REQUIREMENTS				
PLEASE SEE THE BACK				

100

**FEES \$150.00**

Fees are as established annually by the City Council and published in the official fee schedule.

**Building Permit Issued Dated:**

**ADMINISTRATIVE APPROVALS** With a permit designated, dated and signed below, a copy of this document constitutes said permit.

Permit type <u>BUILDING PERMIT</u>	Dated:	Authorized Signature:
Permit type _____	Dated:	Authorized Signature:
Permit type _____	Dated:	Authorized Signature:
Permit type _____	Dated:	Authorized Signature:

**INSPECTION DATES AND RESULTS** Includes any inspection to determine permit compliance with pertinent ordinances. M.C. 12.075 Tourist Rooming House requires the approval of the Planning Commission for the first year and the adjoining property owners being notified

**GOVERNMENTAL APPROVALS (if required)** Any additional information include in **STAFF NOTES** below or attach page.

Plan Commission Recommendation _____	Dated:	City Council Approval Dated:
Board of Appeals Decision _____		Dated:

**SITE DEVELOPMENT PLAN**

All Zoning Permits must be accompanied with a site development plan as follows:

1. Location, dimensions, area and elevation of the lot.
2. Location of the ordinary high watermark of any abutting navigable waterways.
3. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
4. Location of any existing or proposed on-site sewage systems or private water supply systems.
5. Location and elevation of existing or future access roads.
6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD).
8. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of §§21.25-21.38 are met.
9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to §21.21(1). This may include any of the information noted in §21.27(1).
10. All information required in §21.46(2)(c).

**LAND DIVISION SKETCH PLAN**

All preliminary plats and certified survey maps applications must be preceded by submittal of a sketch of the proposed subdivision together with a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities and consultation with the Director of Public Works, Utility Representative and the Zoning Administrator.

**DESCRIPTION OF PROJECT OR PERTINENT CIRCUMSTANCES:CONT'D:**

**STAFF NOTES**

SHADED AREAS FOR STAFF USE ONLY

Date: May 17, 2016

To: Cumberland City Planning Commission; (B. Skinner, G. Gannon, T. Goldsmith, P. Flottum, T. Schroeder, D. Zappa, C. Wiita)

From: Julie Kessler, Clerk-Treasurer

Re: Consider Conditional Use Request for Shoreland Grading M.C.17.36 (9) for the purpose of constructing a Constructing a stormwater treatment pond

*Cumberland municipal code on line:* <http://www.municode.com>

#### NOTICE

There will be a meeting of the Cumberland City Planning Commission on June 8, 2016 at the Cumberland City Hall to consider the following agenda:

Consider the approval of an application for a conditional use permit for grading within the shoreland district M.C.17.36 (9) on property located at 1251 & 1255 Grove Street. Cumberland Wisconsin Parcel # 212-1200-73 -000 & 212-1200-74-000 for the purpose of constructing a stormwater treatment pond on behalf of the Beaver Dam Lake Management District with funding from the Wisconsin Department of Natural Resources

Julie A. Kessler, Clerk-Treasurer  
City of Cumberland  
950 1<sup>st</sup> Avenue  
Cumberland, WI 54829  
715.822.2752/ Fax 715.822.3799  
clerk@cityofcumberland.net  
www.cityofcumberland.net

Posted: June 23, 2016

**P.S. In order to insure a commission member quorum, please advise City Hall if you cannot attend this meeting.**

PC: Keith Hardie, Zoning Admin.  
Jim Heldstab, Bldg. Insp., Residential.  
Today's Date; 5-23-16 **Advocate: Publish Class I Notice; 5-25-2016**

**Area Residents / Parties in Interest:**

Investment Realty LLC, Wisconsin Lakeshore Properties LLC, Steven Knoop, Paul Nelson, Albert Curtis, Christopher & Lisa Stowe, Gregory Jacobs

Note: This memo is for notification purposes only. This Planning Commission meeting is not the forum for the requisite Public Hearing on the referenced rezoning issue which will be held by the Common Council on July 5 2016 7:00 p.m. at the Cumberland City Hall.

PS: If any property owner in receipt of this notice knows of another property owner *within 100 feet of the proposed re-zoning boundaries* which has inadvertently been excluded from the above listing, please advise City Hall accordingly.



**FEES \$150.00**

Fees are as established annually by the City Council and published in the official fee schedule.

**Building Permit Issued Dated:**

**ADMINISTRATIVE APPROVALS** With a permit designated, dated and signed below, a copy of this document constitutes said permit.

Permit type <u>CONDITIONAL US</u>	Dated: _____	Authorized Signature: _____
Permit type _____	Dated: _____	Authorized Signature: _____
Permit type _____	Dated: _____	Authorized Signature: _____
Permit type _____	Dated: _____	Authorized Signature: _____

**INSPECTION DATES AND RESULTS** Includes any inspection to determine permit compliance with pertinent ordinances.  
THE REQUEST IS TO CONSTRUCT A STORMWATER TREATMENT POND WITHIN 300 FT. OF LIBRARY LAKE. M.C. 17.36 (9) REQUIRES A CONDITIONAL USE PERMIT FOR ANY GRADING OR FILLING IN EXCESS OF 300 SQ.FT. OR CONSTRUCTING A POND WITHIN 300 FT. OF A NAVIGABLE WATER.

**GOVERNMENTAL APPROVALS (if required)** Any additional information include in **STAFF NOTES** below or attach page.

Plan Commission Recommendation _____	Dated: _____	City Council Approval Dated: _____
Board of Appeals Decision _____		Dated: _____

**SITE DEVELOPMENT PLAN**

All Zoning Permits must be accompanied with a site development plan as follows:

1. Location, dimensions, area and elevation of the lot.
2. Location of the ordinary high watermark of any abutting navigable waterways.
3. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
4. Location of any existing or proposed on-site sewage systems or private water supply systems.
5. Location and elevation of existing or future access roads.
6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD).
8. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of §§21.25-21.38 are met.
9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to §21.21(1). This may include any of the information noted in §21.27(1).
10. All information required in §21.46(2)(c).

**LAND DIVISION SKETCH PLAN**

All preliminary plats and certified survey maps applications must be preceded by submittal of a sketch of the proposed subdivision together with a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities and consultation with the Director of Public Works, Utility Representative and the Zoning Administrator.

**DESCRIPTION OF PROJECT OR PERTINENT CIRCUMSTANCES:CONT'D:**

**STAFF NOTES**

SHADED AREAS FOR STAFF USE ONLY

**PLEASE NOTE:**

REFER TO THE REGULATIONS FOR COMPLETE REQUIREMENTS

**Planning Commission**  
**June 28, 2016**

Chair Skinner called the meeting to order at 4:00 pm.

Roll Call: Bert Skinner, Gary Gannon, Tom Goldsmith, Paul Flottum, Tom Schroeder, Dennis Zappa, Cliff Wiita

Absent: none.

Also attending: Fred Schiller, Keith Hardie, Julie Kessler

Motion by Gannon, second by Schroeder, to approve the minutes of the June 8, 2016 Planning Commission meeting. Motion Carried.

It was noted that today's meeting was published in the June 15, 2016 edition of the Cumberland Advocate and that all parties in interest have been noticed of this meeting by first class mail.

- I. Consider the approval of an application for a conditional use permit for grading within the shoreland district MC 17.36(9)(b) on property located on Jeffery Blvd. Cumberland Wisconsin, parcel # 212-8200-06-011 for the purpose of clearing an area for a new home.

Motion by Zappa, second by Schroeder, to approve the conditional use permit for grading within the shoreland district MC 17.36(9)(b) on property located on Jeffery Blvd., Cumberland, Wisconsin, parcel #212-8200-06-011 for the purpose of clearing an area for a new home. Motion Carried.

Schiller explained where they were planning to put the driveway and place the house on the property. Discussion took place on the placement, viewing corridor, preparation of the site plan, excavation and erosion control plans.

Roll Call vote of all yes. Motion Carried.

II. Comprehensive Plan

Motion by Wiita, second by Schroeder, to move forward with the Comprehensive Plan Update Process with West Central Wisconsin Regional Planning Commission (WCWRPC) for a cost not to exceed \$10,000. Motion Carried.

Motion by Schroeder, second by Goldsmith, to adjourn. Motion Carried.

Julie A. Kessler, Clerk-Treasurer  
City of Cumberland

**CITY OF CUMBERLAND ZONING AND BUILDING**  
 APPLICATION FORM, APPROVAL RECORD AND PERMIT

SHADED AREAS FOR STAFF USE ONLY

- ZONING PERMIT
- XX** CONDITIONAL USE PERMIT
- REZONING
- APPEAL OF ADMINISTRATIVE DECISION
- VARIANCE
- LAND DIVISION
- PLANNED UNIT DEVELOPMENT

PROJECT NUMBER	PROJECT NAME GRADING AND FILLING CONDITIONAL USE
----------------	---

**CHECK ALL THAT APPLY**

<input type="checkbox"/> ZONING PERMIT <input type="checkbox"/> BUILDING <input type="checkbox"/> OTHER STRUCTURE <input type="checkbox"/> SIGN <input type="checkbox"/> ZONING AMENDMENT, TEXT <input type="checkbox"/> ZONING AMENDMENT, MAP	<input checked="" type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> ADULT ESTABLISHMENT <input type="checkbox"/> COMMUNICATION TOWER <input type="checkbox"/> LAND SPREADING/STORAGE <input type="checkbox"/> HOME OCCUPATION <input type="checkbox"/> ADMINISTRATIVE APPEAL	<input type="checkbox"/> JUNKYARD <input type="checkbox"/> METALLIC MINE <input type="checkbox"/> MOBILE HOME PARKING FEE <input type="checkbox"/> MOBILE HOME PARK <input type="checkbox"/> NON-METALLIC MINE <input type="checkbox"/> VARIANCE	<input type="checkbox"/> SKETCH PLAN <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> CSM <input type="checkbox"/> PUD: <input type="checkbox"/> OTHER:
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LOCATION(S) - STREET ADDRESS(ES) 2603 JEFFERY BLVD	COUNTY PIN 212- 8200-06-011
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CUMBERLAND , WISCONSIN 54829  
 SUBDIVISION OR PLANNED UNIT DEVELOPMENT NAME

LOT(S)	BLOCK(S)	SECTION(S) 36	TOWNSHIP(S) 35N	RANGE(S) 14W
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**APPLICANTS**

APPLICANT/PROPERTY OWNER FREDERICK & LANA SCHILLER			STREET ADDRESS 8072 ENCLAVE CIRCLE	
CITY WOODBURY	STATE MN	ZIP CODE 55125	PHONE 281-904-5582	FAX

AGENT/CONSULTANT			STREET ADDRESS	
CITY	STATE	ZIP CODE	PHONE	FAX

<b>ZONING AND BUILDING PERMIT INFORMATION</b> <input type="checkbox"/> NEW CONSTRUCTION OR <input type="checkbox"/> MODIFICATION TO EXISTING STRUCTURE PROPOSED USE _____ ESTIMATED COST _____	
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**DESCRIPTION OF PROJECT OR PERTINENT CIRCUMSTANCES:**  
 WE WOULD LIKE TO CLEAR A BUILDING SITE ON THE LAKE LOT WE PURCHASED.

ADDITIONAL SPACE ON BACK, ATTACH ANY ADDITIONAL MATERIALS

**CERTIFICATION**

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing the application, I am acting with the knowledge and consent of those persons who are owners of subject property or are parties to this application. I understand that all materials required by the City of Cumberland must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that additional fees or materials may be required as the result of considerations which may arise in the processing of this docket. I understand that road and park dedications may be required as a condition of approval. I understand that I am consenting to allow City of Cumberland staff involved with this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

SIGNATURE <b>X</b> 	DATE 6/28/2016
SIGNATURE <b>X</b> 	DATE 6/28/2016

**PLEASE NOTE**  
 REFER TO THE REGULATIONS FOR COMPLETE REQUIREMENTS  
 PLEASE SEE THE BACK

**FEES \$150.00**

Fees are as established annually by the City Council and published in the official fee schedule.

**Building Permit Issued Dated:**

**ADMINISTRATIVE APPROVALS** With a permit designated, dated and signed below, a copy of this document constitutes said permit.

Permit type Conditional PERMIT Dated: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Permit type \_\_\_\_\_ Dated: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Permit type \_\_\_\_\_ Dated: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Permit type \_\_\_\_\_ Dated: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

**INSPECTION DATES AND RESULTS** Includes any inspection to determine permit compliance with pertinent ordinances.

The request is to clear and grade a building site on parcel # 212-8200-06-011 located on the shore of Beaver Dam Lake. MC17.36 (9)(a) state that if more than 100 square feet of soil is exposed within 300 ft of the OHWM a conditional use permit is required. MC 17.36 (8)(a) states that there is minimal disturbance in the 35 ft inland from the OHWM.no more the 15 ft. /100 ft of shore line

**GOVERNMENTAL APPROVALS (if required)** Any additional information include in **STAFF NOTES** below or attach page.

Plan Commission Recommendation \_\_\_\_\_ Dated: \_\_\_\_\_ City Council Approval Dated: \_\_\_\_\_

Board of Appeals Decision \_\_\_\_\_ Dated: \_\_\_\_\_

**SITE DEVELOPMENT PLAN**

All Zoning Permits must be accompanied with a site development plan as follows:

1. Location, dimensions, area and elevation of the lot.
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4. Location of any existing or proposed on-site sewage systems or private water supply systems.
5. Location and elevation of existing or future access roads.
6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD).
8. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of §§21.25-21.38 are met.
9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to §21.21(1). This may include any of the information noted in §21.27(1).
10. All information required in §21.46(2)(c).

**LAND DIVISION SKETCH PLAN**

All preliminary plats and certified survey maps applications must be preceded by submittal of a sketch of the proposed subdivision together with a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities and consultation with the Director of Public Works, Utility Representative and the Zoning Administrator.

**DESCRIPTION OF PROJECT OR PERTINENT CIRCUMSTANCES:CONT'D:**

**STAFF NOTES**

SHADED AREAS FOR STAFF USE ONLY

**PLEASE NOTE**

**REFER TO THE REGULATIONS FOR COMPLETE REQUIREMENTS**

GL 7-3A  
L1 C18-30  
212-8200-06-000

GL 7-3B  
L2 C18-30  
212-8200-06-001

GL 7-3C-1  
L1 C21-101  
212-8200-06-014

GL 7-3C-2  
L2 C21-101  
212-8200-06-022

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SEVEROYLAND

155' 0" 155' 0"

6TH ST

PUBLIC ACCESS



DISCLAIMER: This map is not guaranteed to be accurate, correct, current or complete and conceptions drawn are the responsibility of the user.

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Alderperson \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. 16-~~07A~~**

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF A \$1,375,000 SEWER REVENUE BOND ANTICIPATION NOTE, SERIES 2016 OF THE CITY OF CUMBERLAND, WISCONSIN; ESTABLISHING THE TERMS AND CONDITIONS THEREFOR; DIRECTING THEIR EXECUTION AND DELIVERY; CREATING A SPECIAL REDEMPTION FUND THEREFOR; AND AWARDING THE SALE THEREOF**

BE IT RESOLVED, by the Common Council of the City of Cumberland, Barron County, Wisconsin (the "City"), as follows:

Section 1. Note Purpose, Authorization, and Award.

1.01 Under and pursuant to the provisions of Wisconsin Statutes, Chapter 66 and Section 66.0621 (the "Act"), the City is authorized to issue and sell obligations to finance the cost of constructing and improving a public utility (or to refund obligations issued for such purpose), such obligations to be payable from income and revenues derived from operations of the utility.

1.02 The City owns and operates a municipal sewerage system as a revenue-producing public utility (such sewerage system and all properties of every nature constituting a part thereof which may now or hereafter be owned by the City, including all improvements and extensions thereof, all real and personal property comprising a part of said system, and all appurtenances, contracts, leases, franchises, and other intangibles relating thereto, is hereinafter referred to as the "System" or the "Utility"). The City is in the process of improving the System and intends to issue and sell revenue bonds under the Act to provide long-term financing for such improvements.

1.03 The City has undertaken a project to improve the wastewater treatment facilities, including construction of a sewer maintenance building; restoration and rehabilitation of Lift Station No. 2; demolition of the existing clarifiers and rotating biological contactors at the wastewater treatment facility; CIPP-lining of 2,700LF of sanitary sewer lines; upgrades of controls at Lift Stations Nos. 5, 7, 10 and 14; and purchase of a 30kW generator and a used septic pumper truck (collectively, the "Project"), which will become part of the System.

1.04 The City has issued and there are presently outstanding the following obligations, the proceeds of which were used to improve the System and for which income and revenues of the System are pledged to pay the principal and interest on such obligations:

A. The City's Sewerage System Revenue Bonds, Series 1999, dated March 24, 1999, in the original issue amount of \$927,675 (the "1999 Bonds"); and

B. The City's \$3,880,000 Sewer System Mortgage Revenue Bond, Series 2015A, dated December 30, 2015 (the "2015A Bond"), which was issued for the purpose of providing financing for improvements to the System; and

C. The City's \$747,000 Sewer System Mortgage Revenue Bond, Series 2015B, dated December 30, 2015 (the "2015B Bond" and together with the 2015A Bond, the "2015 Bonds"), which was issued for the purpose of providing financing for improvements to the System.

Other than the 1999 Bonds and the 2015 Bonds, no bonds or other obligations payable from the income and revenues of the System are now outstanding. (The 1999 Bonds and the 2015 Bonds are collectively the "Senior Bonds".)

1.05 The City has applied for and received a letter of conditions from the United States Department of Agriculture, Rural Development ("Rural Development"), the dated March 25, 2016, pursuant to which the Project is to be funded with a loan in the amount of \$1,375,000 and a grant of \$209,000 from Rural Development.

1.06 Pursuant to authority contained in the Act and Section 66.0621(4)(L), the Common Council does hereby direct the issuance and sale of a \$1,375,000 Sewer System Revenue Bond Anticipation Note, Series 2016, of the City of Cumberland, Wisconsin (the "Note"), for the purpose of providing funds for the temporary financing of the Project, in anticipation of the issuance of permanent financing, such Note being necessary for timely payment of anticipated expenditures from the Construction Fund herein defined. The Note is being issued for purposes for which the City is authorized to issue revenue bonds under the Act.

1.07 The City has duly received a proposal for the sale of the Note from \_\_\_\_\_ of \_\_\_\_\_, Wisconsin (the "Lender"), to purchase the Note and make advances to the City under the Note as and when funds are needed for the costs of the Project, upon condition that the Note matures and bears interest at the time and annual rate set forth in Section 2. The Common Council, after due consideration, finds such proposal reasonable and proper, and the proposal of the Lender is hereby accepted. The Mayor and the Clerk-Treasurer are authorized and directed to execute on the part of the City a contract for the sale of the Note in accordance with the Lender's proposal. All actions of the Mayor and the Clerk-Treasurer taken with regard to the sale of the Note are hereby ratified and approved.

Section 2. Terms and Form of the Note.

2.01 The Note shall be a single note, dated as of the date of delivery, in fully registered form, in the amount of \$1,375,000, with the outstanding principal balance thereon payable on December 1, 2017 (the "Maturity Date").

The Note shall bear interest at the rate of \_\_\_\_\_% per annum. Interest shall be payable on June 1 and December 1 of each year commencing on June 1, 2017 (each an "Interest Payment Date"). The Note is subject to redemption and prepayment, in whole or in part, at the option of the City on any day. No fewer than 10 days prior to the date fixed for redemption and prepayment of the Note, a notice of redemption shall be mailed to the registered owner of the Note to be redeemed.

2.02 The Common Council hereby appoints the Clerk-Treasurer as registrar, paying agent and transfer agent for the Note (such officer or successor thereof is herein referred to as the "Note Registrar").

2.03 The Note shall bear interest at the rate stated therefor in Section 2.01. The Clerk-Treasurer shall make all interest payments with respect to the Note by check or draft mailed to the registered owner of the Note shown on the bond registration records maintained by the Note Registrar at the close of business on the 15<sup>th</sup> day (whether or not on a business day) of the month next preceding an Interest Payment Date at such owner's address shown on such bond registration records.

2.04 A. The Note shall be prepared for execution in accordance with the approved form and shall be signed by the manual signature of the Mayor and attested by the manual signature of the Clerk-Treasurer. In case any officer whose signature shall appear on the Note shall cease to be an officer before

delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, as if he or she had remained in office until delivery.

B. The Clerk-Treasurer is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be attached to the Note, together with a certificate to be signed by the manual signature of the Clerk-Treasurer in substantially the form set forth in Section 3 hereof, but only if the opinion is not manually executed. The Clerk-Treasurer is authorized and directed to execute the certificate in the name of the City upon receipt of the opinion and to file the opinion in the City offices.

2.05 A. The City shall cause to be kept at the office of the Note Registrar a note register in which, subject to such reasonable regulations as the Note Registrar may prescribe, the City shall provide for the registration of the Note and the registration of transfers of the Note entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Note Registrar or its incapability of acting as such, the note registration records shall be maintained at the office of the successor Note Registrar as may be appointed by the Common Council.

B. Upon surrender for transfer of the Note at the principal corporate office of the Note Registrar, the City shall execute and the Note Registrar shall authenticate and deliver, in the names(s) of the designated transferee(s), one new note of a like aggregate principal amount, as requested by the transferor.

C. A Note surrendered upon the exchange provided for in this Resolution shall be promptly cancelled by the Note Registrar and thereafter disposed of as directed by the Common Council.

D. A Note issued in exchange for or upon transfer of the Note shall be valid a obligation of the City evidencing the same debt and entitled to the same benefits under this Resolution as the Note surrendered for such exchange or transfer.

E. The Note presented for a transfer or exchange shall (if so required by the City or the Note Registrar) be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the City and the Note Registrar, duly executed by the registered owner thereof or the owner's attorney duly authorized in writing.

F. The City may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Note, other than exchange expressly provided in this Resolution to be made, without expense or without charge to the registered owner.

G. If the Note becomes mutilated or is destroyed, stolen or lost, the Note Registrar will deliver a new Note of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Note or in lieu of and in substitution for the Note destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Note Registrar in connection therewith; and, in the case of the Note being destroyed, stolen or lost, upon filing with the Note Registrar and the City of evidence satisfactory to them that the Note was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Note Registrar of an appropriate note or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Note Registrar must be named as obligees. The Note so surrendered to the Note Registrar will be canceled by the Note Registrar and evidence of such cancellation must be given to the City. If the mutilated,

destroyed, stolen or lost Note has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Note prior to payment.

H. Notwithstanding the above, the Lender agrees to hold the Note to the Maturity Date, unless prepaid by the City.

2.06 The Note delivered upon transfer of or in exchange for or in lieu of any other Note shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Note.

2.07 The principal of and interest on the Note shall be payable by the Clerk-Treasurer in such funds as are legal tender for the payment of debts due the United States of America. The City shall pay the reasonable and customary charges of the Note Registrar for the disbursement of principal and interest.

2.08 Delivery of the Note and payment of the initial advance under the Note shall be made at a place mutually satisfactory to the City and the Lender. A typewritten and executed Note shall be furnished by the City without cost to the Lender. The Note, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the Clerk-Treasurer to the Lender upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Note.

3.01 The Note shall be typewritten or printed in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
COUNTY OF BARRON  
  
CITY OF CUMBERLAND

R-1 \$1,375,000

SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE, SERIES 2016

Rate Maturity Date Date of Original Issue  
\_\_\_\_% December 1, 2017 July 26, 2016

REGISTERED OWNER: \_\_\_\_\_

PRINCIPAL AMOUNT: ONE MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS

The City of Cumberland, Barron County, Wisconsin (the "City"), for value received, promises to pay to the registered owner specified above (the "Holder"), or registered assigns, the principal sum of an amount not to exceed One Million Three Hundred Seventy-five Thousand Dollars (\$1,375,000) (but only so much as shall have been drawn hereunder, as provided below) on the Maturity Date set forth above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent date to which interest has been paid, at a rate of \_\_\_\_% per annum, computed on 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, such interest being payable semiannually on June 1

and December 1 commencing on June 1, 2017. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft from the office of the Clerk-Treasurer. The Clerk-Treasurer shall make all interest payments with respect to this Note directly to the registered owner hereof shown on the bond registration records maintained on behalf of the City by the Clerk-Treasurer at the close of business on the 15<sup>th</sup> day of the month next preceding an Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records. Payment of principal shall be made when due upon presentation and surrender of this Note to the Treasurer.

This Note is issued by the City pursuant to the authority contained in Wisconsin Statutes, Chapter 66 and Sections 66.0621, and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the City on July 5, 2016 (the "Resolution"), for the purpose of providing funds needed for the temporary financing for improvements to the Utility. The principal and interest are payable primarily from permanent obligations required by law to be issued by the City prior to or at the maturity of the Note and the income and revenues to be derived from operation of the Utility in excess of normal, reasonable and current costs of the operation and maintenance of the Utility, which permanent obligations and such income and revenues are sufficient to pay the interest on and principal of the Note as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. This Note is made expressly subordinate to (i) the City's Sewerage System Revenue Bonds, Series 1999, dated March 24, 1999, issued in the original issue amount of \$927,675; (ii) the City's Sewer System Mortgage Revenue Bond, Series 2015A dated December 30, 2015, issued in the original principal amount of \$3,880,000; and (iii) the City's Sewer System Mortgage Revenue Bond, Series 2015B dated December 30, 2015, issued in the original issue amount of \$747,000. This Note is a special limited obligation of the City, payable only from (a) the income and revenues of the Utility, which revenues have been set aside and pledged in a special fund for that purpose and identified as the "Bond Anticipation Note Special Redemption Fund," created by the Resolution, (b) from the proceeds of revenue bonds which the City has, pursuant to and as authorized by Section 66.0621(4), Wisconsin Statutes, covenanted to issue in such amount and at such times as may be necessary to retire the then outstanding Note, and (c) from such other available funds as may be appropriated by the City from time to time for such purposes. The City has reserved the right to issue other obligations which are payable in whole or in part from Utility revenues and which have pledges or appropriations of such revenues subordinate to the pledge and appropriation of such revenues toward payment of the Note, provided that the City satisfies the requirements of the Resolution. This Note does not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or provision or a charge against its general credit or taxing powers. This Note does not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the agreement of the City to perform or cause the performance of the covenants and other provisions referred to herein.

The principal amount evidenced by this Note may be drawn upon by the City in accordance with a Loan Agreement between the City and \_\_\_\_\_, dated as of the date hereof. The Holder shall record such draws and corresponding principal repayment schedule on a cumulative basis in the form shown on the attached Exhibit A.

The principal of and interest on the Note are payable in such funds as are legal tender for payment of debts due the United States of America. Payments shall be applied first to interest due through the stated maturity date set forth above on the unpaid principal balance and thereafter to reduction of principal. Delinquent payments, if any, shall be applied by the Holder in the

following sequence: (1) billed delinquent interest, (2) past-due interest installments, (3) past-due principal installments, (4) interest installments due and (5) principal installments due.

This Note is subject to redemption and prepayment, in whole or in part, at the option of the City on any date, at par plus accrued interest. Not more than 60 days and no fewer than 10 days prior to the date fixed for redemption and prepayment of this Note, notice of redemption shall be mailed to the registered owner of the Note to be redeemed. If any Note is redeemed in part, upon surrender of the Note being redeemed, the City shall deliver or cause to be delivered to the registered owner of such Note a Note in like form in the principal amount equal to that portion of the Note so surrendered not being redeemed.

This Note has been designated by the City as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The Note is issued as a fully registered note without coupons, in the denomination of \$1,375,000. Subject to the limitations set forth in the Resolution, the City will, at the request of the registered owner, issue one new fully registered note in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of the Note, all of like tenor except as to number and principal amount. This Note is transferable by the registered owner hereof upon surrender of this Note for transfer at the principal corporate office of the Note Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Note Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the City shall execute and the Note Registrar shall authenticate and deliver, in exchange for this Note, one new fully registered note in the name of the transferee of an authorized denomination, an aggregate principal amount equal to the unpaid principal amount of this Note, of the same maturity, and bearing interest at the same rate. No service charge shall be made for any transfer or exchange hereinbefore referred to, but the City may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS CERTIFIED AND RECITED that all acts and conditions required by the Constitution and laws of the State of Wisconsin to be done and to exist precedent to and in the issuance of this Note, in order to make it a valid and binding special limited obligation of the City in accordance with its terms, have been done and do exist in form, time and manner as so required.

IN WITNESS WHEREOF, the City of Cumberland, Barron County, Wisconsin, by its governing body, has caused this Note to be executed in its name by the signatures of the Mayor and the Clerk-Treasurer, all as of the date of original issue specified above.

ATTEST:

(Form – no signature required)  
Clerk-Treasurer

(Form – no signature required)  
Mayor

BOND COUNSEL OPINION

I certify that the attached is a full, true and correct copy of the legal opinion rendered by Bond Counsel on the issuance of the Note, dated as of the date of original delivery of and payment for the Note.

(Form – no signature required)  
Clerk-Treasurer

Date of Execution: \_\_\_\_\_

REGISTRATION CERTIFICATE

This Note must be registered as to both principal and interest in the name of the owner on the books to be kept by the Clerk-Treasurer. No transfer of this Note shall be valid unless made on said books by the registered owner or the owner’s attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Note and the interest accruing thereon is registered on the books of the Clerk-Treasurer in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of Clerk-Treasurer</u>
___/___/2016	_____	<u>(Form – do not sign here)</u>
	_____	
	_____	
	Federal Taxpayer I.D. No.: _____	

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 does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said Note on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

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

Signature Guaranteed:

\_\_\_\_\_  
 (Bank, Trust Company, member of  
 National Securities Exchange)

EXHIBIT A TO NOTE

AMOUNT OF DISBURSEMENT	DATE OF DISBURSEMENT	PRINCIPAL REPAYED	PRINCIPAL BALANCE
	July 26, 2016		

Section 4. Construction Fund.

4.01 There is hereby created a separate and special fund designated as the 2016 Sewer Project Construction Fund (the "Construction Fund"), which shall be used solely for payment of costs of developing, constructing and equipping the Project, including interest on the Note, and to pay the costs of issuing the Note. The proceeds of the Note, and such other funds of the City appropriated thereto, shall be credited to the Construction Fund. The monies in said fund may from time to time be invested as provided in Section 66.0603(1m), Wisconsin Statutes. Upon completion of such capital improvements, and after payment in full of all costs thereof, any balance on hand in the Construction Fund shall be credited to the Debt Service Fund.

4.02 The City authorizes the Lender to forward \$\_\_\_\_\_ of proceeds of the Note allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota, on the date of closing and delivery of the Note (the "Closing Date") for further distribution as directed by the City's financial advisor, Ehlers & Associates, Inc., and as set forth in the officers' certificate provided to the Lender on the Closing Date.

Section 5. Definitions, System Funds, Revenues and Pledges.

5.01 Definitions.

1999 Bonds: The City's Sewerage System Revenue Bonds, Series 1999, dated March 24, 1999, in the original issue amount of \$927,675.

1999 Bonds Resolution: The City's resolution adopted March 9, 1999, authorizing the issuance of the 1999 Bonds.

2015 Bonds: the City's (i) Sewer System Mortgage Revenue Bond, Series 2015A dated December 30, 2015 in the original issue amount of \$3,880,000; and (ii) Sewer System Mortgage Revenue Bond, Series 2015B dated December 30, 2015, in the original issue amount of \$747,000.

2015 Bonds Resolution: The City's resolution adopted December 14, 2015, authorizing the issuance of the 2015 Bonds.

Net Revenues: For any fiscal year, the Revenues of the System minus the Operating Expenses, as determined in accordance with generally accepted accounting principles.

Operating Expenses: The current expenses, paid or accrued, of operation, maintenance, administration and repair of the System, as determined in accordance with generally accepted accounting principles, including but not limited to administrative expenses, premiums for insurance, fuel and electric energy purchased, and materials, supplies and labor needed for current operation, maintenance and repair, charges for treatment for sewerage, and charges for the accumulation of appropriate reserves for current expenses which do not recur monthly but may reasonably be expected to be incurred; but not including allowances for depreciation, debt service, tax equivalents, and capital expenditures.

Revenues: All income and revenue derived from the operation of the System from receipts from rates, fees, charges and rentals established by the Common Council for the availability, benefit and use of the System, including revenues from the City for services provided, and from any penalties and interest thereon, together with all non-operating income (other than extraordinary items), and income from the investment and reinvestment of the Revenues.

Senior Bonds: the 1999 Bonds and the 2015 Bonds.

Sewer System: The City's municipal sewerage system described in Section 1.02 hereof.

System or Utility: The Sewer System of the City.

5.02 Debt Service Fund. The City maintains a Sewer Utility Enterprise Fund and hereby establishes and agrees that it shall maintain within such enterprise fund, a special fund designated the "2016 Bond Anticipation Note Special Redemption Fund" (the "Debt Service Fund") to be administered and maintained by the Clerk-Treasurer as a bookkeeping account separate and apart from all other funds and accounts maintained in the official financial records of the City. The Debt Service Fund shall be maintained in the manner herein specified until the Note and the interest thereon have been fully paid or otherwise provided for in accordance with applicable law.

There shall be and are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Fund: (a) all accrued interest, if any, received upon delivery of the Note; (b) capitalized interest from the proceeds of the Note deposited from time to time from the Construction

Fund; (c) subject to the prior pledge to the 1999 Bonds pursuant to the 1999 Bonds Resolution and to the 2015 Bonds pursuant to the 2015 Bonds Resolution, the Net Revenues of the Utility in amounts, but only in such amounts as may be necessary, together with such other funds as may be available in and to the Debt Service Fund from time to time, to pay the principal of and interest on the Note, when due; (d) all investment earnings on funds held in the Debt Service Fund; (e) the proceeds of bonds or notes issued in satisfaction of the City's covenant provided in Section 5.04 hereof; and (f) any and all other moneys which are properly available and are appropriated by the Common Council of the City to the Debt Service Fund. The Debt Service Fund shall be used solely to pay the principal of and interest on the Note.

5.03 Priority of Note; Additional Obligations; Discretionary Appropriations.

A. Additional Obligations. Nothing contained in this Resolution shall be deemed to preclude the City from making further pledges and appropriations of the Revenues of the Utility for the payment of other or additional obligations of the City made payable in whole or in part therefrom, provided that it has first been determined that the City is in compliance with the requirements of this Resolution respecting the Note and that the estimated Net Revenues will be sufficient, in addition to all other sources appropriated and available for such purposes, for the payment of the Note, and, insofar as the Note is concerned, any such pledge or appropriation of said Revenues to an additional revenue bond or note shall be made subordinate to the pledge and appropriation thereof made in this Resolution in favor of the Note.

B. Discretionary Appropriations. The City covenants to review annually the sufficiency of the funds available to pay the debt service on the Note and, in the event of any insufficiency, to consider making a discretionary appropriation out of the City's annual tax levy to such debt service purposes, provided that the making of any such appropriation shall be at the absolute discretion of the Common Council and that the City shall have no obligation to make any such appropriation and that the making of any such appropriation shall not be construed as constituting or in any way becoming an obligation to make any other such appropriation thereafter.

5.04 Covenant to Issue Revenue Bonds. Pursuant to Section 66.0621(4)(L), Wisconsin Statutes, the City hereby covenants with the registered owners of the Note from time to time that the City shall issue revenue bonds pursuant to Section 66.0621(4), Wisconsin Statutes, or any other applicable law (the "Bonds"), in such amount and at such time as shall be sufficient, together with all other funds irrevocably appropriated and available for such purposes, to retire and to pay in a full and timely manner the then outstanding Note. The proceeds of the Bonds are hereby irrevocably pledged and covenanted to the payment of the principal of and interest on the Note, and the proceeds of the sale of the Bonds, the issuance of which is hereby authorized, shall be held in trust to the accomplishment of said purposes.

Section 6. Covenants.

6.01 General. The City further covenants and agrees with the holders of the Note and makes provisions which shall be a part of its contract with such holders, to the effect and with the purposes set forth in the following provisions of this Section 6.

6.02 Operation of System; City Covenants. It is covenanted and agreed by the City with the registered owner of the Note that:

A. It shall issue and sell the Bonds as soon as practicable, as necessary to provide for payment of the Note.

B. It shall faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, segregate the income and revenues of the System and apply the Revenues to the respective funds described in this Resolution, subject to the terms of the 1999 Bonds Resolution and the 2015 Bonds Resolution.

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

D. It will cause the Project to be constructed and completed as expeditiously as possible.

E. It will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or the Revenues or could impair the security of the Note or the Senior Bonds.

F. As permitted by Section 66.0621(4)(L)6, Wisconsin Statutes, in the event of a deficiency in the proceeds of the Bonds and the income and revenues of the System to pay the principal of and interest on the Note when due, it will pay such deficiency out of tax levy or other available funds; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and applicable levy limitations; and, provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any appropriation or further payment.

G. 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 services rendered by the System as required by the 1999 Bonds Resolution and the 2015 Bonds Resolution.

H. It hereby certifies that the Note is issued for the purposes for which the City is authorized to issue the Bonds and for which the Bonds shall be issued.

6.03 Books and Accounts; Inspection. The City will keep proper books and accounts relative to the System separate from all other records of the City 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 Utility as certified by such accountants.

The registered owner of the Note shall have at all reasonable times the right to inspect the System and the records, accounts, accountants' reports and data of the City relating thereto.

6.04 Legal Authorization. The City has full power and authority under the Constitution and laws of the State of Wisconsin, and has in accordance with said laws taken all proper corporate action to enact this Resolution, to make the covenants and agreements referred to and contained herein and to sell, execute, issue and deliver the Note and the Bonds herein authorized, and such issuance does not conflict with any contract or agreement to which the City is a party or by which it is bound, or cause the City's obligations to exceed any constitutional or statutory limitation.

Section 7. Certificate of Proceedings.

7.01 The officers of the City are authorized and directed to prepare and furnish to the Lender and to bond counsel certified copies of all proceedings and records of the City relating to the authorization and issuance of the Note and other affidavits and certificates as may reasonably be requested to show the facts relating to the legality and marketability of the Note as such facts appear from the official books and records of the officers' custody or otherwise known to them. All of such certified copies, certificates and affidavits, including any heretofore furnished, constitute representations of the City as to the correctness of facts recited therein and the actions stated therein to have been taken.

7.02 The Clerk-Treasurer shall provide and keep a separate 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 Note.

7.03 In the event of the absence or disability of the Mayor or the Clerk-Treasurer, such officers of the City or members of the Common Council as in the opinion of the City's attorney may act in their behalf shall, without further act or authorization, execute and deliver the Note, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 8. Tax Covenants.

8.01 The City covenants and agrees with the holder of the Note that the City will (i) take all action on its part necessary to cause the interest on the Note to be exempt from federal income taxes including, without limitation, restricting, to the extent necessary, the yield on investments made with the proceeds of the Note and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (ii) refrain from taking any action which would cause interest on the Note to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Note and investment earnings thereon on certain specified purposes.

8.02 A. No portion of the proceeds of the Note shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except for a reasonable temporary period until such proceeds are needed for the purpose for which the Note was issued. To this effect, any proceeds of the Note and any sums from time to time held in the Debt Service Fund (or any other City account which will be used to pay principal and interest to become due on the Note) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable temporary periods or minor portion made available under the federal arbitrage regulations.

B. The proceeds of the Note and money in the Debt Service Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Note to be federally guaranteed within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

C. The City hereby covenants not to use the proceeds of the Note, or to cause or permit them to be used, in such a manner as to cause the Note to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

8.03 A. The City covenants and certifies to and for the benefit of the owner of the Note that no use will be made of the proceeds of the Note which will cause the Note to be arbitrage bonds within the meaning of Section 148(a) of the Code and the Treasury Regulations promulgated thereunder.

B. The City covenants and agrees to comply with requirements under the Code necessary to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Note, including without limitation (1) requirements relating to temporary periods for investment, (2) limitation on amounts invested at a yield greater than the yield on the Note, and (3) the rebate of excess investment earnings to the United States if the Note does not satisfy one or more of the arbitrage rebate exceptions.

C. For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements, the City hereby finds, determines and declares:

- (1) the City is a governmental unit with general taxing powers;
- (2) the Note is not a "private activity bond" as defined in Section 141 of the Code;
- (3) 95% or more of the net proceeds of the Note are to be used for local governmental activities of the City; and
- (4) the aggregate face amount of the tax-exempt obligations (other than private activity bonds) issued by the City during the calendar year in which the Note is issued is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

D. In order to qualify the Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (1) the Note is not a "private activity bond" as defined in Section 141 of the Code;
- (2) the City hereby designates the Note as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code;
- (3) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities whose obligations will be aggregated with those of the City) during the calendar year in which the Note was issued will not exceed \$10,000,000; and
- (4) not more than \$10,000,000 of obligations issued by the City during the calendar year in which the Note was issued have been designated for the purposes of Section 265(b)(3) of the Code.

E. The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this section.

F. This resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The City reasonably expects to reimburse expenditures with respect to the Project being financed.

Section 9. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 10. Headings. Headings in this Resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Section 11. Conflicting Ordinances or Resolutions. Except for the 1999 Bonds Resolution and the 2015 Bonds Resolution, all ordinances, resolutions, or orders, or parts thereof heretofore enacted, adopted, or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be effective from and after its passage and promulgation according to law.

Section 12. Loan Agreement. The proceeds of the Note will be advanced to the City in accordance with the terms of this Resolution and with a Loan Agreement between the City and the Lender (the "Loan Agreement"). The Mayor and the Clerk-Treasurer are hereby authorized and directed to execute the Loan Agreement substantially in the form currently on file in the office of the City.

Section 13. Post-Issuance Compliance Policy and Procedures. The Common Council has previously approved a Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures which applies to qualifying obligations to provide for compliance with all applicable federal regulations for tax-exempt obligations or tax-advantaged obligations (collectively, the "Policy and Procedures"). The Common Council hereby approves the Policy and Procedures for the Note. The Clerk-Treasurer continues to be designated to be responsible for post-issuance compliance in accordance with the Policy and Procedures.

Adopted July 5, 2016.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk-Treasurer

The motion of the adoption of the foregoing Resolution was duly seconded by Alderperson Goldsmith and, upon vote being taken, the following voted in favor thereof:

the following voted against the same:

the following were absent:

and the following abstained:

whereupon, said Resolution was declared duly passed and adopted, and approved and signed by the Mayor and attested by the City Clerk-Treasurer.

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## LOAN AGREEMENT

This Loan Agreement is made as of this 26<sup>th</sup> day of July, 2016, by and between the City of Cumberland, Barron County, Wisconsin (the "City"), and \_\_\_\_\_, located in \_\_\_\_\_, Wisconsin (the "Lender").

### RECITALS

WHEREAS, the City desires to obtain a loan from the Lender to be evidenced by the City's \$1,375,000 Sewer System Revenue Bond Anticipation Note, Series 2016, dated July 26, 2016 (the "Note"). The proceeds of such loan shall be used for public purposes, including:

A. to finance improvements to the wastewater treatment facilities, including construction of a sewer maintenance building; restoration and rehabilitation of Lift Station No. 2; demolition of the existing clarifiers and rotating biological contactors at the wastewater treatment facility; CIPP-lining of 2,700LF of sanitary sewer lines; upgrades of controls at Lift Stations Nos. 5, 7, 10 and 14; and purchase of a 30kW generator and a used septic pumper truck, which will become part of the System (collectively, the "Project"), which will become part of the System as more fully described in the City's Resolution adopted on July 5, 2016 (the "Resolution"); and

B. to provide for the costs of issuance of the Note.

WHEREAS, the parties hereto desire to set out the terms and conditions of such loan and the Note and the terms and conditions of advancing funds pursuant to the Note.

NOW, THEREFORE, it is hereby agreed as follows:

1. The City agrees to issue the Note to the Lender and the Lender agrees that such loan will be repaid with interest at the rate of \_\_\_\_\_% per annum in accordance with the terms and conditions of the Note set forth in the Resolution.

2. The Lender shall agree to accept the debt instrument for investment and not with a present view to the distribution, transfer or resale thereof. The Lender intends to hold and book the Note as a loan in its loan portfolio; the Lender acknowledges that the use of the word "Note" in the name of the debt instrument is for convenience only and is not intended to indicate that the instrument is a security within the meaning of the Securities Act of 1933.

3. The Lender agrees to hold the Note for its own account until its maturity or early redemption and does not intend to dispose of all or any portion of such Note and understands that transfer of such Note is restricted pursuant to the terms of the Resolution, the Note and this Loan Agreement.

4. On the date of issuance of the Note, the Lender shall make an advance to the City in the amount of \$ \_\_\_\_\_ against the Note for financing the costs of the Project.

5. The balance of the proceeds of the Note (\$ \_\_\_\_\_) may be drawn, as needed by the City for costs of the Project, and for interest on the Note as provided for in Section 4.01 of the Resolution on a draw request in the form of Exhibit A hereto. Payment of a draw request (other than the initial advance) shall be made by the Lender to the City seven days after receipt of the draw request. Draw requests may be submitted to the Lender via e-mail, fax or in person and shall be signed by the Mayor or Clerk-Treasurer. The proceeds of the Note drawn under a draw request shall be paid by check to the City, unless otherwise directed.

6. The Lender shall fill in the date and amount of each advance on Exhibit A to the Note.

7. All capitalized terms not defined herein shall have the meaning, as defined, in the Resolution.

This Agreement is dated as of the date and year first above written.

CITY OF CUMBERLAND, WISCONSIN

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Clerk-Treasurer

[Signature page to Loan Agreement dated July 5, 2016, by and between the City of Cumberland,  
Barron County, Wisconsin and \_\_\_\_\_]

\_\_\_\_\_

By \_\_\_\_\_  
Its \_\_\_\_\_

**EXHIBIT A**  
**Form of Draw Request**

**DRAW REQUEST NO.** \_\_\_\_\_

**Dated** \_\_\_\_\_, 20\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: City of Cumberland  
950 First Avenue  
P.O. Box 155  
Cumberland, Wisconsin 54829

City of Cumberland, Wisconsin (the "City") hereby requests a draw pursuant to the Loan Agreement dated July 26, 2016, between the City and \_\_\_\_\_ for the construction of wastewater treatment plant improvements to serve the City (the "Project") and for payment or reimbursement of costs of the Project and certifies as follows:

1. The total amount requested to be disbursed hereunder is \$\_\_\_\_\_.
2. The amounts requested to be disbursed herein are a portion of the costs of the Project, as defined in the Resolution of the City and interest on the Note; the amounts requested to be disbursed herein were properly incurred in connection with the Project and costs of issuance of the Note and interest on the Note; and such costs have not been previously paid or reimbursed to the City.
3. This is not the final Draw Request.

CITY OF CUMBERLAND, WISCONSIN

By \_\_\_\_\_  
Its \_\_\_\_\_

**Proposed Change Order No. 12**  
**Cumberland WWTP Improvements**  
**June 20, 2016**

**Items proposed to be Included in Change Order No. 12**

<b>Item Number</b>	<b>PR NO</b>	<b>Description</b>	<b>Cost</b>
1	40	Removal of pavement from scope of work	(\$81,866)
2	37.2		\$3,522
Total			(\$78,344)

Note: See descriptions for each item on Page 3.

**Previously approved change orders and the contract price**

<b>Change Order No.</b>	<b>Date</b>	<b>Add</b>	<b>(Deduct)</b>	<b>Contract Price</b>
Original				\$6,641,600
1	3/3/2015		(\$11,575)	\$6,630,025
2	7/7/2015	\$25,062		\$6,655,086
3	7/13/2015		(\$26,944)	\$6,628,142
4	8/31/2015	\$28,624		\$6,656,766
5	11/10/2015	\$9,587		\$6,666,353
6	11/20/2015	\$6,934		\$6,673,287
7	11/20/2015		(\$6,344)	\$6,666,943
8	12/14/2015	\$28,789		\$6,695,732
9	3/3/2016		(\$2,669)	\$6,693,063
10	3/30/2016	\$957		\$6,694,020
11	5/10/2016	\$3,456		\$6,697,476

<b>Change Order No.</b>	<b>Date</b>	<b>Add</b>	<b>(Deduct)</b>	<b>Contract Price</b>
12	6/13/2016		(\$78,344)	\$6,619,132

**Descriptions of Items to be included in Change Order No. 12**

- 1) Removal of pavement from scope of work** **Cost (\$81,866)**

**Description:** The City is asking for a deduct for the removal of the pavement from the scope of work of the first project. This is due to the fact that work in the second phase of the project will likely cause significant damage to any new pavement installed before work is complete on the site.

- 2) Replace the piping and valving on the intake of the grit tank** **Cost \$3,522**

**Description:** The City would like to demolish the existing platform over the grit tank due to it deteriorated state. This will require a minor repiping of the airline to the grit header. This is anticipated to save the City money over the cost of replace the walkway and hand railing surrounding the existing grit tank.

**GENERAL SAFETY RULES**  
**FOR**  
**THE CITY OF CUMBERLAND**

**ADOPTED:** \_\_\_\_\_

## **I. INTRODUCTION**

The City of Cumberland is committed to providing a safe and hazard-free workplace for all of its employees. The City recognized that safe work processes that promote a hazard-free work environment must be effectively communicated in order to optimize safety. Therefore, the City has developed the following General Safety Rules.

## **II. OBJECTIVE**

The main objective of the General Safety Rules is to prevent employee injuries and property damage. These rules are intended to specify the general standards by which City employees should perform their jobs. However, these rules are not exhaustive, and, in addition, individual department rules may apply. City employees are expected to understand and abide by established safety standards that are applicable to the positions they hold. Violation of these rules and standards will result in disciplinary action. Recommendations or suggestions regarding the addition or modification of these safety rules should be made by your supervisor.

## **III. SCOPE**

The General Safety Rules apply to any City employee, volunteer, or worker under contract. City employees are required to not only perform their tasks and duties in a safe manner, but, to be knowledgeable of all safety standards that may apply to their individual work. The ultimate success of maintaining a safe work environment will depend upon the continued cooperation of all employees in adhering to these rules and those additional standards that may be unique to their own jobs.

## **IV. EMPLOYEE RESPONSIBILITY**

Every employee is responsible for performing his or her job with every possible regard for his or her own safety, and for the rights and safety of others. Each employee is responsible for compliance with all applicable federal, state and local safety standards. All employees, regardless of position, are, as a condition of employment, required to obey all safety rules and general safe work practices set forth in these rules. These general rules are intended to be followed in conjunction with any specific department rules that may apply to your job. All safety rules shall be strictly enforced.

## **V. MANAGEMENT RESPONSIBILITY**

Each department manager is responsible for the safety of work under their direction. This should include, but not be limited to, the following:

- Providing employees with a safe working environment
- Ensuring compliance and enforcing all applicable federal regulations, state regulations and City safety standards within their department in a consistent and timely manner.
- Ensuring that employees receive proper instructions for the safe performance of their jobs including safety orientation for new and transferred employees.

- Ensuring that employees perform their job with regard for their own safety, the safety of co-workers, and the safety of the public.

## **VI. GENERAL SAFETY RULES**

**HORSEPLAY:** Horseplay, of any kind, is forbidden.

**SMOKING:** No person shall smoke in any City-owned building or vehicle unless in an authorized designated area.

**POWER TOOLS AND EQUIPMENT:** All power tools and equipment shall be shut off when unattended or not in use.

**ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES:** The consumption of alcoholic beverages of any kind during working hours is prohibited. This includes both paid and unpaid break periods. No employee should report for work or perform work under the influence of alcohol or unauthorized controlled substances. If, in the supervisor's judgement, an employee's ability to perform the job has been impaired, the employee may be disciplined and sent home without pay.

**REPORTING ACCIDENTS AND INJURIES:** All accidents involving City equipment and all person injuries, however small, should be immediately reported by the employee to their supervisor, who in turn will notify the Clerk-Treasurer. In addition, within 24 hours (next business day for weekends and holidays) the appropriate accident and injury report form must be completed and forwarded to the Clerk-Treasurer. This reporting requirement is done to meet state and federal recording requirements, and for the protection of the injured employee. Accidents not reported within a specific period of time may not be compensable under the Workers Compensation Act.

**VEHICLE AND EQUIPMENT OPERATION:** All employees who operate vehicles or equipment on a public roadway should possess a valid driver's license and any endorsement or certification that may be required for certain types of vehicles or classifications of employment. This license must be carried at all times when working.

In the event an employee's driving privileges are suspended or revoked, the employee should immediately inform their supervisor. Such employees are prohibited from using any vehicle or equipment until such time as their license is restored. "Immediately" should be interpreted to mean not later than the beginning of the next workday.

License suspensions and revocations may be cause for disciplinary action, including discharge if such actions prevent an employee from performing the essential functions of the job.

**PROTECTING THE PUBLIC:** The public should be kept away from all work areas that could expose them to a hazard.

**FLOATATION DEVICES:** Coast Guard approved floatation devices should be worn at all times while working over water or operating any type of watercraft.

**EXPOSURE TO HUMAN BLOOD AND BODY FLUIDS:** Any employee exposed to human blood, body fluids or other potentially infectious materials must immediately report the incident to their supervisor. Employees whose duties involve exposure to human blood, body fluids or potentially infectious materials are required to use personal protective equipment as required by the City's Blood borne Pathogens Program.

**HOUSEKEEPING:** It is the responsibility of each employee to keep the work area neat and clean and to return all tools, equipment and material to the proper storage location.

All floors, aisles and work and storage spaces shall be kept clean and orderly. Any objects that would present a trip or fall hazard, such as electrical cords, boxes, etc. should be properly stored and secured. Marked walkways are provided in storage areas and should not be used for storage.

Any substance spilled or observed on the floor that would cause the floor to become slippery or create a trip hazard should be cleaned up immediately. When floors become wet as a result of weather conditions or cleaning activity "wet floor" signs should be placed to warn employees and the public.

No person may work on the surface of any structural member, floor or other working platform which has become slippery from ice, snow, frost, paint or other cause, unless the surface is cleaned, sprinkled with sand or made non-slippery insofar as the nature of the work will permit.

Oily and greasy rags should be stored in an approved covered metal container provided for that purpose.

Compressed air should not be used for cleaning purposes except where reduced to less than 30 PSI and then only with effective chip guarding and personal protective equipment. Compressed air should not be used to clean oneself.

All compressed gas cylinders shall be secured around the body of the cylinder to prevent falling.

**TOOLS AND EQUIPMENT:** It is important to keep all tools and equipment in good working condition. Employees should inspect all tools and equipment prior to use and report any damaged or defective tools to their supervisor immediately. Always use the right tool for the job and use each tool only for its intended purpose.

When performing maintenance or repair functions, use only properly insulated tools, remove all jewelry and shut off the power, if possible, when working around energized electrical circuits or equipment. All work should be performed consistent with the City's Lock Out-Tag-Out Program.

Do not operate, repair or test any machinery, apparatus, tools or other equipment unless you have been properly trained and are authorized to do so. Employees should wear required proper

personal equipment. If unfamiliar with a piece of equipment or a procedure, ask for proper instruction on the equipment and/or procedure.

All employees are required to immediately report to their supervisor any unsafe working conditions, procedure or equipment. No vehicle, equipment or tool should be operated or used with any safety equipment or device disabled or removed. Employees should visually check vehicles, equipment and tools prior to use. Employees should be held accountable for damage to tools, vehicles and/or equipment that results from misuse, negligent operation, intentional damage, abuse and or failure to report equipment problems.

Never operate machinery or equipment when it is not adequately guarded or when guards are removed.

All electrical equipment must be properly grounded. Never disconnect the ground wire or use an adapter that would negate the effect of the ground. When using extension cords, make sure they are U.L. approved, in good condition, properly grounded and of the proper size to handle the amperage. Trouble lights shall be equipped with globe guards and non-metallic sockets. Extension cords should not be used in place of permanent wiring.

When working with electrical tools avoid wet areas and contact with water pipes or grounded equipment.

When operating a grinder:

- No wheel should be operated without a guard.
- The tool rest should be adjusted to within 1/8 of an inch of the wheel, but no adjustments should be made while the wheel is in motion.
- Grinding on the flat side of the wheel is prohibited.
- Out-of-round wheels should be dressed before use.
- Approved eye protection should be worn.
- Grinder base should be anchored securely to the floor.

When mowing or trimming:

- Approved safety glasses must be worn.
- Inspect area first and remove all debris.
- Cut with discharge chute pointed down and in opposite direction of buildings, vehicles and play areas.
- Always shut engine off before attempting to clean discharge chute or make any adjustments to the mower.

When trimming trees or using chain saws:

- Except in cases of emergency, aerial tree work should not be performed when trees are wet, during high winds, or when temperatures are below zero.
- Ropes of suitable strength should be used for lowering of limbs.

- Remove all tools and hangers from trees whenever you leave the job site.
- No person should be grounded with vehicle when working around wires.
- Never walk with guide bar pointing to rear.
- Maintenance and refueling should not be done when saw is running.
- Approved hard hats, eye, ear and foot protection should be worn.
- Spectators should be kept clear of the working area and all streets and sidewalks should be properly barricaded before work commences.

All pipes carrying steam or other hot materials within 7 feet of the floor or working platform, that are exposed to contact, shall be covered with an insulating material or guarded so that contact will not cause personal injury.

**VEHICLE OPERATION AND REPAIR:** All employees operating vehicles or equipment should be thoroughly familiar with and obey all state and local laws and regulations governing motor vehicle or equipment operation. Careless or negligent operation of vehicles or equipment is prohibited.

Each occupant of a motor vehicle is required to wear a safety belt. Inoperative or missing safety belts should be immediately reported to your supervisor. The vehicle or equipment should not be operated until the repairs have been made.

Employees who operate authorized emergency vehicles should be required to operate their vehicle with respect to state statutes and department policy.

Employees taking medication or with a medical condition which may adversely affect their ability to perform their job in a safe manner are required to immediately inform their supervisor. The City has the right to require that the employee provide medical information that describes, to the City's satisfaction, any limitations or side effects affecting employment.

The operator of a vehicle or equipment is responsible for:

- Keeping the windshield and windows as clean and clear as possible.
- Checking and ensuring that lights, turn signals, emergency flashers, windshield wipers and horn are in proper working order.
- For checking all fluid levels (oil, transmission, hydraulic, etc.) each time the employee operates a vehicle/equipment.
- Keeping the interior of the vehicle clean and free of trash, dirt, mud, papers or any type of debris.
- Promptly reporting any problems that could affect the safe or proper operation of any vehicle or equipment and completing necessary forms.
- Operating the vehicle or equipment in a safe and lawful manner.

Whenever any vehicle or equipment is involved in an accident, it should be the responsibility of the driver to:

- Request medical assistance, if necessary.

- Call the Police and advise them that the accident involves City equipment.
- Provide all information requested by Police.
- Report the accident to their supervisor at once.
- Provide other involved drivers with contact information.
- Fill out a written report.

**NOTE: Employees should not discuss the accident with anyone other than a representative of the City or the Police. Employees should not admit liability or indicate that the City will take responsibility or will pay any bills. If a citizen wishes to file a claim against, the City, they should be referred to the Clerk-Treasurer.**

The department managers are responsible for:

- In case of a non-personal injury accident, involving equipment, ensure that the appropriate accident report is forwarded to the Clerk-Treasurer within twenty-four hours (next business day for weekends and holidays) of the accident.
- In cases involving an accident, with personal injuries, the Clerk-Treasurer should be telephoned **immediately**. (Nights and weekends included)
- Personal injury accidents occurring outside normal office hours shall be reported to the Police. In addition, accident reports must be forwarded to the Clerk-Treasurer.

Employees should not ride on the outside of any vehicle.

No gasoline or diesel motor shall be operated, except to start or move the vehicle, in an enclosed space, unless the exhaust is connected to the proper outlet or there is proper ventilation.

When parking conventionally equipped vehicles or equipment, the driver should:

- Set parking or hand brake (if so equipped).
- Put equipment in low gear or park when necessary.
- Remove ignition key, if possible.
- Do not leave vehicle unattended with the motor running or with the keys in the ignition. The only exception to this rule is vehicle that must, for mechanical reasons, remain running. In this instance, the vehicle may be left unattended if the doors are locked and the windows closed.
- Block rear wheels if the grade is steep. Curb front wheels by turning them into the curb.
- Ensure traffic signs and signals are visible to other motorists and are not obstructed by the vehicle.
- Exercise care when leaving a parking space to avoid an accident with moving traffic.

When backing equipment, employees should make sure no person, vehicle or fixed object is behind the vehicle. Employees should ask for assistance to guide backing motions. The backup signal must be employed if the equipment is so equipped.

No personally owned vehicle may be used on City business with prior approval of the department head. In such cases, the operator of the vehicle must provide proof of Liability

insurance 100,000/300,000/100,000 and statutory minimums for uninsured/underinsured motorists. This requirement should not be waived. The employee's insurance on the vehicle shall be primary to any City insurance coverage.

When a breakdown occurs in a vehicle:

- If possible, the employee should move the equipment off the roadway. If it cannot be moved, the employee should make sure you turn on the vehicle flashers.
- The employee should contact the supervisor as soon as possible to that the vehicle can be moved.
- If the vehicle creates a hazard and cannot be moved, the Police should be notified immediately.

When loading vehicles, the driver and crew are responsible for:

- Ensuring that the cargo is loaded and secured so that the load does not shift, spill or endanger others. If there is any debris, a cover or tarp should be placed over the load to prevent debris from blowing off. Prohibit anyone from riding on a load.
- Not allowing cargo to project beyond the side of the vehicle body.
- Ensuring that all loads projecting more than four feet beyond the rear of a vehicle shall be marked by a 12" C 12" red flag or cloth secured to the end of the object.
- Ensure that shovels and similar tools are placed in or on the vehicle so that they do not project beyond the body and cannot fall off.

**FIRE SAFETY/FLAMMABLE LIQUIDS:** Each facility must have and post a fire/emergency evacuation plan. The plan must include:

- Adequate warning measures for alerting all persons in the areas of the existence of a fire or other emergency.
- Rapid reporting to the Fire Department.
- Evacuation of affected personnel from areas involved in a fire.
- Procedures for containing the fire insofar as it is safe to do so and particularly only to the extent that it is possible to maintain safe exit for personnel so engaged.
- Instruction of personnel who regularly work there concerning the location and proper use of fire extinguishers and in the duties they are to perform in given fire situations.
- Adequate fire extinguisher equipment that is annually inspected by a responsible authority.

Exits should not be locked (chained or otherwise) so as to impede proper evacuation. Exits should be marked/illuminated in accordance with applicable state statutes and local ordinances.

Fire extinguishers/hoses should be prominently displayed, labeled for usage and kept clear for easy access at all times. Employees should not place a discharged extinguisher back on its bracket. Employees must tag it and report it to their supervisor immediately so that it can be recharged or replaced. Employees are required to provide notice of an extinguisher with a low

pressure gauge reading or an expired inspection tag if they notice or are aware of such a situation.

Department managers should insure that fire extinguishers are inspected monthly and documented. Designated vehicles and equipment should be equipped with fire extinguishers.

In case of fire, employees must sound the alarm, assist others and call the Fire Department before attempting to extinguish the fire.

The following chart will help you understand the use of fire extinguisher.

<b>TYPE OF FIRE HAZARD</b>	<b>TYPE OF EXTINGUISHING AGENT</b>
<b>Class A</b> – Ordinary Combustible (paper, wood, grass, cloth, trash, etc.)	Water or foam
<b>Class B</b> – Flammable Liquids (oil, paint, thinner, solvents, grease, gasoline, etc.)	Dry chemical or foam
<b>Class C</b> – Electrical Equipment (wiring, power tools, office equipment, etc.)	Carbon dioxide or dry chemical
<b>Class ABC</b> – Multi Purpose (ordinary combustibles, flammable liquids and electrical)	A multi-purpose extinguisher labeled ABC puts out the most common fires
<b>Class D</b> – Combustible Metals (fires in metals and metal dusts such as magnesium, titanium, zirconium, Lithium, potassium, and sodium)	Special liquid or dry powder agent

- **Use a fire extinguisher only on the type of fire for which it is recommended.**

Flammable liquids should be stored in accordance with the Flammable Liquids Code NFPA 30 and 30A and the directives of the local fire department. No storage of flammable or combustible materials should be allowed in furnace or boiler rooms.

Gasoline and other flammable liquids should be kept in approved safety containers, stored in a flammable liquid storage cabinet and be properly labeled. Employees should not use gasoline or other solvents to clean hands or parts. A non-flammable cleaner will be furnished and must be used.

Smoking or open flames are prohibited in areas where flammable liquids are present. No artificial lights, except UL approved electric flashlights should be used near escaping gasoline or other flammable vapors (NOTE – entry to a confined space must be done in compliance with the City's Confined Space Entry Program). Employees unsure about the safety of the atmosphere, must stay out of the area and notify a supervisor to ensure the atmosphere is checked.

Burning should be done in strict compliance with local ordinances. Caution must be observed. No flammable liquids should be used to start a fire.

**MATERIAL HANDLING:** When lifting, employees should:

- Lift heavy objects with legs, not with the back.
- Bend knees, keep back straight.
- Maintain proper balance keeping the back as straight as possible.
- Keep elbows close to body.
- If the object is too heavy to handle safely alone, get help.
- If the load obscures the field of vision, check the area to ensure that the path is clear.

When piling materials, employees should make sure the base is firm and level. Each layer must be cross-tied. Piles shall be kept level and not stacked too height (use shoulder height as a guideline). Aisles should be kept clear and with adequate space to work in them.

Employees should never work under a suspended load or leave equipment unattended with a suspended load. Employees should not ride on a cable, sling, chain or other hoisting device or on material being moved by means of a crane.

**LADDERS, STEP STOOLS AND SCAFFOLDING:** Employees should not use a metal ladder when working around electrical circuits, wires or when changing light bulbs. Employees should not stand on or above the second step from the top of a stepladder or the third rung from the top of a straight ladder. Ladders should not be painted. Ladders should have approved non-skid feet.

Employees should check the weight rating of the ladder to ensure the ladder can safely carry the weight plus the load being carried. No more than one person should be on a ladder at a time.

Scaffolding over ten feet high should have tow boards, mid-rails and handrails.

Employees shall check ladders, step stools and scaffolding thoroughly before use, as a rung, foot or guardrail could be broken or loose. Employees should not use makeshift ladders or scaffolding.

When using ladders, employees should set them on a firm dry base at the proper angle. The distance between the foot of the ladder and the wall it rests against should be equal to about  $\frac{1}{4}$  of the distance to the support point of the ladder. When possible, ladders should be secured in place with ropes, hooks, spikes or other anti-slip devices.

Employees should be careful to avoid placing ladders within the arc of a swinging door (unless the door is locked), near blind corners or where it could be in the path of vehicles or equipment. Employees should use signs or barricades to alert others.

**FIRST AID:** The City provides first aid supplies for the temporary treatment of minor injuries such as cuts and scratches. All employees should know the location and use of medical supplies. All injuries, however small, should be treated to prevent infection. Report all injuries to your supervisor no matter how insignificant it may seem to you at the time.

As first aid supplies are used, replacements should be requested. The department head and/or supervisor should ensure that all first aid kits are inspected and restocked on a monthly basis. First aid kits shall be stocked with items designed to deal with the specific injuries expected to be encountered at the work site.

In case of serious injury, employees should:

- Dial 911 immediately
- Do not move an injured person unless it is absolutely necessary. Moving an injured person could result in further injury.
- Keep the injured party warm and as comfortable as possible.
- Provide temporary first aid, only if qualified.
- Keep onlookers away from the injured.

**WELDING:** When welding, the following procedures should be followed:

- You must wear approved safety equipment. This includes flame resistant clothing, respirators, aprons, face shield, gloves, etc.
- You are required to inspect the welding area before and after completion of work for fire and other hazards.
- You must use an approved type of lighter to light the blowpipe.
- You are required to surround your work with suitable shields while arc welding when persons in surrounding areas could be affected.
- You must have immediate access to an approved type of portable fire extinguisher when welding.
- All acetylene tanks should be equipped with flash back valves; acetylene tanks should not be used if the pressure exceeds 15 PSI.

**OFFICE SAFETY:** It is each employee's responsibility to keep his or her work station near and free from clutter. Furniture such as tables, desks and chairs must be maintained in good condition and free from sharp corners, projecting edges or wobbly legs. Employees should report any loose or rough floor covering.

All file, desk or table drawers should be kept closed when not in use. Employees should not open more than one file cabinet drawer at the same time. Employees should not overload top file cabinet drawers. File cabinets may be secured to a wall. Multiple free-standing cabinets may be bolted together.

Employees should not use chairs, desks, tables or other office furniture in place of a ladder or step stool. Employees should not recline in office chairs that are not intended for that purpose.

Employees should be cautious when approaching a door that can be pushed toward them. Employees should use caution when pushing a door open and should moderate speed when approaching a blind corner.

Care should be exercised when using and storing scissors and paper cutters. Paper cutters must be equipped with guards. Employees should use a sponge or other wetting device for sealing envelopes. Rubber finger guards should be worn when working with stacks of paper.

Employees should keep their hands clear of electric typewriter carriages while they are in motion. Employees should ensure equipment is grounded and that the power cord is in good condition. If a machine gives off a shock or starts smoking, it should be unplugged and the incident should be reported to the supervisor. Where appropriate, all equipment should be turned off while unattended or not in use.

Electrical cords should be placed so as to avoid creating a tripping hazard. If a cord must cross a pedestrian walkway it should be enclosed in an appropriate track and secured to the floor. Frayed, worn or broken electrical cords should not be used. Employees should report deficiencies, if noticed, immediately to the supervisor. Extension cords should not be used in place of permanent wiring. Employees should not remove electrical plugs by pulling on the wire.

**GENERAL SAFETY RULES**

**DETACH AND RETURN THIS PAGE TO YOUR DEPARTMENT MANAGER AFTER SIGNING.**

**I ACKNOWLEDGE RECEIPT OF THE CITY'S GENERAL SAFETY RULES ON THE DATE INDICATED BELOW.**

**I UNDERSTAND IT IS MY RESPONSIBILITY TO READ AND ASK QUESTIONS ABOUT ANYTHING THAT I DO NOT UNDERSTAND THAT IS CONTAINED IN THESE SAFETY RULES.**

**NAME (PRINT)** \_\_\_\_\_

**SIGNED** \_\_\_\_\_

**DATE** \_\_\_\_\_

# MINUTES PARK AND RECREATION COMMITTEE MEETING

June 15, 2016

## The Meeting was held at Islander Park

Present: Chairman Laursen, Schullo, Bents

Absent: Strickland

Also present: Hardie, Kessler, Skinner, Lindfors, Steve Mann, Chris Hoff, Mark Fuller, Larry Severson, Justin Job, and Brandon Johnson

Chairman Laursen called the meeting to order at 6:30 pm.

Motion was made by Bents, seconded by Schullo, to approve the minutes from the May 18, 2016 Parks & Rec Committee Meeting. Motion passed

Public Comment: None

The Committee gathered ideas on how to proceed with the future of Islander Park. Mayor Skinner stated he and Dr. Rose discussed several options including continuing with the existing arrangement, lease the park to the school, and selling the park to the school at a yet to be determined amount. Mann stated the school would like to have a long range plan and commitment and the school interest in the field runs from April to the end of summer school. Mann stated the park is showing its age and there will be more maintenance required in the future. Fuller stated the ballfields are not like a basketball court, the more a baseball field is used the more maintenance it requires and the cost to redo the main field is about \$8000. The Baseball Association stated they have over \$100,000 invested in the park and they have plans for other improvements, including a new fence making one of the fields a softball only field, and maybe scoreboards for the remaining two fields without scoreboards. Bents stated the park is a jewel for the city and school and it should not be this hard to find a working arrangement with the four interested parties. Several other comments were offered and the committee agreed to follow up with the gathered information at their next meeting.

Parks update: The new swings and crawl tunnel donated by the GAP have been installed, The GAP agreed to pay for a new slide for the playground set at Tourist Park. The beach is open and swim lessons will start in a week, there is a horseshoes pit and basketball Backboard at Eagle Point and the goose roundup will be happening on June 23

Next Parks & Rec meeting will be July 20, 2016 at 8:00 am at City Hall. Agenda will be Islander Park agreement

The motion was made by Bents, seconded by Schullo, to adjourn at 7:35 pm., the motion passed.

Respectfully submitted  
Keith Hardie DPW

MINUTES OF THE CUMBERLAND PUBLIC SAFETY COMMITTEE (PSC)  
Monday, June 13, 2016 at 9:00 A.M.

Roll Present: Mayor Skinner, Bridger, Slayton and Laursen.  
Also Present: Chief Rieper and Arlene Frisinger  
Meeting called to order by Mayor Skinner at 9:00 a.m.

Public Comment:  
None

Motion was made by Bridger, seconded by Laursen, voted, passed, to approve the May 10, 2016 PSC minutes.

**Animal Control Ordinance**

Motion was made by Bridger, seconded by Laursen, voted, passed, to send Article II Animal Regulation on to Pete Van Sickle for approval of changes regarding vicious dogs.

**Chief's Report**

Junk Vehicle ordinance has been published  
Chief's computer needs to be replaced

Motion was made by Slayton, seconded by Laursen, voted, passed to adjourn at 9:45 a.m.

Next meeting date July 12, 2016 at 9:00 a.m.

Rick Rieper, Chief of Police  
Cumberland Police Department  
amf

## Minutes Public Works Committee June 21, 2016 at 9:00am

Present: Chairman Goldsmith, Bridger, Bents, Schullo

Absent: None

Also present: Lindfors, Goin, Kessler, Skinner, Hardie, Kunkle, Ranallo, Schramski, Ian Haugen and Dave & Lundgren from MSA

Meeting was called to order by Chairman Goldsmith at 9:00 am:

Motion was made by Bridger and seconded by Bents to approve the minutes from the May 16, 2016 Public Works meetings. Motion passed.

Public Comment: None

### Department Updates

Linfors: The Crew has been doing work at the parks, making some storm sewer repairs, painting crosswalks and parking stalls is almost complete and the yellow should be completed in a week. Ian Haugen requested some gravel be placed on the part of the north frontage road going past his business.

Goin: they have been busy preparing the CMOM and CMAR reports, doing training for the new plant, mowing and trimming easements, there was an overflow caused by the utility doing work on a well, the old generator was sold for \$3,500

Steve Ranallo returned and asked about having some of the right-of-way hill removed at his home on Dani's way. After some discussion the motion was made by Schullo and seconded by Bridger to have the city crew remove the some dirt and dump 5 yards of black dirt. The home owner is responsible for spreading and seeding the area. The motion passed

Marty Schramski asked that the City pay for the survey that was done after it appeared ad showed that he was encroaching on City property. Schramski stated that if he would have been contacted about the encroachment he would have move the fence and material. The motion was made by Bents and seconded by Bridger to have the City pay the \$860 for the survey. The motion passed

The Committee considered a request to replace a Oak tree that was removed when 3<sup>rd</sup> Ave. was reconstructed in 2006. Hardie stated that there was no mention of replacing the tree in the 3<sup>rd</sup> Ave file. The motion was made by Bents and seconded by Schullo not to replace the tree. The motion passed

The Committee considered a proposal by EOR to do the engineering of the Lake Street reconstruction for \$13,000 plus the cost of staking and as-built plans. Hardie stated that he had received proposals from two other firms for \$19,000 plus. The motion was made by Bents and seconded by Bridger to recommend to Council the acceptance of the EOR proposal. The motion passed

Katie Goin presented the 2016 CMOM report which is required each year by the DNR

The Committee considered the request to have the WWTP jet private sanitary lines. The motion was made by Bents and seconded by Schullo not to do private lines because of time constraints and taking work from private contractors. The motion passed.

The Committee considered the sale of the old WWTP tank truck for \$1,500. The motion was made by Schullo and seconded by Bents to sell the truck for \$1,500. The motion passed.

The Committee considered the proposal by Magney Construction to do the demolition of the RBC's, Clairifiers and blower building for \$153,000 as part of the second project. The committee also considered the putting out for bid the construction of the maintenance building and the reconstruction of lift station #2 as the proposal from Magney Construction came in high. The motion was made by Bents and seconded by Schullo to recommend to Council the acceptance of the proposal for the Demolition from Magney Construction and placing the maintenance building and Lift station out for bids. The motion passed

The Committee considered Change Order #12 which is the removal of the pavement as part of the first project for the amount of \$81,866 and the replacement of piping and valving on the intake of the grit tank at a of cost \$3,522. The motion was made by Schullo and seconded by Bents to recommend to the Council the approval of Change Order #12. The motion passed.

The next meeting date will be July 18, 2016. Future agenda items will be frontage road and consider changing the Snow removal and Grass mowing ordinance, Safety apparel, MSA- Change Orders and updates.

Motion was made by Bents and seconded by Bridger to adjourn at 10:45 am, motion passed.

Submitted by  
Keith Hardie, PW Director