

draft
Town Board Meeting Minutes
November 1, 2016

Chairman Rolly Bogert called the Town Board Meeting to order on Tuesday November 1, 2016 at 6:30pm. Present were Chairman Rolly Bogert, Supervisors Frank Fogel, Sandy Thompson, Al Steck and Stan Hauser. Pledge of Allegiance was recited.

Motion to approve the agenda with moving item #9 to between numbers 5 and 6, by Supervisor Thompson; seconded by Hauser. Motion passed unanimously.

Motion to approve the minutes of the October 11, 2016 and October 18, 2016 meetings with noted changes Supervisor Thompson, seconded by Supervisor Hauser. Motion passed unanimously.

Motion to approve the bills and finance book was made by Supervisor Hauser, seconded by Supervisor Fogel, motion passed unanimously.

Public comment: None

Discussion on Consideration of an initial resolution regarding Industrial Development Revenue Bond Financing for Dynamic Recycling, Inc. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution. Motion to open the floor made by Supervisor Fogel; seconded by Supervisor Hauser. Motion passed unanimously. Miles Harter of Dynamic Recycling, N5549 County Road Z, Onalaska, WI made an initial presentation on the Dynamic Plan and expressed his availability to field questions from the board. Town attorney Greg Stacker joined the meeting via teleconference. Attorney Stacker advised the board this is a nonbinding resolution for industrial bond for ten million dollars allowing Dynamic Recycling to expand their business within the town. Also recommended was to have Attorney Tim Fenner join the legal representation of the town on this matter. Supervisor Thompson questioned potential ramifications to the town. Miles Harter stated is a 130,000 square foot facility, and wishes to continue to develop and built outward from present structure, adding jobs and tax base to the town. Motion to close the floor by Supervisor Fogel; seconded by Supervisor Thompson, motion passed unanimously. Motion to execute engagement of Attorney Tim Fenner to also represent town made by Supervisor Thompson; seconded by Supervisor Fogel, motion passed unanimously. Motion to accept Resolution titled Resolution No 2016-11-1 Initial Resolution regarding Industrial Development Revenue Bond Financing For Dynamic Recycling, Inc Project made by Supervisor Hauser; seconded by Supervisor Fogel. Clerk Rinehart read the resolution in entirety into the record.

(See attached Resolution and exhibits).

Motion passed unanimously with a roll call vote. Attorney Stacker left the meeting at 7:12 pm.

Shop Supervisors Report was presented to the board.

Discussion on purchase of fire proof cabinet for shop: Motion by Supervisor Thompson to approve the purchase in the amount of \$1,270.10.

Discussion on the purchase of a welder for the shop: Motion by Supervisor Thompson; seconded by supervisor Fogel to approve purchase of welder with mig, tig, and stick capability for the amount not to exceed the \$2,379 quote and to trade in the towns existing welder if possible. Motion passed unanimously.

Fire Board Report:

Chairman Bogert reported that Chief Menches will be at our next meeting to explain proposed ordinance changes to building and fire codes. One Firefighter has resigned in good standing. The SAFER grant was disapproved. Full time assistant chief job description has been completed. Holmen Area Fire Department will be the chlorine response team for the Village of Holmen; the Village will supply what is needed. The Fire Fighters Rec Fund approved \$15,000 for equipment purchase. No report is back yet for impact fee study, it will be brought back when available. The old tank truck has approval to be sold and use proceeds for capital improvement. Mutual aid agreement has been updated with Trempealeau. Supervisor Hauser indicated that labor contract negotiations continue.

Discussion on La Crosse County Solid waste request for increased funding: No action. This is to be added to budget process discussion.

Discussion on cladding of exterior windows for town hall: Motion by Supervisor Thompson; seconded by Fogel, to wait until spring when we what other costs may come into the hall maintenance budget by the end of the year. Steck would like to see a second bid for this work. Fogel has concerns for the roof and additional work that may be coming on the hall building. Vote on the motion passed unanimously.

Discussion on accepting a haulers proposal: Supervisor Thompson reviewed the March 2015 minutes and agenda. Board action was taken at this meeting to go forward with the present hauler and transition to carts, hold informational meetings and a referendum in February. She also reviewed the Refuse and Recycle meeting minutes of meetings since March 2015. She stated no action has changed the March 2015 motion and that we are obligated to move forward with the current hauler. She feels that in the past 20 months the Recycle and Refuse committee has not addressed the issue with the urgency needed. Fogel believes the Refuse and Recycle committee has been undermined during this process. Motion made by Supervisor Hauser; seconded by Supervisor Steck, to not accept any hauler proposal, postponing until we figure out where the money comes from and how to pay for it. Additional discussion followed, as to whether we will have garbage pickup after the first of the year (2017). Motion withdrawn by Hauser; second withdrawn by Steck. Motion by Supervisor Hauser; seconded by Supervisor Fogel that we not accept any hauler proposals at this time and that we enter into negotiations with our current hauler to extend the current contract for one year. Motion to withdraw previous motion was made by Hauser, second withdrawn by Fogel. Motion by Hauser; seconded by Fogel to not accept any haulers proposal. Steck clarified that if this motion passes we may not have garbage pick-up after the first of the year. Thompson advised we could have action at the next meeting.

Thompson also stated that we have been at this for almost 2 years and have put our haulers through a lot of additional work they have given us good and thorough proposals and its time to move forward. Thompson believes we can figure out how to handle this in our (2017) budget. Fogel called the question. Roll call vote: 2-2. (Thompson and Bogert: no, Fogel and Hauser: yes, Steck abstained.) Motion failed. Motion to accept the original proposal from Hilltopper Refuse and Recycle that includes them purchasing and the Town owning the totes (carts) at the end of 7 years and that we move forward with this hauler and aggressively start working on our budget by made by Thompson; seconded by Bogert. Roll call vote: 2-2. (Fogel and Hauser; No, Bogert and Thompson; Yes, Steck abstained) Motion failed. Thompson stated this is a disappointment to the tax payers if we don't do something about this. Discussion followed on a possible future referendum question. Motion by Thompson; seconded by Fogel, to accept the original Hilltopper, toter- cart proposal and move to possible referendum in 2017 to take this off the levy a make separate fee assessment in the future. Roll call vote: 3-2 (Thompson and Bogert; Yes, Fogel, Hauser and Steck; No). Hauser stated he believes we are putting the cart before the horse and need to find a way to pay for it first. Motion by Fogel to accept the Hilltopper proposal with 2 conditions, 1) that they buy the totes, maintain them and do everything with them and 2) give us the option of the town buying the totes. Bogert questioned if that would be fair to the other hauler if we did this. Fogel withdrew his motion. No further action.

Correspondence: Email regarding the Sandy Knolls project.

Motion to adjourn by Thompson; seconded by Hauser. Motion passed unanimously.

TOWN BOARD OF
TOWN OF ONALASKA, WISCONSIN

RESOLUTION NO. 2016 - _____

**INITIAL RESOLUTION
REGARDING INDUSTRIAL DEVELOPMENT
REVENUE BOND FINANCING FOR
DYNAMIC RECYCLING, INC. PROJECT**

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the “Act”) authorizes the Town of Onalaska, Wisconsin (the “Issuer”), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, Dynamic Recycling, Inc., a Wisconsin corporation, and/or Dynamic Property Management LLC, a Wisconsin limited liability company, and/or a related entity, and/or a limited liability entity to be formed, and/or an unrelated third party (collectively, the “Borrower”), desires to complete a project to be owned by the Borrower and operated by Dynamic Recycling, Inc. to manufacture raw commodities from recycled electronic components, consisting of the (i) construction of an approximately 135,000 square foot facility to be located on County Road Z in the Town of Onalaska, Wisconsin (the “Facility”), (ii) acquisition and installation of equipment at the Facility, and (iii) payment of certain professional costs and costs of issuance (collectively, the “Project”), all of which would contribute to the well-being of the Town of Onalaska, Wisconsin; and

WHEREAS, the cost of the Project is presently estimated to be \$10,000,000 and the amount proposed to be financed with one or more issues or series of tax-exempt industrial development revenue bonds (the “Bonds”) issued under the Act does not exceed \$10,000,000; and

WHEREAS, it is the public interest of the Issuer to promote, attract, stimulate, rehabilitate and revitalize commerce, industry and manufacturing, to promote the betterment of the economy of the Issuer; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the “Initial Resolution”) providing for the financing of the Project in an amount not to exceed \$10,000,000; and

WHEREAS, the Issuer is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Onalaska, Wisconsin, as follows:

1. Based upon representations of the Borrower, it is the finding and determination of the Town Board that the Project is a qualified “project” within the meaning of the Act and that the Borrower is an “eligible participant” within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$10,000,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt bonds (the “Bond(s)”), in an amount not to exceed \$10,000,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER;

(b) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(c) The Borrower shall find a purchaser for all of the Bonds;

(d) The Town’s out-of-pocket costs, including but not limited to legal fees and Trustee’s fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower; and

(e) A notice of public hearing required by federal law for purposes of Section 147(f) of the Internal Revenue Code, as amended, shall be published in a newspaper of general circulation in the

Town of Onalaska and a public hearing shall be held to provide interested individuals or parties the opportunity to testify as to the Project and the issuance of the Bonds.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Town Board which shall be solely within the discretion of the Town Board;

(b) The Town Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the Town of Onalaska, and the electors of the Town of Onalaska shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

(d) The Town Clerk shall have received an employment impact estimate issued under Section 238.11 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered; and

(f) The Issuer and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project.

4. The requirements as specified in Section 66.1103(11)(b)1 are to be waived in accordance with the provisions of Section 66.1103(11)(b)2 with reference to the Project to be financed with industrial development revenue bonds of the Issuer issued on behalf of the Borrower for the Project because:

(a) the Issuer is not responsible for controlling any of the acquisition, construction, improvement, and/or equipping costs;

(b) the Borrower has represented that it is able to negotiate satisfactory arrangements for completing the Project;

(c) it is more efficient and expedient for the accomplishment of the public purposes of the bond issue if the Borrower were to have complete control over the Project; and

(d) the Issuer's interests are not prejudiced by the waiver.

5. The Town Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the Town of Onalaska, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$10,000,000. This statement of official intent is made pursuant to Treasury Regulations §1.150-2.

Passed and adopted at a regular meeting of the Town Board of the Town of Onalaska, Wisconsin this 11th day of October, 2016.

APPROVED:

Rolly Bogert, Town Chairperson

ATTEST:

Mary Rinehart, Town Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE TOWN OF ONALASKA, WISCONSIN

TAKE NOTICE that the Town Board of the Town of Onalaska, Wisconsin (the "Issuer"), at a regular meeting held at Town Hall, N5589 Commerce Road, Onalaska, Wisconsin, on October 11, 2016, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$10,000,000 of industrial development revenue bonds of the Issuer (the "Bonds") on behalf of Dynamic Recycling, Inc., a Wisconsin corporation, and/or Dynamic Property Management LLC, a Wisconsin limited liability company, and/or a related entity, and/or a limited liability entity to be formed, and/or an unrelated third party (collectively, the "Borrower"). The Borrower desires to complete a project to be owned by the Borrower and operated by Dynamic Recycling, Inc. to manufacture raw commodities from recycled electronic components consisting of the (i) construction of an approximately 135,000 square foot facility to be located on County Road Z in the Town of Onalaska, Wisconsin (the "Facility"), (ii) acquisition and installation of equipment at the Facility, and (iii) payment of certain professional costs and costs of issuance (collectively, the "Project"). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site within three years is 35.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Initial Resolution may be inspected in the office of the Town Clerk at N5589 Commerce Road, Onalaska, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE TOWN OF ONALASKA MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the Town of Onalaska is filed with the Town Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the Town of Onalaska voting thereon at a general or special election.

Mary Rinehart, Town Clerk

Town of Onalaska, Wisconsin

CERTIFICATION BY TOWN CLERK

I, Mary Rinehart, duly sworn, hereby certify that I am the duly qualified and acting Town Clerk of the Town of Onalaska, Wisconsin (the "Town"), and as such I have in my possession, or have access to, the complete corporate records of the Town and of its Town Board; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. _____ entitled: INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING FOR DYNAMIC RECYCLING, INC. PROJECT

I hereby further certify as follows:

1. Said Initial Resolution was considered for adoption by the Town Board at a meeting held at Town Hall, N5589 Commerce Road, Onalaska, Wisconsin, at ____ p.m. on October 11, 2016. Said meeting was a meeting of the Town Board and was held in open session.

2. Said Initial Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the Town Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the Town.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following supervisors were present:

_____	_____
_____	_____
_____	_____
_____	_____

and that the following supervisors were absent:

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Initial Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all supervisors who desired to do so had expressed their views for or against said Initial Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

NAY:

ABSTAINED:

Whereupon the meeting chairperson declared said Initial Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Town hereto on this 11th day of October, 2016.

[SEAL]

Mary Rinehart, Town Clerk