

SPECIAL COMMON COUNCIL MEETING

**Council Chambers
County-City Building**

**January 4, 2011
6:00 P.M.**

1. Roll Call.
2. Consideration and possible action on Resolution Directing a Referendum pursuant to Wis. Stats. 67.05(7)(b) on an initial Resolution Authorizing the Sale and Issuance of Not to Exceed \$5,965,000 General Obligation Community Development Bonds; and Certain Related Details; which was adopted on December 20, 2010.
3. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure that reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD #346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during the regular business hours from 7:30 A.M. to 4:00 P.M.

**COMMON COUNCIL
OF THE
CITY OF STEVENS POINT, WISCONSIN**

January 4, 2011

**Resolution Directing a Referendum pursuant to Wis. Stat. § 67.05 (7)(b)
on an Initial Resolution Authorizing the Sale and Issuance of Not to Exceed
\$5,965,000 General Obligation Community Development Bonds;
and Certain Related Details; which was adopted on December 20, 2010**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Stevens Point, Wisconsin (the “**City**”) makes the following findings and determinations:

1. On December 20, 2010, the Governing Body adopted an initial resolution (the “**Initial Resolution**”) pursuant to Chapter 67 of the Wisconsin Statutes authorizing the issuance by the City of negotiable, general obligation community development bonds in a principal amount not to exceed \$5,965,000 to provide financial assistance to community development projects under Sections 66.1105 and 66.1331 to 66.1337 of the Wisconsin Statutes, including, but not limited to, financing a grant to the City’s Community Development Authority to provide for certain improvements in the City’s Tax Incremental District No. 6. The purposes specified in the Initial Resolution are specifically enumerated in Section 67.05 (5) of the Wisconsin Statutes.
2. The Initial Resolution was approved by the Mayor of the City and was recorded on December 21, 2010.
3. Subsequent to the adoption of the Initial Resolution, the Governing Body has determined, in its discretion, to submit the Initial Resolution to a popular vote (as permitted by Section 67.05 (7)(b) of the Wisconsin Statutes), whether or not a sufficient petition is filed pursuant to Section 67.05 (7)(b) of the Wisconsin Statutes requiring the submission of the Initial Resolution to the electors of the City.
4. The Governing Body has determined that the popular vote on the Initial Resolution (the “**Referendum**”) should be held in connection with the regularly scheduled municipal election to be held on February 15, 2011.
5. The Governing Body now wishes (i) to designate polling places and election officials for the Referendum, (ii) to authorize the form of ballot and election notices for the Referendum, and (iii) to provide for the publication of the election notices as required by law.

RESOLUTIONS

The Governing Body Resolves as follows:

Section 1. Authorization of Referendum and Designation of Polling Places.

The City Clerk is hereby authorized and directed to submit the Initial Resolution to the electors of the City for approval or rejection at the Referendum. The City polling places which will be used for the municipal election that will be held on February 15, 2011 shall be the polling place locations for the Referendum, and the municipal election hours of such polling places shall apply.

Section 2. Publication of Type A Notice of Referendum.

The City Clerk is hereby authorized and directed to cause a Type A Notice of the Referendum, in substantially the form attached hereto as Exhibit A and incorporated herein by this reference, to be published, in the manner provided by law, (i) in the City's official newspaper on January 14, 2011 (which is that newspaper's closest preceding issue to January 18, 2011) and (ii) in the *Stevens Point Journal* on January 18, 2011. The City Clerk shall obtain proof, in affidavit form, of such publication. The City Clerk shall compare the notices as published with the form attached hereto as Exhibit A to ascertain that no mistake was made in the publication.

Section 3. Publication of Combined Type B and C Notice of Referendum.

The City Clerk is hereby authorized and directed to cause a combined Type B and Type C Notice of the Referendum, in substantially the form attached hereto as Exhibit B and incorporated herein by this reference, to be published, in the manner provided by law, (i) in the City's official newspaper on February 11, 2011 (which is that newspaper's closest preceding issue to February 14, 2011) and (ii) in the *Stevens Point Journal* on February 14, 2011. The City Clerk shall obtain proof, in affidavit form, of such publication. The City Clerk shall compare the notices as published with the form attached hereto as Exhibit B to ascertain that no mistake was made in the publication.

Section 4. Referendum Procedure.

The calling, holding, and conduct of the Referendum, including the furnishing of ballots, the canvass of votes, and the declaration of the result, shall be as provided by law.

Section 5. Referendum Ballot.

The ballot to be used at the Referendum shall be prepared in accordance with the provisions of Section 5.64 (2) and 7.08 (1)(a) of the Wisconsin Statutes, and shall be in substantially the form attached hereto as Exhibit C and incorporated herein by this reference. The City Clerk is hereby authorized and directed to have the necessary ballots prepared in the

form provided by the Wisconsin Statutes and to secure and provide for all necessary election supplies, lists, and apparatus for the Referendum.

Section 6. Election Inspectors and Costs.

The election inspectors for the Referendum shall be provided by the City in operating the polling places for the election. All costs of the Referendum shall be paid by the City.

Section 7. Canvassing the Vote.

The votes cast in the Referendum shall be canvassed by the Board of Canvassers for the City no later than twenty-four hours after the polling place locations for the Referendum have closed. The Board of Canvassers shall prepare a statement showing the number of votes cast for and against the question and shall prepare a determination showing the result of the Referendum. Each statement shall be attested by each of the canvassers. The Board of Canvassers shall file the statement and the determination in the office of the City Clerk.

Section 8. Referendum Results.

The City Clerk shall report the results of the Referendum to the Governing Body at its first meeting after the Referendum.

Section 9. Severability.

In case any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution.

Section 10. Further Authorization.

The officers of the City and other agents and employees of the City are hereby authorized to do all acts and things required of them by this Resolution for the full, punctual and complete performance of all of the provisions of this Resolution.

Section 11. Effective Date.

This Resolution shall take effect upon its adoption and approval in the manner provided by law.

Section 12. Conflict with Prior Acts.

All prior resolutions, rules, ordinances, or other actions, or parts thereof, of the Governing Body in conflict with the provisions of this Resolution shall be, and the same hereby are, rescinded insofar as they may so conflict.

* * * * *

Adopted: January 4, 2011

Approved: January ____, 2011

Mayor

Clerk

EXHIBIT A

TYPE A NOTICE

NOTICE OF ELECTION

February 15, 2011

NOTICE IS HEREBY GIVEN that at an election to be held in the City of Stevens Point, Wisconsin (the “**City**”), on Tuesday, February 15, 2011, the following question will be submitted to a vote of the people:

Shall the following initial resolution be approved?

AN INITIAL RESOLUTION AUTHORIZING THE
SALE AND ISSUANCE OF NOT TO EXCEED
\$5,965,000 GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS;
AND CERTAIN RELATED DETAILS

The Governing Body resolves that under and by virtue of the provisions of Chapter 67 of the Wisconsin Statutes, the City shall issue its negotiable, general obligation community development bonds in a principal amount not to exceed \$5,965,000 (the “**Bonds**”) to provide financial assistance to community development projects under Sections 66.1105 and 66.1331 to 66.1337 of the Wisconsin Statutes, including, but not limited to, financing a grant to the City’s Community Development Authority to provide for certain improvements in the City’s Tax Incremental District No. 6; *provided, however*, that the Bonds shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law.

A copy of the entire text of the resolution directing the submission of the question can be obtained from the office of the City clerk.

CITY OF STEVENS POINT, WISCONSIN

/s/ John Moe

City Clerk

Publication Date: January [14][18], 2011

EXHIBIT B

COMBINED TYPE B AND C NOTICE

FACSIMILE BALLOT

NOTICE OF REFERENDUM

CITY OF STEVENS POINT, WISCONSIN

February 15, 2011

OFFICE OF THE CITY CLERK

TO THE ELECTORS OF THE CITY OF STEVENS POINT:

Notice is hereby given of a referendum to be held in the City of Stevens Point, Wisconsin (the “City”) on the 15th day of February, 2011, at which the resolution of the Common Council of the City as set out in the sample ballot below will be submitted to a vote of the people.

INFORMATION TO ELECTORS

Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. When ballots are distributed to electors, the initials of two inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth and cast his or her ballot except that an elector who is a parent or guardian may be accompanied by the elector’s minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

On the referenda questions, the elector shall fill in the oval at the right of “yes” if in favor of the question, or the elector shall fill in the oval at the right of “no” if opposed to the question.

The vote should not be cast in any other manner. If the elector spoils a ballot, he or she shall return it to an election official who shall issue another ballot in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official who shall issue a proper ballot in its place. Not more than five minutes’ time shall be allowed inside a voting booth. Unofficial ballots or a memorandum to assist the elector in marking his or her ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

After an official ballot is marked, it shall be inserted into a security sleeve so the marks do not show, the elector shall leave the booth, insert the ballot in the ballot box and discard the sleeve, or deliver the ballot to an inspector for deposit. The elector shall leave the polling place promptly.

An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing, or understanding English, or that due to disability is unable to cast his or her ballot. The selected

individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

NOTICE OF REFERENDUM

February 15, 2011

NOTICE IS HEREBY GIVEN, that at an election to be held in the City of Stevens Point, Wisconsin on Tuesday, February 15, 2011, the following question will be submitted to a vote of the people. The question will appear on the ballot as follows:

Shall the following initial resolution be approved?

AN INITIAL RESOLUTION AUTHORIZING THE
SALE AND ISSUANCE OF NOT TO EXCEED
\$5,965,000 GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS;
AND CERTAIN RELATED DETAILS

The Governing Body resolves that under and by virtue of the provisions of Chapter 67 of the Wisconsin Statutes, the City shall issue its negotiable, general obligation community development bonds in a principal amount not to exceed \$5,965,000 (the "**Bonds**") to provide financial assistance to community development projects under Sections 66.1105 and 66.1331 to 66.1337 of the Wisconsin Statutes, including, but not limited to, financing a grant to the City's Community Development Authority to provide for certain improvements in the City's Tax Incremental District No. 6; *provided, however*, that the Bonds shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law.

EXPLANATION

A vote "YES" on the question will authorize and approve the issuance of the principal amount of general obligation community development bonds of the City specified in the question. A vote "NO" on the question will prohibit the issuance of the principal amount of general obligation community development bonds by the City specified in the question.

OFFICIAL REFERENDUM SAMPLE BALLOT
FOR
CITY OF STEVENS POINT

NOTICE TO ELECTORS: THE BALLOT MAY BE INVALID UNLESS INITIALED BY 2 ELECTION INSPECTORS. IF CAST AS AN ABSENTEE BALLOT, THE BALLOT MUST BE INITIALED BY THE MUNICIPAL CLERK OR DEPUTY CLERK.

INSTRUCTION TO VOTERS

TO VOTE ON THE REFERENDUM QUESTION, THE ELECTOR SHALL FILL IN THE OVAL AT THE RIGHT OF "YES" IF IN FAVOR OF THE QUESTION, OR THE ELECTOR SHALL FILL IN THE OVAL AT THE RIGHT OF "NO" IF OPPOSED TO THE QUESTION.

CITY OF STEVENS POINT

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YES NO

CITY OF STEVENS POINT, WISCONSIN

/s/ John Moe
City Clerk

Publication Date: February [11][14], 2011

OFFICIAL REFERENDUM BALLOT

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CITY OF STEVENS POINT

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YES NO

CERTIFICATIONS BY CLERK

I, John Moe, hereby certify that I am the duly qualified and acting Clerk of the City of Stevens Point, Wisconsin (the “**City**”), and as such I have in my possession, or have access to, the complete corporate records of the City and of its Common Council (the “**Governing Body**”) and that attached hereto is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

**Resolution Directing a Referendum pursuant to Wis. Stat. § 67.05 (7)(b)
on an Initial Resolution Authorizing the Sale and Issuance of Not to Exceed
\$5,965,000 General Obligation Community Development Bonds;
and Certain Related Details; which was adopted on December 20, 2010**

I do hereby further certify as follows:

1. **Meeting Date.** On January 4, 2011, a meeting of the Governing Body was held commencing at _____ p.m.
2. **Posting.** On January 3, 2011 (and not less than 24 hours prior to the meeting), I posted or caused to be posted at the City’s offices in Stevens Point, Wisconsin a notice setting forth the time, date, place, and subject matter (including specific reference to the Resolution) of said meeting.
3. **Notification of Media.** On January 3, 2011 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the time, date, place, and subject matter (including specific reference to the Resolution) of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the City.
4. **Open Meeting Law Compliance.** Said meeting was a special meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** Said meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll I noted and recorded that there were ___ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ___ of the Governing Body members voted Aye, ___ voted Nay, and ___ Abstained.

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

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on January ___, 2011, and I have recorded such approval. Such approval is evidenced by the signature of the Presiding Officer on the copy of said Resolution attached hereto.

9. **Publication of Exhibits to Resolution.** I will cause Exhibits A and B to the Resolution to be published in the form, place and on the dates specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the City hereto on January ___, 2011.

City Clerk

[Seal]