MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MARCH 21, 2023

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 PM.
Present: Alderpersons Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan
Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Paula Schafer, Finance Director.

B. Opening Prayer

An opening prayer was given by Pastor McFadden.

C. Pledge of Allegiance

D. Approval of the March 7, 2023 Common Council minutes

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve. Motion carried unanimously.

Mayor Neitzke continued to agenda item E1.

E. Mayor's Report

Mayor Neitzke spoke about Dan Jansen Fest donating a lot of money to install a veteran's memorial in front of the Greenfield Public Library and said that Mr. Mike Dermody, a working foreman in the Division of Public Works, needs a shout out since he designed the plan for it, which saved the City $100,000 in design costs. DPW is installing it, and Dan Jansen Fest is paying for the materials. It should be completed by the end of summer. All the bricks have been moved, and they will go to the northern part of the site. They should be in the exact same order, and will not be damaged. Mary Philips, the Graphics/Clerk Specialist, is working with Mr. Dermody on creating a graphical representation of it, which will be on the website.

Mrs. Phillips is also working on a fact sheet explanation for the assessment revaluation.

Mayor Neitzke said that they will be planting shrubs and evergreens at Konkel Park.

Mayor Neitzke went on to discuss agenda item G.

1. Initial Resolution Authorizing General Obligation Bonds In An Amount Not To Exceed $4,000,000

   Mayor Neitzke presented the bond resolutions and introduced Mr. Joe Murray, the City's financial advisor from Ehlers. Mr. Murray presented the presale report and spoke about the parameters, the bonds, the general obligation debt, that they are 15-year bonds, the bond rating, the levies, interest rates, the resolutions, refunding, and the plan. Mr. Murray answered questions from Mayor Neitzke, Alderperson Collins, and Alderperson Kastner about how the sale has been expedited, when the ratings are published, the City has the third highest rating, and how to obtain a higher rating. Mayor Neitzke talked about the City's tax base being diverse, the City's worth, and maximizing the value of every square inch we have due to our size. Mayor Neitzke and Mr. Murray spoke about industrial property values, assessments, and the TIFs. Mayor Neitzke spoke about past projects and the repayment cycles being completed.

   Alderperson Kastner and Mayor Neitzke spoke about the reassessment, which will have a snippet in the upcoming *Recreator*.

   Motion by Alderperson Collins, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.

2. Initial Resolution Authorizing General Obligation Bonds In An Amount Not To Exceed $100,000

   Motion by Alderperson Kastner, seconded by Alderperson Collins to approve. On a roll call vote, motion carried unanimously.

3. Resolution Authorizing The Issuance And Sale Of Not To Exceed $4,100,000 General Obligation Corporate Purpose Bonds, Series 2023A

Motion by Alderperson Collins, seconded by Alderperson Bailey to approve. On a roll call vote, motion carried unanimously.

Mayor Neitzke said that this allows him to sign paperwork without coming back to the Council, unless there is an exorbitant interest rate. Mayor Neitzke and Mr. Murray talked about rejecting low bids that have a high interest rate.

F. Aldermanic Reports

Alderperson Bailey spoke about the Tree Commission report, Arbor Day is at Konkel Park on Saturday, May 6th, at 10 AM, and Annie's Acres will be replacing the shrubs and planting perennials at Konkel Park.

Alderperson Kastner addressed the Root River Parkway tree damage, stating that it could pose a fire hazard. Mayor Neitzke said that a Division of Public Works crew cleaned up trees by Brookside-Meadow Park and that the County needs to take care of the dead trees. He also spoke about Milwaukee County's $150 million in AARPA money and how it is going to be used to cancel medical debt instead of being used for the parks or for something long-term.

Alderperson Collins spoke about the Park and Recreation Banquet.

Mayor Neitzke circled back to agenda item E.

G. Announcements

H. Citizen Commentary

I. Old Business

1. Appointments to various committees and commissions:

   a. <u>Mayor appointments, confirmed by Council</u>:

      i. One member to the Board of Review for a term to expire 5/1/2026 (formerly James Jaworowicz)
      Place on next agenda.

      ii. One alternate member to the Tree Commission for a term to expire 5-1-24 (formerly Chloe Selkirt)
      Place on next agenda.

J. New Business

1. Claim received from Marcus Crawford. (Goergen)
   Referred to the City Attorney.

2. Approve applications for 2022-2023 operator licenses (Goergen)
   Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve as presented. Motion carried unanimously.

3. Approve a change of agent from James Lee to Julio Pitre, 1001 S. Division St, Waunakee, WI, for the 2022-2023 Class "B" Fermented Malt Beverage Retailer's License held by Portillo's Hot Dogs, LLC, 8705 W. Sura Ln. (Portillo's Hot Dogs). (Goergen)
   Motion by Alderperson Akers, seconded by Alderperson Collins to approve. Motion carried unanimously.

4. A Resolution to memorialize and approve the execution and submission of participation forms related to the TEVA, Allergan, Walgreens, CVS,Walmart Opioid Settlement by the Mayor for the City of Greenfield. (Atty. Geary)
   Motion by Alderperson Collins, seconded by Alderperson Kastner to approve agenda items J4 - J7. On a roll call vote, motion carried unanimously.

5. Approve a Memorandum of Understanding (MOU) between Greenfield Health Department and iCare

HMO (Gorecki)

Approved under agenda item J4.

6. Approval of the Alliance for Wisconsin Youth (AWY) Grant Agreement (Gorecki)

   Approved under agenda item J4.

7. Approval of a Memorandum of Understanding (MOU) between Greenfield Health Department and United Health Care (UHC) HMO (Gorecki)

   Approved under agenda item J4.

8. Deny Site and Architectural Plans for a proposed drive-up ATM to be located at 6205 S. 27 St., submitted by Carolina Moreno d/b/a Implementation Solution Services Inc. and Brian Adamson d/b/a College Venture, JVLLC (Tax Key No. 691-9841-016) (PC-3/14/23 Kastner)

   Mayor Neitzke said that there aren't any stand-alone ATMs in the City and that they are part of an existing building.

   Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve agenda items J9 and J10 as presented with the denial of agenda item J8. On a roll call vote, motion carried unanimously.

9. Approve a Special Use Review and Site Plan Review for Auto Glass Now, a business to located at 8333 W. Layton Ave., submitted by Jeannette Lucas, d/b/a Auto Glass Now and Bilal Amjad d/b/a Ali's Group, Inc. (Tax Key No. 616-8987-004) (PC-3/14/23 Kastner)

   Approved under agenda item J8.

10. Approve a Site Plan Review for Pho Viet, an existing restaurant located at 5475 S. 27 St., submitted by Alex Nguyen, d/b/a Viet Pho, LLC. (Tax Key No. 645-9002-000) (PC-3/14/23 Kastner)

    Approved under agenda item J8.

11. Approve a contract for the project number 2226 Sanitary Sewer Lining with Visu-Sewer in the amount of $ 233,517.50. (Katz)

    Motion by Alderperson Collins, seconded by Alderperson Akers to approve agenda items J11 - J13. On a roll call vote, motion carried unanimously.

12. Approve a contract for the project number 2229 Sanitary Sewer Spot Repair with AW Oakes & Son in the amount of $ 158,780.00. (Katz)

    Approved under agenda item J11.

13. Approve a Cost Sharing Memo of Understanding with the City of Milwaukee for a street improvement project on Howard Avenue. (Katz)

    Approved under agenda item J11.

14. Approve the Outdoor Special Event application for the Celebration of Life for Alan Kulwicki, to be located at Kulwicki Park, 10777 W. Cold Spring Rd., April 1, 2023 and all applicable licenses/permits. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

    Motion by Alderperson Collins, seconded by Alderperson Kastner to approve with the fees waived.

    Mayor Neitzke said that if the fees have been paid, then they should be refunded.

    On a roll call vote, motion carried unanimously.

15. Approve the Outdoor Special Event application for the Dan Jansen Family Fest, to be located at Konkel Park, 5151 W. Layton Ave., May 25 – 29, 2023, and all applicable licenses/permits, and waive application fees, and waive the Mun. Code operating time limit of 10:00 p.m. to allow the finishing time for both beer service and band performance to be 11:00 p.m. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Operator's Licenses, Temporary Class "B" Retailer's License (beer), Food, and commercial building/electrical/plumbing. *Requesting Council approval to allow*

unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Motion by Alderperson Akers, seconded by Alderperson Bailey to approve. On a roll call vote, motion carried unanimously.

16. Approve the Outdoor Special Event application for The Salvation Army Community Rummage Sale event, to be located at 2900 W. Cold Spring Rd., June 3, 2023, and all applicable licenses/permits, and waive application fee. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

    Motion by Alderperson Kastner, seconded by Alderperson Collins to approve agenda items J16 and J17. On a roll call vote, motion carried unanimously.

17. Approve the Outdoor Special Event application for The Salvation Army Outdoor Worship Service events, to be located at 2900 W. Cold Spring Rd., Sundays June 18, 2023, and all applicable licenses/permits, and waive application fee. Application includes the following combination of licenses/permits: Outdoor Special Event. (Porter)

    Approved under agenda item J16.

K. Items for future agenda

L. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 7:47 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 3/24/2023

RESOLUTION NO. 3902

INITIAL RESOLUTION AUTHORIZING
GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED
$4,000,000

BE IT RESOLVED by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Bonds in an amount not to exceed $4,000,000 for the purpose of paying the costs of street improvements and bond issuance costs.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish a Notice to Electors in MJS-Southwest NOW, within fifteen (15) days of the adoption and recording of the foregoing resolution.

BE IT FURTHER RESOLVED that the Finance Director (in consultation with the City's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared an Official Notice of Sale and an Official Statement and take other actions necessary for the sale of the Bonds.

Adopted this 21st day of March, 2023.

Michael J. Neitzke,
Mayor

ATTEST:

Jennifer Goergen,
City Clerk

(SEAL)

RESOLUTION NO. 3903

INITIAL RESOLUTION AUTHORIZING
GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED
$100,000

BE IT RESOLVED by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Bonds in an amount not to exceed $100,000 for the purpose of paying the costs of DPW building HVAC controls and bond issuance costs.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish a Notice to Electors in MJS-Southwest NOW, within fifteen (15) days of the adoption and recording of the foregoing resolution.

BE IT FURTHER RESOLVED that the Finance Director (in consultation with the City's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared an Official Notice of Sale and an Official Statement and take other actions necessary for the sale of the Bonds.

Adopted this 21st day of March, 2023.

____
Michael J. Neitzke,
Mayor

ATTEST:

____
Jennifer Goergen,
City Clerk

(SEAL)

RESOLUTION NO. 3904

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED $4,100,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2023A

WHEREAS, on this date, the Common Council of the City of Greenfield, Milwaukee County, Wisconsin (the "City") adopted two (2) Initial Resolutions authorizing the issuance of general obligation bonds in an aggregate amount not to exceed $4,100,000 for the purpose of paying the following costs: not to exceed $4,000,000 for the purpose of paying the costs of street improvements (the "Street Improvement Project"); and not to exceed $100,000 for the purpose of paying the costs DPW building HVAC controls (the "DPW Project") (hereinafter, the Street Improvement Project and the DPW Project shall be collectively referred to as the "Project");

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

WHEREAS, the Common Council hereby finds and determines that the general obligation bond issues heretofore authorized by the Initial Resolutions shall be combined, issued and sold as a single issue of general obligation corporate purpose bonds in the aggregate principal amount of not to exceed $4,100,000.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City that:

Section 1. Authorization of the Bonds; Parameters. For the purpose of paying the cost of the Project, there shall be borrowed from a purchaser (the "Purchaser") selected through a competitive sale with the assistance and counsel of the City's financial advisor, Ehlers and Associates, Inc., pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of not to exceed FOUR MILLION ONE HUNDRED THOUSAND DOLLARS ($4,100,000), provided that: (i) the price paid by the Purchaser for the Bonds shall not be less than 98.75% of the par amount of the Bonds and not more than 108.00% of the par amount of the Bonds, (ii) the true interest rate to be paid on the Bonds (taking the Purchaser's compensation into account) shall not exceed 5.50%; and (iii) the Bonds shall comply in all other respects with the terms provided herein.

Section 2. Sale of the Bonds; Delegation of Authority with Respect to Final Approval. Subject to such Final Approval (defined below), to evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation corporate purpose bonds aggregating the principal amount of not to exceed FOUR MILLION ONE HUNDRED THOUSAND DOLLARS ($4,100,000) (the "Bonds"). The issuance and sale of the Bonds to the Purchaser is subject to final approval by the Finance Director or the Mayor. Such final approval shall be evidenced by the execution of an approving certificate (the approval of such issuance and sale, and the execution of said certificate shall comprise and are referred to collectively herein as the "Final Approval"). The Common Council hereby delegates the authority to provide such Final Approval to the Finance Director or the Mayor. Said officers may act for the Common Council to provide such Final Approval with respect to the Bonds.

Section 3. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2023A"; shall be dated as of their date of issuance; shall be in the denomination of $5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature serially on April 1 of each year, in the years and principal amounts as set forth on the Schedule attached hereto as Exhibit A, provided, however, that the annual principal maturities set forth on said Schedule may be increased or decreased by up to $100,000 as necessary to facilitate the competitive sale of the Bonds with the final maturity schedule being attached to and incorporated into the Final Approval. The maturity schedule for the Bonds may include term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption and must conform to the maturity schedule requirements set forth above. If the final maturity schedule for the Bonds includes term bonds, the Mayor and City Clerk are hereby authorized to enter into a fiscal agency agreement pursuant to Section 67.10(2) of the Wisconsin Statutes with a fiscal agent (the "Fiscal Agent") or a redemption agreement with a redemption agent, either of which will be identified in the Final Approval.

Section 4. Designation of Purchaser as Agent. The City hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 5. Redemption Provisions. The redemption provisions for the Bonds shall be set forth in the Final Approval.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged and a direct annual irrepealable tax sufficient for that purpose is hereby levied upon all taxable property of the City. The amounts of said direct annual irrepealable tax to be levied shall be as set forth in the amortization schedule attached to the Final Approval.

The direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created by Section 8 hereof.

Section 7. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 8. Debt Service Fund Account. There is hereby established a fund account separate and distinct from every other City fund or account to be designated "Debt Service Fund Account for City of Greenfield General Obligation Corporate Purpose Bonds, Series 2023A." There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 9. Borrowed Money Fund. The whole proceeds of the Bonds herein provided for (other than any accrued interest which must be paid at the time of delivery of the Bonds into the Debt Service Fund Account created in Section 8 hereof) shall be segregated in a special fund upon receipt and shall be used solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Section 10. Arbitrage Covenant. The Bond Proceeds may be temporarily invested in legal investments until needed provided, however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account in connection with the Bonds, whether or not such moneys were derived from the proceeds of the sale of the Bonds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable regulations including Sections 1.148-1 through 1.148-11 of the income tax regulations, as the same exist on this date, or may from time to time hereafter be amended, supplemented or revised.

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

Section 11. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

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

The City anticipates that it will qualify for the "small issuer" exception from rebate in accordance with Section 148(f)(4)(D) of the Code. The City covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety five percent (95%) or more of the net proceeds of the Bonds allocable to the Projects are to be used for local governmental activities of the City; and that the aggregate face amount of all tax exempt obligations (other than "private activity bonds") issued by the City, including all subordinate entities of the City, during calendar year 2023 will not exceed $5,000,000. If for any reason the City did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

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

Section 12. Persons Treated as Owners; Transfer of Bonds. The City's Clerk or Treasurer or the Fiscal Agent shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

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

Section 13. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and an official of the City has executed such Letter of Representation and delivered it to the DTC on behalf of the City.

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

Section 15. Payment of the Bonds. The principal of and interest on the Bonds shall be paid by the City Treasurer or the Fiscal Agent in lawful money of the United States.

Section 16. Continuing Disclosure. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate, which the City Clerk will execute and deliver on the Closing Date. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Cityor any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 21st day of March, 2023.

Michael J. Neitzke,
Mayor

ATTEST: (SEAL)

Jennifer Goergen,
City Clerk

RESOLUTION NO. 2023 - <u>3905</u>

A RESOLUTION TO MEMORIALIZE AND APPROVE THE EXECUTION AND SUBMISSION OF PARTICIPATION FORMS RELATED TO THE TEVA, ALLERGAN, WALGREENS, CVS, WALMART OPIOID SETTLEMENT BY THE MAYOR FOR THE CITY OF GREENFIELD.

WHEREAS, in November of 2019, the Common Council authorized the City to enter into an engagement agreement with Phipps Ortiz Talafuse LLC, previously operating under the name Phipps Deacon Purnell PLLC (the "Law Firm") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the City's expenditure of vast money and resources to combat the opioid epidemic; and

WHEREAS, on behalf of the City, the Law Firm filed a lawsuit against the Opioid Defendants; and

WHEREAS, the Law Firm filed similar lawsuits on behalf of other Wisconsin Municipalities in state court in Wisconsin but the Wisconsin cases were removed to federal court and are currently coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned In re: Opioid Litigation, MDL 2804 (the "Litigation"); and

WHEREAS, additional Wisconsin cities and counties hired separate counsel and joined the Litigation; and

WHEREAS, since the inception of the Litigation, the Law Firm has coordinated with counsel from around the country (including counsel for other Wisconsin cities and counties) to prepare the City's case for trial and engage in extensive settlement discussions with the Opioid Defendants; and

WHEREAS, a new proposed settlement came out of the Litigation involving the following Opioid Defendants: TEVA, Allergan, Walgreens, CVS, and Walmart in the beginning of 2023; and

WHEREAS, on March 20, 2023, the Mayor executed and submitted required participation form regarding the City's participation in this new settlement.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby memorializes and fully approves the signature of the Mayor on the TEVA, Allergan, Walgreens, CVS, and Walmart settlement participation forms and the submission of said forms on March 21, 2023.

This Resolution was adopted by the Common Council for the City of Greenfield on March 21, 2023.

CITY OF GREENFIELD

By: ______________________________

Michael J. Neitzke, Mayor

Attest: ______________________________

Jennifer Goergen, City Clerk