

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, APRIL 5, 2011**

The Tuesday, April 5, 2011 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Oppermann. Members present were: Ald. Beyer, Ald. Peachey, Ald. Carnes, Ald. Cross, Ald. Krause, Ald. Miller, Ald. Brandel and Ald. Tully. Also present were: City Administrator Freitag and City Attorney Brantmeier. Minutes taken by City Attorney Brantmeier.

PUBLIC PARTICIPATION

None.

DISCUSSION: LAMAR ADVERTISING BILLBOARD RELOCATION PROPOSAL

Administrator Freitag explained the letter request of Lamar who has 3 existing billboards in corp. limits. Lamar is offering to take down 2 “in-city” billboards in exchange for a larger elevated double sided billboard on the Bielke property by the bypass. These signs have legal, non-conforming uses. It was the general consensus of the City to explore avenues to reduce the overall non-conforming billboards. Ald. Carnes worries about opening up a can of worms. Mayor Oppermann liked the idea of moving the billboards out to the bypass.

AN ORDINANCE TO CREATE SECTION 230-16.5 OF THE CITY OF JEFFERSON MUNICIPAL CODE REGULATING MERCURY DISCHARGES INTO THE SANITARY SEWER FROM DENTAL OFFICES

Ald. Brandel introduced Proposed Ordinance #4-11.

**CITY OF JEFFERSON
ORDINANCE #4-11**

AN ORDINANCE TO CREATE SECTION 230-16.5 OF THE CITY OF JEFFERSON MUNICIPAL CODE REGULATING MERCURY DISCHARGES INTO THE SANITARY SEWER FROM DENTAL OFFICES

THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN DO
ORDAIN AS FOLLOWS:

Section 1. 230-16.5 Amalgam Management at Dental Offices

- A. This section applies to any dental office that places or removes ten (10) or more amalgam fillings per calendar year. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics, then this section does not apply.

- B. All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.
- C. Within the shortest reasonable time, but not later than July 1, 2012, every vacuum system where amalgam is placed or removed shall include shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- D. On or before July 1, 2012, each dental office shall provide a report providing the following information:
 - (1) If installation of the amalgam separator is complete, then the report shall identify the installation date, manufacturer, and the installation date.
 - (2) If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.
- E. If a dental office has provided a report according to sub. (4)(b), then the dental office shall notify the Wastewater Facility of the completion of installation within five days after completion.
- F. From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing:
 - (1) The name, address, and the telephone number of the initial recipient of the amalgam waste.
 - (2) The shipping date and a volume or mass for each shipment.
 - (3) The final location where the mercury will be recovered.
- G. Dental offices shall maintain these records for a minimum of five years. Dental offices shall send a copy of these records by January 31, for the previous calendar year, to the Wastewater Facility.
- H. Dental offices shall allow the Wastewater Facility to inspect the vacuum system, amalgam separator, and amalgam waste storage areas.
- I. Inspections shall occur during the normal operating hours of the dental office. The Wastewater Plant shall inspect dental offices according to appointments made in advance, as long as this advanced notice does not impede enforcement of this section.
- J. If a dental office is implementing the best management practices required by sub. (2), and is maintaining the amalgam separator required by sub. (3), then any numerical discharge limit for mercury established in any other section of this chapter does not apply.

Section 2. Violations and Penalties. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, Article I of this code. The initial forfeiture is set at \$100.00 for first offense, \$200.00 for each offense thereafter, but may be set annually by the Council and itemized in Section 1-4 (c)(1) of the City Code, together with the actual cost of prosecution.

Section 3. This ordinance shall take effect upon passage and publication as required by law.

This was a first reading. (Brandel)

CONSENT AGENDA

Ald. Beyer introduced Resolution No. 114.

**CITY OF JEFFERSON
RESOLUTION NO. 114**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 5, 2011 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for March 2011 in the amount of \$233,537.61 Payroll Summary for March 11 and March 25, 2011 in the amounts of \$141,243.70 and \$150,673.65.
- ◆ Council Minutes from the March 15, 2011 Meetings of the Common Council.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses (Linda Riedel, Tammy Bulke, Jason Taylor)
 - ◆ Special Class B Licenses
Jefferson Chamber for Concerts in the Park consistent with the dates on the application

Ald. Beyer, seconded by Ald. Tully moved to recommend Resolution No. 114. On call of the roll, motion carried unanimously. Note: Ald. Miller & Ald. Brandel abstained from the approval of the minutes due to their absence.

RESOLUTION AUTHORIZING THE TEMPORARY LEASE OF CITY RIGHT OF WAY TO JEFFERSON CRUISE NIGHTS, LLC

Ald. Krause introduced Resolution No. 115.

**CITY OF JEFFERSON
RESOLUTION NO. 115**

BE IT RESOLVED by the Common Council of City of Jefferson that Chrysler Boulevard is hereby temporarily closed on June 1, July 6, August 3, September 7 and October 5, 2011 from 3:00 pm to 10:00pm to provide space and traffic flow for the 3rd Annual Cruise Nights, and

BE IT FURTHER RESOLVED that said right-of-way is hereby leased to Jefferson Cruise Nights LLC, in the sum of \$1.00 (for each occurrence) for said time-frame.

Ald. Beyer explained it unanimous in regulatory and encouraged everyone to attend.

Ald. Krause, seconded by Ald. Beyer moved to recommend Resolution No. 115. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY – LUNA’S MARKET

Ald. Tully introduced Resolution No. 116.

**CITY OF JEFFERSON
RESOLUTION NO. 116**

BE IT RESOLVED by the Common Council of the City of Jefferson that Luna’s Market is hereby allowed to sell Mexican Food at Riverfront Park (per the map on application) on May 14th, 2011 and at Rotary Park (parking in lot by the Depot or across the street from City Hall along railroad tracks) for Concerts in the Park.

Ald. Beyer explained the applicant came to Regulatory and is excited to come to Jefferson. Family/community oriented food and fun are planned for the event.

Ald. Tully, seconded by Ald. Krause moved to recommend Resolution No. 116. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT CARDIAC MONITOR FOR THE JEFFERSON EMERGENCY MEDICAL SERVICE (EMS)

Ald. Miller introduced Resolution No. 117.

**CITY OF JEFFERSON
RESOLUTION NO. 117**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes the City Administrator and Emergency Medical Services Director to purchase a LifePak Cardiac Monitor from Physio-Control in the amount of \$29,922.75. Physio-Control is the apparent low bidder. Funding for the purchase is to come from the Capital Improvement Project and Equipment Replacement Fund. Funding in the amount of \$33,000 is included in the FY 2011 City of Jefferson Budget for the purchase of the equipment.

Sue Reinen explained that the unit replaces one that they currently have, but the new one will do 12 EKG’s in field and can be sent to the hospital from field. ER doctors can direct EMT’s where to transport.

Ald. Miller, seconded by Ald. Brandel moved to recommend Resolution No. 117. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF AN AGREEMENT FOR THE PUBLIC WORKS FLOOD BERM ADDITION

Ald. Brandel introduced Resolution No. 118.

**CITY OF JEFFERSON
RESOLUTION NO. 118**

Authorizing the Award and Execution of an Agreement for the Public Works Flood Berm Addition

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained six bids for the completion of the Public Works Flood Berm Addition project also known as the Flood Levee Project at the Public Works Facility, which will provide protection from future flood events like what occurred during the 2008 flood event.

WHEREAS, the lowest bidder for the Public Works Flood Berm Addition project was Gilbank Construction, Inc. of Clinton, Wisconsin, and

WHEREAS, the Public Works Flood Berm Addition is funded through an award of a Community Development Block Grant (CDBG) to the City of Jefferson by the Wisconsin Department of Commerce, and

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to award the bid and enter into an agreement with Gilbank Construction, Inc. for Base Bid for the contract amount of \$232,490.00 for the lump sum base bid, allowance for soil testing and supplemental bid items, where the contractor will be paid a lump sum to complete all work outlined in the plans and specifications and the supplemental bid items and allowances will be used only if directed by the Owner/Engineer.

Tim Freitag explained it was a good bid environment and that the bid was below project estimates.

Ald. Brandel, seconded by Ald. Carnes moved to recommend Resolution No. 118. On call of the roll, motion carried unanimously

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF AN AGREEMENT FOR THE 2011 RIVERBANK PROTECTION AND UTILITIES IMPROVEMENTS – ROCK RIVER RIPRAP

Ald. Carnes introduced Resolution No. 119.

**CITY OF JEFFERSON
RESOLUTION NO. 119**

**Authorizing the Award and Execution of an Agreement for the 2011 Riverbank
Protection and Utilities Improvements – Rock River Riprap**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained eight bids for the completion of 2011 Riverbank Protection and Utility Improvements – Rock River Riprap project also known as Streambank Stabilization Project along Riverview Drive, which will provide bank protection from erosion and repair damage to the Rock River bank and storm sewer that occurred during the 2008 flood event.

WHEREAS, the lowest bidder for the 2011 Riverbank Protection and Utility Improvements – Rock River Riprap project was Highway Landscapers, Inc. of Kaukauna, Wisconsin, and

WHEREAS, the 2011 Riverbank Protection and Utility Improvements – Rock River Riprap project is funded through an award of a Community Development Block Grant (CDBG) to the City of Jefferson by the Wisconsin Department of Commerce, and

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to award the bid and enter into an agreement with Highway Landscapers Inc. for Base Bid for the contract amount of \$150,800.00 and award and enter into an agreement with Highway Landscapers, Inc. for Bid Alternate Alt-1 for the contract amount of \$55,400.00 with the contingency that the permit is granted by the Wisconsin Department of Natural Resources for riprap placement on the Bid Alternate Alt-1 part of the project.

Administrator Freitag explained that the City did get the permit to rip rap from Hwy 26 to the wastewater treatment.

Mayor Oppermann further explained that the bids came in lower than anticipated, which is great for our project and community.

Ald. Carnes, seconded by Ald. Peachy moved to recommend Resolution No. 119. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH MONTGOMERY ASSOCIATES: RESOURCE SOLUTIONS, LLC TO
PROVIDE CONSTRUCTION ADMINISTRATION PROFESSIONAL SERVICES
FOR THE STREAMBANK STABILIZATION PROJECT ALONG RIVERVIEW
DRIVE**

Ald. Cross introduced Resolution No. 120.

CITY OF JEFFERSON

RESOLUTION NO. 120

Authorizing the Execution of an Agreement with Montgomery Associates: Resource Solutions, LLC. to Provide Construction Administration Professional Services for the Streambank Stabilization Project Along Riverview Drive

WHEREAS, the City of Jefferson sent out a request for qualifications for the Streambank Stabilization Project along Riverview Drive and received statements of qualifications for this project, and

WHEREAS, the statements of qualifications were rated on the firm's experience, professional competence, capacity and proposals and Montgomery Associates: Resource Solutions, LLC rated the highest in the formal rating process, and

WHEREAS, the City of Jefferson previously authorized Montgomery Associates: Resource Solutions, LLC to provide Professional Services for the design, bidding document preparation and assistance through the bidding process, and

WHEREAS, Montgomery Associates: Resource Solutions, LLC provided the City of Jefferson with an estimated cost of \$30,900 to complete construction administration professional services which includes construction administration, construction inspection, and grant administration services, and

WHEREAS, the Streambank Stabilization Project along Riverview Drive is funded through an award of a Community Development Block Grant (CDBG) to the City of Jefferson by the Wisconsin Department of Commerce, and

NOW, THEREFORE, BE IT RESOLVED, that the City of Jefferson authorizes and directs the City Administrator to execute the referenced contract documents on behalf of the City of Jefferson upon review by the City Attorney as well as review and acceptance by the Wisconsin Department of Commerce.

Ald. Cross, seconded by Ald. Miller moved to recommend Resolution No. 120. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TOWN AND COUNTRY ENGINEERING, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION PROFESSIONAL SERVICES FOR THE FLOOD LEVEE PROJECT AT THE PUBLIC WORKS FACILITY

Ald. Peachey introduced Resolution No. 121.

**CITY OF JEFFERSON
RESOLUTION NO. 121**

Authorizing the Execution of an Agreement with Town and Country Engineering, Inc. to Provide Construction Administration Professional Services for the Flood Levee Project at the Public Works Facility

WHEREAS, the City of Jefferson sent out a request for qualifications for the flood levee project around the Public Works Facility and received statements of qualifications for this project, and

WHEREAS, the statements of qualifications were rated on the firm's experience, professional competence, capacity and proposals and Town and Country Engineering, Inc. rated the highest in the formal rating process, and

WHEREAS, the City of Jefferson previously authorized Town and Country Engineering, Inc. to provide Professional Services for the design, bidding document preparation and assistance through the bidding process, and

WHEREAS, Town and Country Engineering, Inc. provided the City of Jefferson with an estimated cost of \$24,800 to complete construction administration professional services which includes construction administration, construction inspection, and grant administration services, and

WHEREAS, the flood levee project around the Public Works Facility is funded through an award of a Community Development Block Grant (CDBG) to the City of Jefferson by the Wisconsin Department of Commerce, and

NOW, THEREFORE, BE IT RESOLVED, that the City of Jefferson authorizes and directs the City Administrator to execute the referenced contract documents on behalf of the City of Jefferson upon review by the City Attorney as well as review and acceptance by the Wisconsin Department of Commerce.

Administrator Freitag gave a brief summary. Both this and the preceding matter involved engineering companies for design. Now asking the State to keep companies to contract supervision engineering over the projects.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 121. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR RELAYING OF SANITARY SEWER ON PART OF THE 200 BLOCK OF WEST MILWAUKEE STREET

Ald. Tully introduced Resolution No. 122.

**CITY OF JEFFERSON
RESOLUTION NO. 122**

Authorizing the Execution of an Agreement for the Relaying of Sanitary Sewer on the part of the 200 Block of West Milwaukee Street

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained quotes for relining and the replacement of sanitary sewer on part of the 200 block of West Milwaukee Street from Wisconsin Drive to South Seifert Avenue.

WHEREAS, the City of Jefferson found it to be in its best interest to replace the sanitary sewer as part of the water main replacement and street reconstruction on part of the 200 block of West Milwaukee Street, and

WHEREAS, the sanitary sewer improvement and street reconstruction has been budgeted for in 2011 from the Capital Projects/Equipment Fund, and

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to enter into an agreement with G.M.S Excavators, Inc. for \$15,714.00 to replace the sanitary sewer on part of the 200 block of West Milwaukee Street and to assist with pavement removal.

Administrator Freitag explained that power and lights have the same contractor doing water with an open cut. The City can relay the sewer main at the same time the utility relays the water main. This is most cost effective. PW to do the rest of the road.

Ald. Tully, seconded by Ald. Krause moved to recommend Resolution No. 122. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Brandel moved to adjourn to Closed Session Pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss the Investment of Public Funds as it Relates to Action Lift Chair. On call of the roll, motion carried unanimously.

Ald. Brandel, seconded by Ald. Carnes moved to reconvene to Open Session. On call of the roll, motion carried unanimously.

Ald. Peachy, seconded by Ald. Tully moved to adjourn the April 5, 2011 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the April 5, 2011 meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.

Please Publish: ASAP

Need an affidavit

Not in the legal section