

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
WEDNESDAY, APRIL 7, 2010**

The Wednesday, April 7, 2010 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Myers. Members present were: Ald. Beyer, Ald. Tully, Ald. Carnes, Ald. Cross, Ald. Endl, Ald. Oppermann and Ald. Brandel. Also present were: City Engineer Weiss, City Administrator Freitag and City Attorney Brantmeier. Absent: Ald. Peachey

PUBLIC PARTICIPATION

None.

DISCUSSION: CITY OF JEFFERSON ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)

City Administrator Freitag discussed the City of Jefferson Energy Efficiency and Conservation Block Grant.

AN ORDINANCE TO AMEND SECTION 230-5 OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO WASTEWATER RATES

Ald. Brandel introduced Proposed Ordinance #6-10 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #6-10**

An Ordinance to Amend Section 230-5 of the City of Jefferson Municipal Code Related to the Wastewater Rates for the City of Jefferson.

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

Section 1. Section 230-5 is hereby amended as it relates to Wastewater Rates for the City of Jefferson

§ 230-5. Amount of user charges. [Amended 10-18-2005 by Ord. No. 16-05; 10-18-2005 by Ord. No. 17-05]

- A. Sewerage service charges. There is hereby levied and assessed upon each lot, parcel of land, building, premises or unit having a connection with the wastewater works a sewerage service charge based upon the quantity of wastewater discharged, pursuant to § 66.0821, Wis Stats., as amended or renumbered from time to time. Such sewerage service charges shall be billed to the person owning, using or occupying the property served. The sewerage service charges shall consist of a fixed monthly charge and a variable charge as set forth in the following sections.
- B. Fixed charge.
 - (1) The fixed charge shall be a minimum monthly charge for all users based in part upon the number of meters connected to the wastewater works and in part upon the size of such

meter or meters. Significant contributors shall have a separately computed fixed charge which will exclude the bond depreciation, bond reserve account and new debt retirement (other than I/I) components from the fixed charge shown in the following schedule, such components to be paid for pursuant to § 230-3 of this article.

(2) Fixed service charges are as follows:

Meter Size (inches)	Monthly Charges Effective June 1, 2010	Monthly Charges Effective June 1, 2011
5/8	\$13.25	\$13.50
3/4	\$20.00	\$20.00
1	\$33.00	\$33.00
1 1/2	\$66.50	\$67.00
2	\$106.50	\$107.00
3	\$199.50	\$200.00
4	\$332.50	\$334.00
6	\$665.00	\$668.00
6 contract	\$365.00	\$369.00

Rural customer surcharge: 25%

C. Variable charge.

(1) Users will be billed on a monthly basis for the volume and strength of wastewater discharged to the wastewater works.

(2) Normal domestic sewage.

(a) Effective June 1, 2010: \$2.83 per 1,000 gallons or \$2.12 per 100 cubic feet.

(b) Effective June 1, 2011: \$3.21 per 1,000 gallons or \$2.40 per 100 cubic feet.

(3) Sewage of greater than normal strength.

(a) Charges to users discharging wastewater of greater than normal strength will be assessed a surcharge based on the amount by which the wastewater exceeds the normal strength of wastewater, which is 275 milligrams per liter BOD5, 320 milligrams per liter SS, 23 milligrams per liter NH3-N and eight milligrams per liter P. The following rates will be used:

Parameter	Monthly Charges Effective June 1, 2010	Monthly Charges Effective June 1, 2011
BOD5	\$0.361 per lb.	\$0.392 per lb.
SS	\$0.218 per lb.	\$0.241 per lb.
N (ammonia)	\$1.175 per lb.	\$1.288 per lb.
P (phosphorus)	\$4.234 per lb.	\$4.990 per lb.

(b) Charges to users discharging wastewater of greater than normal strength shall be computed in accordance with the formula presented below:

Effective June 1, 2010:

$$C = \$2.83 \times V + .00834 \times V \times [(\$0.361 \times B) + (\$0.218 \times S) + (\$1.175 \times N) + (\$4.234 \times P)]$$

Effective June 1, 2011:

$$C = \$3.21 \times V + .00834 \times V \times [(\$0.392 \times B) + (\$0.241 \times S) + (\$1.288 \times N) + (\$4.990 \times P)]$$

Where:

C = Charge to sewer user for operation, maintenance and replacement costs for treatment works.

V = Wastewater volume in 1,000 gallons.

B = Concentration of BOD from a user above the normal strength of 275 mg/l.

S = Concentration of suspended solids from a user above the normal strength of 320 mg/l.

N = Concentration of ammonia nitrogen from a user above the normal strength of 23 mg/l.

P = Concentration of phosphorus from a user above normal strength of 8 mg/l.

\$2.83/\$3.21 = Charge for that portion of the waste equal to normal strength wastewater. Includes cost for treating 275 mg/l, BOD5, 320mg/l SS, 23 mg/l N and 8 mg/l P.

.00834 = Conversion factor (mg/l to lb).

- (c) Surcharges will be computed by multiplying flow times strength (mg/l) daily and adding the pounds for the month. Total flow for the month will be multiplied by the residential strength and the result compared to the actual pounds discharged. Surcharges will be applied to pounds in excess of residential strength on the basis of the month's results. In no event will a user pay less per 1,000 gallons of flow than the charge for normal strength wastewater, which includes an imputed level of pounds of BOD, SS, NH3-N and P.
- (4) Holding tank and septage waste charges to licensed dischargers shall be computed on the following basis:
- (a) Holding tank discharges shall include the following:

Charge	Amount	
	June 1, 2010	June 1, 2011
Total volume/strength charge	\$6.69	\$7.17
Dumping charge	\$5.00	\$5.00
Surcharge of 25%	\$2.92	\$3.04
Total charge per thousand gallons	\$14.61	\$15.21

- (b) Septage waste discharges shall include the following:

Charge	Amount	
	June 1, 2010	June 1, 2011
Total volume/strength charge	\$42.88	\$47.09
Dumping charge	\$7.50	\$7.50
Surcharge of 25%	\$12.59	\$13.65
Total charge per thousand gallons	\$62.97	\$68.24

D. Special assessments. Not included in the sewerage service charges above are the costs associated with providing local collecting facilities to users, which the City may assess by

special assessment, in whole or in part, to the property benefited thereby.

- E. Residential summer sewer charge. Residential sewer customers shall pay, in addition to the fixed charge, a variable charge as set forth in Subsection C(1) for the months of September through April, inclusive, which shall be calculated based on the total water usage as determined by the Water Utility. During the months of May through August, inclusive, the following method for calculating the volume shall be used:
- (1) During the month of May each year, the Water Utility shall calculate the eight-month average water usage for each residential customer. The eight-month average shall be based on the actual water usage during the preceding eight-month period (September through April inclusive). The calculated average shall be used for each respective residential customer's sewer charge during the months of May, June, July and August. In the event that a residential customer's actual monthly water usage is less than the calculated average summer sewer volume charge, the customer's sewer charge shall be based on the actual water usage for each respective month.
 - (2) If a residential customer has received water and sewer service for less than an eight-month period, the sewer volume charge for the months of May, June, July and August shall be calculated based on the overall average for all of the City's residential customers, plus 10%. In the event that a residential customer's actual monthly water usage is less than the calculated average summer sewer volume charge, the customer's sewer charge shall be based on the actual water usage for each respective month.
 - (3) In those instances where water usage for one or more of the eight months included in the winter base is less than 50% of that customer's average base, said month or months shall be eliminated from the base calculation.

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law.

This was a first reading.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 115.

**CITY OF JEFFERSON
RESOLUTION NO. 115**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 7, 2010 is hereby adopted.

The consent agenda for tonight includes:

- + Vouchers Payable for April 2010 in the amount of \$107,106.56 and Payroll Summaries for March 12 and March 26, 2010 in the amounts of \$129,192.99 and \$143,248.78.
- + Council Minutes from the March 16, 2010 Meetings of the Common Council and the Minutes from the October 30, 2008 Special Common Council Meeting.
- + Licenses as Approved by the Regulatory Committee.

- ◆ Operator's Licenses
- ◆ Special Class B Licenses
- ◆ Beer License (6 month) – Blue Devils License.

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 115. On call of the roll, motion carried unanimously. Ald. Oppermann abstained from approval of the minutes due to his absence.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE DEMOLITION OF 105 SOUTH CENTER AVENUE

Ald. Carnes introduced Resolution No. 116.

**CITY OF JEFFERSON
RESOLUTION NO. 116**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained twelve bids for the demolition and all associated work for the removal of the building at 105 South Center Avenue also known as 128/130 East Racine Street.

WHEREAS, the City of Jefferson will allocate funds from TID #5 for the demolition of 105 South Center Avenue.

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to enter into an agreement with (*Siegler Grading & Excavating, LLC. of Elkhorn, Wisconsin*) in the amount not to exceed (\$21,000) for demolition and complete removal of the building at 105 South Center Avenue.

******The recommended Bidder and Bid Price shown in parenthesis and italics for reference.***

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

RESOLUTION IN SUPPORT OF WISCONSIN CABLE CONSUMER REPAIR LEGISLATION

Ald. Oppermann introduced Resolution No. 117.

**CITY OF JEFFERSON
RESOLUTION NO. 117**

IN SUPPORT OF WISCONSIN CABLE CONSUMER REPAIR LEGISLATION

WHEREAS, ACT 42 (The Video Competition Bill) was enacted into law in January of 2008, and

WHEREAS, Act 42 abrogated all local cable TV franchises and established statewide licensing under the Department of Financial Institutions, and

WHEREAS, Act 42 reduced local authority over cable operator access to Rights of Way and consumer protections without increasing state enforcement capabilities in the area of consumer protection, and

WHEREAS, Act 42 has done great harm to Wisconsin's public, education, and government access (PEG) community television channels by

- Eliminating in 2011, PEG fees paid to local municipalities,
- Imposing costs for transmission equipment upon local municipalities that were traditionally the responsibility of the cable operator,
- Allowing video providers to move community channels out of the basic channel lineup (channels 2-23) and into the 90's and digital 900's for no apparent reason,
- Allowing video providers to reduce the quality, functionality and accessibility of community channels particularly by carrying community channels as websites under a series of menus.

WHEREAS, Act 42 promised "lower rates" in return for the above noted additional expenses, reduced revenues, reduced community programming accessibility and quality, and reduced local authority,

WHEREAS, Act 42 failed to deliver "lower rates" for the City of Oak Creek cable subscribers,

NOW, THEREFORE, BE IT RESOLVED, that the City of Oak Creek does endorse the provisions of LRB 0945/7, the Cable Consumer Repair Bill, which seek to

- Rescind the sunset of PEG fees and allow municipalities to reinstate them up to 1%,
- Move oversight from the Department of Financial Institutions to the Public Service Commission,
- Mandate that video providers be required to pay for any change to the format of the community programming signal, transmission equipment, and the first 200 feet of a moved transmission line (clarification),

- Provide community access channels near to and with the same accessibility, functionality and quality as that provided to local broadcast television stations on the basic tier,
- Require that community access channels be viewable by every subscriber without additional service or equipment charges and without material degradation.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Speaker of the Assembly Michael Sheridan, Leader of the Senate Russ Decker, Representatives Gary Hebl (author), Representative Andy Jorgenson and Senator Scott Fitzgerald.

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

Ald. Carnes, seconded by Ald. Beyer to move to adjourn to Closed Session pursuant to Section 19.85 (1)(g) of the Wisconsin State Statutes to Discuss Potential Litigation as it Concerns TID Payments for the Brickyard Subdivision and Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss Preliminary Negotiations Concerning the Tyson Relocation Project. On the call of the roll, motion carried unanimously.

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

PRESENTATION: JEFFERSON RENEWABLE ENERGY PARK PLANNING AND NEXT STEPS

The Common Council obtained a presentation on the Jefferson Renewable Energy Park Planning and the next steps of it.

Ald. Carnes, seconded by Ald. Beyer moved to adjourn the April 7, 2010 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Wednesday, April 7, 2010, 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