

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, MAY 17, 2016**

The Tuesday, May 17, 2016 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Members present were: Ald. Peachey, Ald. Beyer, Ald. Miller, Ald. Horn, Ald. Brandel, Ald. Roth, Ald. Krause and Ald. Lares. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Engineer Pinnow and City Clerk/Deputy Treasurer Baumann.

PUBLIC PARTICIPATION

None.

**REPORT BY ENGINEER PINNOW REGARDING SANBORN AVENUE
CONSTRUCTION PROJECT**

Engineer Pinnow reported that the Sanborn Avenue project is progressing very well, with storm sewer work continuing this month, and paving in late June or early July.

PROCLAMATION—Public Works Week, May 15 – May 21, 2016

Mayor Oppermann announced that Public Works Week commences May 15, 2016. He read a proclamation of such, and stressed that we should all recognize the contributions that Public Works employees make.

PROCLAMATION—National Police Week, May 15 – May 21, 2016

Mayor Oppermann read the proclamation for National Police Week. A candlelight vigil will be held on May 13, 2016 recognizing the officers killed in the line of duty. May 19th flags will be flown half-staff to honor the slain officers. It was noted that recognition should be given for the critical service Police Officers provide for all of us.

CONSENT AGENDA

Ald. Beyer introduced Resolution No. 9.

**CITY OF JEFFERSON
RESOLUTION NO. 9**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 17, 2016 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April, 2016 in the amount of \$160.00 and May, 2016 in the amount of \$533,597.33. Payroll Summary for April 29, 2016 in the amount of \$141,570.18.
- ◆ Council Minutes from the May 3, 2016 Meetings of the Common Council.
- ◆ Jefferson Cruise Nights Lease of VFW Parking Lot.
- ◆ Licenses as Approved by the Regulatory Committee.

- Operator's Licenses
- Special Class B Licenses

Ald. Beyer, seconded by Ald. Miller moved to recommend Resolution No. 9. Motion carried unanimously on call of the roll; Ald. Lares and Ald. Roth abstaining from approval of the minutes.

PRESENTATION—A REPRESENTATIVE OF BAKER TILLY WILL BE PRESENT TO DISCUSS THE 2015 GENERAL PURPOSE FINANCIAL STATEMENTS AND AUDIT REPORT

Vasvi Joshi of Baker Tilly Virchow Krause, LLP gave a presentation on the background of how the audit is done, including preliminary fieldwork and then final fieldwork. She reported that the audited statement represents a clean and positive audit report on the financial condition of the City. Ms. Joshi thanked the City staff for their cooperation in the audit process. Mayor Oppermann also thanked Baker Tilly for their fine work in the audit process.

RESOLUTION TO ACCEPT THE 2015 GENERAL PURPOSE FINANCIAL STATEMENT AND AUDIT REPORT

Ald. Peachey introduced Resolution No. 10.

**CITY OF JEFFERSON
RESOLUTION NO. 10**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2015 General Purpose Financial Statements and Audit Reports are hereby accepted.

Ald. Peachey, seconded by Ald. Krause moved to recommend Res. No. 10. Motion carried unanimously on call of the roll.

RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT FOR WASTEWATER TREATMENT SERVICE BETWEEN THE CITY OF JEFFERSON, WISCONSIN AND NESTLE PURINA PETCARE COMPANY

Resolution No. 11 was introduced by Ald. Krause.

**CITY OF JEFFERSON
RESOLUTION NO. 11**

WHEREAS, the City of Jefferson, Wisconsin (“the City”) and Nestle Purina Petcare Company (“the Company”) entered into an agreement entitled “Agreement for Wastewater Treatment Services Between the City and Nestle Purina Petcare Company” dated May, 2006 (the Agreement); and

WHEREAS, the City has outstanding its Taxable Sewerage, Water, and Electric System Revenue Bonds, Series 2002, dated May 22, 2002 (“the 2002 CWF Loan”) which were issued by the City to finance improvements to the City’s wastewater treatment facilities; and

WHEREAS, the City intends to refund the 2002 CWF Loan with Taxable Sewerage, Water, and Electric System Revenue Refunding Bonds (the “2016 Taxable Refunding Bonds”); and

WHEREAS, in connection with the issuance of the 2016 Taxable Refunding Bonds it is necessary and desirable to confirm the Company’s commitments to the City under the Agreement; and

WHEREAS, the Company has confirmed its commitments to the City by agreeing to an amendment to the 2006 Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves the Amendment to Agreement for Wastewater Treatment Service between the City of Jefferson, Wisconsin and Nestle Purina Petcare Company and authorizes the City Administrator to execute said Amendment on behalf of the City of Jefferson.

Motion was made by Ald. Krause, seconded by Ald. Brandel to recommend Resolution No. 11. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT FOR WASTEWATER TREATMENT SERVICE BETWEEN THE CITY OF JEFFERSON, WISCONSIN AND TYSON

Ald. Brandel introduced Resolution No. 12.

**CITY OF JEFFERSON
RESOLUTION NO. 12**

WHEREAS, the City of Jefferson, Wisconsin (“the City”) and Tyson Prepared Foods, Inc., (“the Company”) entered into an agreement entitled “Agreement for Wastewater Treatment Service Between the City of Jefferson, Wisconsin and Dorskocil Food Service Co – Jefferson, L.P.” (the Dorskocil Contract”), under which Dorskocil agreed to provide compensation to the City for the City’s agreement to provide certain capital improvements, upgrades, and expansions to the City’s wastewater treatment facility located at 221 East Henry Street and wastewater collection and treatment services related to Dorskocil’s use of the wastewater treatment facility; and

WHEREAS, on or about June 23, 2003, Dorskocil was merged into Tyson; and

WHEREAS, on or about April of 2005, the City and Tyson entered into an amendment to the Dorskocil Contract entitled “Amendment to Agreement for Wastewater Treatment Service Between the City of Jefferson, Wisconsin and Dorskocil Food Service Co. – Jefferson L.P. (the “Amendment”), under which Tyson agreed to be bound by the terms and conditions of the Wastewater Contract and the total amount of Tyson’s obligations for capital improvements was decreased as detailed therein; and

WHEREAS, the City has outstanding its Taxable Sewerage, Water, and Electric System Revenue Bonds, Series 2002, dated May 22, 2002 (“the 2002 CWF Loan) which were issued by the City to finance improvements to the City’s wastewater treatment facilities; and

WHEREAS, the City intends to refund the 2002 CWF Loan with Taxable Sewerage, Water, and Electric System Revenue Refunding Bonds (the “2016 Taxable Refunding Bonds”); and

WHEREAS, in connection with the issuance of the 2016 Refunding Bonds it is necessary and desirable to confirm the Company’s commitments to the City under the Agreement; and

WHEREAS, on or around July 10, 2016 Tyson anticipates closing its plant located in Jefferson, Wisconsin which utilizes the City’s wastewater treatment facilities; and

WHEREAS, the parties (City and Tyson) have reached agreement to terminate the Wastewater Agreement according to the terms of the “Termination and Mutual Release Agreement” and release each other from any and all causes of action, claims, or demands related to or arising out the Wastewater Contract; and

WHEREAS, terms of the Termination and Mutual Release Agreement include the termination of the Wastewater Contract in full as of September 1, 2016 and requires Tyson to pay to the City within 30 days of the effective date of this Agreement, an amount equal to \$388,183.89 (the “Termination Payment”). In addition, Tyson agrees to continue to make monthly payments to the City for all amounts due under the Wastewater Contract for capital charges and usage up to the Termination Date (September 1, 2016); and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves the Termination and Mutual Release Agreement between the City of Jefferson and Tyson Prepared Foods, Inc., and authorizes the City Administrator to execute said agreement on behalf of the City of Jefferson.

Ald. Brandel, seconded by Ald. Beyer moved to recommend Resolution No. 12. Motion carried unanimously on call of the roll.

The Common Council did **not** adjourn to Closed Session at this time.

**RESOLUTION AUTHORIZING THE APPOINTMENT OF PUBLIC WORKS
DEPARTMENT FOREMAN**

Resolution No. 13 was introduced by Ald. Horn.

**CITY OF JEFFERSON
RESOLUTION NO. 13**

WHEREAS, current Public Works Department Foreman Roger Kutz has announced his retirement effective June 8, 2016; and

WHEREAS, at the direction of the Personnel Committee Public Works Director/City Engineer Bill Pinnow interviewed candidates for the soon to be vacant Position; and

WHEREAS, Mr. Pinnow and City Administrator Freitag interviewed three (3) City employees that had applied for the open Position and are now recommending a candidate for appointment to the Public Works Department Foreman Position; and

WHEREAS, the Personnel Committee has reviewed the matter and concurs with the recommendation for appointment; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes the appointment of Chief Mechanic David Hubbard to the Position of Public Works Department Foreman effective June 9, 2016.

BE IT FURTHER RESOLVED, by the Common Council that Mr. Hubbard's salary be increased by five (5) percent to the hourly rate of \$27.48 effective the date of his appointment as Public Works Department Foreman.

Ald. Horn, seconded by Ald. Krause moved to recommend Resolution No. 13. Motion carried unanimously on call of the roll.

**RESOLUTION AUTHORIZING THE APPOINTMENT OF PUBLIC WORKS
DEPARTMENT CHIEF MECHANIC**

Ald. Krause introduced Resolution No. 14.

**CITY OF JEFFERSON
RESOLUTION NO. 14**

WHEREAS, current Chief Mechanic Dave Hubbard has been appointed to Public Works Department Foreman effective June 9, 2016; and

WHEREAS, the appointment of Mr. Hubbard has created a vacancy of the Chief Mechanic position in the Public Works Department; and

WHEREAS, the Public Works Director Bill Pinnow, current Chief Mechanic Dave Hubbard and City Administrator Tim Freitag, recommend appointment of Jeff Scherer, Public Works Department Mechanic to fill the vacancy as Chief Mechanic, and

WHEREAS, the Personnel Committee has reviewed the matter and concurs with the recommendation for appointment;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes the appointment of Jeff Scherer to the Position of Public Works Department Chief Mechanic effective June 9, 2016.

BE IT FURTHER RESOLVED, by the Common Council that Mr. Scherer's salary be increased by five (5) percent to the hourly rate of \$26.17 effective the date of his appointment as Public Works Chief Mechanic.

Motion was made by Ald. Krause, seconded by Ald. Roth to recommend Resolution No. 14. On call of the roll motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the May 17, 2016 meeting of the Common Council. On voice vote, motion carried unanimously.

The minutes of the May 17, 2016 meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved and referenced above.

Please Publish: ASAP

Need an affidavit

Not in the legal section