

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
WEDNESDAY, APRIL 5, 2017**

The Wednesday, April 5, 2017 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. Horn, Ald. Miller, Ald. Krause, Ald. Beyer and Ald. Tully. Absent: Ald. Lares and Ald. Brandel. Also present were: City Administrator Freitag, City Engineer Pinnow, City Attorney Brantmeier and City Clerk/Deputy Treasurer Kuehl.

PUBLIC PARTICIPATION

None.

**AN ORDINANCE TO CREATE SEC. 139-12 OF THE MUNICIPAL CODE TO FURTHER
REGULATE FIRE INSPECTIONS AND FIRE CHIEF AUTHORITY**

Ald. Tully introduced Ordinance #2-17 for its second reading.

**CITY OF JEFFERSON
ORDINANCE #2-17**

Section 1. **§ 139-12. Fire Inspections.**

The Chief of the Fire Department shall enforce all provisions of this chapter and all other state and City provisions relating to fire prevention within the City as designated in § 101.14, Wis. Stats., pertaining to the prevention of fires and public safety and approving equipment installation, or procedures as outlined in NFPA standards, and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

- 1) Right of entry.
 - a) In the discharge of his/her duties, the Chief of the Fire Department or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the inspector or his/her authorized agent while in the performance of his/her duties, and any person so interfering shall be in violation of this chapter and subject to a penalty as provided in § 139-8.
 - b) If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, for inspection purposes has been denied, the Chief of the Fire Department shall obtain a special inspection warrant under §§ 66.0119, Wis. Stats.
- 2) Frequency. The Chief of the Fire Department shall inspect or cause to be inspected by the Bureau of Fire Prevention or the Fire Department officers and personnel as often as may be necessary, but not less than once a year in the area designated as "Out of Fire Limits" and twice a year in

the area designated as "In the Fire Limits," all buildings and premises, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of the provisions or intent of any ordinance of the City affecting fire hazards.

- a) It is the intent of this section to establish the minimum number of fire inspections in the city at one per calendar year, with the interval between inspections not to exceed fifteen months, with the option for additional inspections as necessary to gain compliance with outstanding orders. It shall be the responsibility of the AHG to establish a priority to occupancies and buildings that need additional inspections or more frequent inspections due to occupancy type, hazard or history of noncompliance.
- b) Any fire inspection documentation that identifies specific deficiencies in writing to the owner or occupant of any building, space or premise shall be understood to be an order to correct such deficiencies. All corrections to fire inspection orders shall be made prior to the next scheduled fire inspection or within the timeline established by this code.

3) Enforcement.

- a) The Fire Chief of the City of Jefferson shall enforce this Code.
- b) Whenever an inspection shall reveal in any building or upon any premises dangerous or hazardous conditions combustible waste material or explosive matter which is so situated as to endanger property or obstructions to or on escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, the inspector shall order that same to be removed or remedied.
- c) Whenever an inspection by the Jefferson Fire Department reveals a fire hazard, the Fire Department may serve a notice, in writing, via in-person, U.S. mail, or electronically, upon the owner or occupant of the property giving said owner or occupant sufficient time in which to correct or remove said hazard.
- d) Conditions that are highly hazardous to life or safety of the occupants shall be corrected within the time frame deemed appropriate by the Fire Inspector. All other violations and defects shall be corrected within 10 days or such other time as the Jefferson Fire Department allows.

- 4) Order to install appliance. The Fire Chief shall inspect or cause to be inspected or have plans reviewed of all mercantile and manufacturing establishments, each school, each place of assembly, each hospital or place of detention and each apartment house or tenement building and designate and order suitable fire appliances to be installed in or near boiler rooms, kitchens or restaurants, clubs and similar establishments, storage rooms involving combustible material, rooms in which hazardous manufacturing processes are involved, a garage section and other

places of a generally hazardous nature. Such appliance shall meet the current standards and be appropriate for the type of establishment.

- 5) Compliance with orders. Failure to comply with lawful orders to install or provide the equipment ordered by the Chief of the Fire Department and to maintain it in operative condition at all times shall be deemed a violation of this chapter and subject to the penalties in § 139-8. Each hazard that the owner of the property or business fails to correct will constitute a separate violation.
- 6) Service of fire inspection report. The service of a fire inspection report may be made upon the owner, occupant or other person responsible for the conditions, whether by delivering a copy of it personally or by delivering the same to and leaving it with any person in charge of the premises. Whenever it may be necessary to serve a fire inspection report upon the owner of the premises, such a report may be served either by delivering to and leaving with the person a copy of the report or, if such owner is absent from the jurisdiction of the fire inspector/officer making the order, by mailing or sending electronically, such copy to the owner's last known post office address by certified mail.
- 7) Appeal. Any such order shall forthwith be complied with by the owner and the occupant of such premises or building. If such order is made by one of the inspectors, such owner or occupant may, within 24 hours, appeal to the Chief of the Fire Department, who shall review such order and file his decision thereon. Unless by his authority the order is revoked or modified, it shall remain in full force and shall be complied with within the time fixed in the order or decision of the Chief of the Fire Department. The Chief's decision shall be reviewable by filing a written "notice of appeal," attaching the order, with the clerk of the municipal court, but again, the original order shall remain in full force and effect pending all appeals. The municipal court order is appealable to the Circuit Court of Jefferson County.
- 8) Authority to issue citations. The Fire Chief or a person designated by the Chief for the inspection of the premises within the City may issue a written citation for violations of this chapter. Such citation shall be issued upon the Wisconsin Uniform Municipal Court Citation form.
- 9) Occupancy or agent change.
 - a) Whenever there is a change in occupancy or the agent(s) (manager, shift supervisor, key holder, etc.) of that occupancy, the owner or his/her duly authorized agent shall submit the changes, in writing, to the Jefferson Fire Department within five working days. The information will consist of the following:
 - i. Name of the occupancy.
 - ii. Address of the occupancy.
 - iii. Type of occupancy (mercantile, factory, office, etc.).
 - iv. Owner (name, address and phone number).
 - v. Agent(s) (name, address and phone number).

b) Whenever a change in the service company for the alarm system and/or the sprinkler system has occurred within the occupancy, the owner or authorized agent shall submit the changes, in writing, to the Jefferson Fire Department within five working days. The information will consist of the following

- i. Name of the occupancy.
- ii. Address of the occupancy.
- iii. Owner (name, address and phone number).
- iv. Agent(s) (name, address and phone number).
- v. Type of the fire protection system.
- vi. Service company (name, address and phone number).

10) Investigation of suspicious fires. The State Fire Marshall, City Attorney, and the Police Department, upon request of the Chief of the Fire Department, shall assist in the investigation of any fire which in his/her opinion is of suspicious origin.

Section 2. This ordinance shall take effect after passage, publication, and attestation as required by law.

Motion was made by Ald. Tully and seconded by Ald. Horn to approve Proposed Ordinance #2-17. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND § 208-19 TO ADD ADDITIONAL MISDEMEANOR STATE LAW OFFENSES TO THE CITY CODE

Ald. Miller introduced Ordinance #3-17 for its second reading.

**CITY OF JEFFERSON
ORDINANCE #3-17**

Section 1. § 208-19 shall be amended to read as follows:

§ 208-19. General Offenses.

The following offenses, defined as misdemeanors by state law, **as may be amended**, are prohibited in the City as violations of public peace and good order; such definitions are incorporated herein by reference as though fully set forth, but the penalty for violations under this section shall be limited to a forfeiture as set forth in Chapter **1**, Article **I**, of this Code:

- A. Section 943.01(1), Damage to property.
- B. Section 943.20, Theft (less than \$500).
- C. Section 943.21, Fraud on hotel or restaurant keeper.

- D. Section 943.24, Issue of worthless check (less than \$500).
- E. Section 943.50, Retail theft (less than \$500).
- F. Section 946.41, Resisting or obstructing officer.
- G. Section 961.14(4), Possession of marijuana.
- H. Section 961.41, Prohibited acts; penalties.
- I. Section 961.573, Possession of drug paraphernalia (as described in §§ 961.571 and 961.572).
- J. Section 940.19(1), Battery.
- K. Section 941.299(2)(b-d), Restriction on the use of laser pointers.
- L. Section 943.017(1), Graffiti.
- M. Section 947.013(1m), Harassment.
- N. Section 948.51(2), Hazing.
- O. Section 943.23, Operating vehicle without owner's consent.

Section 2. This ordinance shall take effect after passage, publication, and attestation as required by law.

Motion was made by Ald. Miller and seconded by Ald. Beyer to approve Proposed Ordinance #3-17. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND § 265-4 CONCERNING WINTER PARKING AND RESTRICTING PARKED UNREGISTERED VEHICLES ON CITY STREETS AND PUBLIC PARKING LOTS

Ald. Horn introduced Ordinance #4-17 for its second reading.

**CITY OF JEFFERSON
ORDINANCE #4-17**

Section 1. § 265-4 shall be amended as follows:

§ 265-4. Parking Restrictions.

- A. Winter parking. On all streets in the City from December 1 through March 31, excepting on those streets and areas where parking is prohibited between 2:00 a.m. and 6:00 a.m. or within a limited parking zone (which shall include designated thirty-minute, one-hour

and two-hour parking areas) between the hours of 9:00 a.m. and 5:00 p.m., parking shall be permitted on one side of the street only, with vehicles to be parked on the even days of the month on the side of the street which has even house numbers and on the odd days of the month on the side of the street that has odd house numbers. The day shall commence at 12:00 noon and continue for 24 hours thereafter.

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J. No unregistered vehicle may be parked on any city street or public parking lot at any time.

Section 2. This ordinance shall take effect after passage, publication, and attestation as required by law.

Motion was made by Ald. Horn and seconded by Ald. Beyer to approve Proposed Ordinance #4-17. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND §181.1(F) CONCERNING PENALTIES FOR MINORS VIOLATING CURFEW

Ald. Krause introduced Ordinance #5-17 for its second reading.

**CITY OF JEFFERSON
ORDINANCE #5-17**

Section 1. §181-1(F) shall be amended as follows:

§ 181.1. Curfew.

A. Prohibited. No person 17 or under shall be on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public places in the City between 10.00 p.m. and 5:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 5:00 a.m. on Friday and Saturday, unless accompanied by his parent or guardian or person having lawful custody and control of his person or unless there exists a reasonable necessity therefor. The fact that the child, unaccompanied by his parent, guardian or other person having legal custody, is found upon any street, alley, or public place during the aforementioned hours shall be prima facie evidence that the child is there unlawfully and that no reasonable excuse exists therefor.

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F. Penalties.

1) Penalties for a minor under 18.

a) First violation. ~~Any minor found violating the provisions of Subsection A shall be taken to the police station where a written record shall be made, and the minor shall be released to his parents or guardian at the police station.~~ Any minor found violating the provisions of Subsection A shall be issued a written warning. At the

location of contact with the minor, the minor's parent or guardian shall be contacted by the officer and instructed to pick the minor up at their location. If the minor lives within the City of Jefferson and no phone contact is made with the minor's parent or guardian, the minor shall be taken to their residence to make face-to-face contact with their parent or guardian. If no contact can be made with the minor's parent or guardian and a minor indicates they are staying at a residence other their own, a parent or guardian from that residence may retrieve the minor.

b) Second violation. A citation shall be issued to the minor for second and further violations that occur within one year.

2) Penalties for parents, guardians or ~~other persons~~ minors. Any person violating ~~Subsection C or D~~ this section shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$50. In default of such payment such person(s) shall be subject to confinement in jail for not more than five days.

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Section 2. This ordinance shall take effect after passage, publication, and attestation as required by law.

Motion was made by Ald. Krause and seconded by Ald. Miller to approve Proposed Ordinance #5-17. On call of the roll, motion carried unanimously.

**ORDINANCE TO AMEND CHAPTER 1, ARTICLE 1, GENERAL PROVISIONS,
"PENALTIES" OF THE MUNICIPAL CODE**

Ald. Peachey introduced Ordinance #6-17 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #6-17**

Section 1.

§ 1-4 Citations.

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C. Schedule of Deposits

(1) The following schedule of cash deposits is established for use with citations issued under this section:

Section Number	Offense	Deposit
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139-8	Fire Inspections	\$100.00
219-7	Property Maintenance	\$100.00
300-51	Adult Oriented Establishments	\$500.00

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Section 2. This ordinance shall take effect after passage, publication and attestation as required by law.

Section 3: This is the first reading.

AN ORDINANCE TO CREATE PRIVATE LEAD WATER SERVICE LATERAL REPLACEMENT PROGRAM

Ald. Beyer introduced Ordinance #7-17 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #7-17**

The Common Council of the City of Jefferson, Wisconsin does hereby ordain as follows:

Section 1: Sec. 277-4. **Lead Water Service Lateral Replacement Program** is hereby created as follows:

- A. Lead Water Service Lateral Replacement Requirement.
 - 1. Every water service lateral connected to the Jefferson Utility Water System (Utility) should be made of suitable material as determined by the Jefferson Utility Commission.
 - 2. Intent and Purpose. The Common Council of the City of Jefferson finds that it is in the public interest to establish a comprehensive voluntary program for the removal and replacement of lead water laterals in use within both the public Utility and in private systems and to that end declares the purposes of this ordinance to be as follows:
 - a. To ensure the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act; and
 - b. To reduce the lead in City drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce lead contaminant level to zero in City drinking water for the health of City residents; and
 - c. To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
 - d. To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule.

3. **Owner to Voluntarily Replace Lead Service.** Existing lead water service laterals connected to the Utility may be replaced with water service laterals made of suitable materials and at owner's expense. Replacement may be completed either before or in conjunction with the next water main project servicing the lateral to the affected property.
 - a. Affected property owners may contract with a licensed contractor to complete the replacement. If the property owner selects this option, the lead water service lateral should be replaced before the Utility replaces the main or during construction; or,
 - b. If available, affected property owners may have the Utility contractors complete the replacement.
 - i. The Utility may, as part of any water main project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead water service lateral replacement. This will include removing the entire lateral from the main to the water meter inside of the dwelling or building and replacing lead piping with suitable material.
 - ii. If available and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration on the private property will be the responsibility of the property owner (for example, top soil, concrete, steps, asphalt, bushes, and porches).
 - c. Qualified owners may be able to seek reimbursement through the –(Jefferson Utility) contingent upon funds being available from the Wisconsin Department of Natural Resources Lead Service Line Replacement Funding Program – or other similar program that can provide funds for private utility improvements. The total amount of any grant to a property owner shall be up to \$2,500 per property.
4. **Water System Reconstruction.** Property owners in an area where public water system reconstruction is taking place will be notified, in writing, of capital improvement projects involving public water mains. The notification should be at least 60 days prior to the commencement of the water main construction, and shall be issued by the Jefferson Utilities.
5. **Inspection Required.** The Jefferson Utilities Manager, or his/her designee, shall inspect all private connections to the public water mains for presence of lead or lead causing pipes prior to, if possible, or at the time that the Utility water main is to be reconstructed. If it is unable to gain access for inspection, Jefferson Utilities may pursue an inspection warrant. In the event the lateral is found to contain lead the Utility Manager, or his/her designee, shall notify the owner in writing by US Mail within 10 working days, of the fact along with information about the City's Lead Water Service Replacement Program.

The affected property owner may provide proof of arrangements for replacement of the private lead water service lateral within 90 days of the date of the notification letter.

Section 2: This ordinance shall take effect and be in force after its passage and publication in a manner provided for by law.

Section 3: This is the first reading.

RESOLUTION NO. 114 - 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, 2017 is hereby adopted.

- A. Vouchers Payable for April in the amount of \$66,284.13. Payroll Summary for March 17, 2017 in the amount of \$157,639.90.
- B. Council Minutes from the March 21, 2017 Meetings of the Common Council.
- C. Licenses as Approved by the Regulatory Committee.
 - 1. Operator’s Licenses
 - 2. Special Class B Licenses
 - 3. 6 Month Beer License – Jefferson Blue Devils

Ald. Beyer, seconded by Ald. Tully moved to approve Resolution No. 114. Motion carried unanimously on call of the roll with Ald. Krause abstaining from the minutes.

RESOLUTION NO. 115 – APPROVING THE AWARD OF BIDS FOR THE 2017 STREETS RESURFACING PROJECT.

Ald. Miller introduced Resolution No. 115.

**CITY OF JEFFERSON
RESOLUTION NO. 115**

WHEREAS, the City of Jefferson received three bids from contractors interested in the “**2017 STREET RESURFACING**” project; and

WHEREAS, the values of the three lowest bidders are included in the following table:

Company	Base Bid (E Church St, E North St, E Reinel St)	Alternate Bid 1 E Milwaukee Street	Alternate Bid 2 S Braun Ave	Alternate Bid 3 W Milwaukee St	Total Base & Alternate Bids
Wolf Paving	\$159,062.10	\$31,594.50	\$23,235.00	\$62,905.50	\$276,797.10

Payne & Dolan	\$163,699.50	\$31,183.00	\$21,754.50	\$62,689.75	\$279,326.75
Frank Bros Inc.	\$186,314.00	\$35,369.00	\$25,550.00	\$79,035.75	\$326,268.75

WHEREAS, the pre-bid engineering estimate for the base bid and three alternate bids was \$352,034.

WHEREAS, a budget of \$329,000 has been allocated in the Capital Improvement fund;

WHEREAS, the City Engineer reviewed the project bid results and recommends award of project to Wolf Paving which is the low qualified bidder;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves the Wolf Paving Base and three Alternate Bids for the **2017 STREET RESURFACING** in the amount of \$276,297.10 which includes the following thirteen blocks of streets:

- East Church Street (3 Blocks extending from North Center Avenue to North German Avenue)
- East North Street (3 Blocks extending from North Park Avenue to North Dewey Avenue)
- East Reinel Street (2 Blocks extending from South Highland Avenue to South Kranz Avenue)
- East Milwaukee Street (1 Block from South Whitewater Avenue to South Sanborn Avenue)
- South Braun Avenue (1 Block from East Linden Drive to Luchenbach Street)
- West Milwaukee Street (3 Equivalent Length Blocks from South Taft Avenue to South Jackson Avenue)

BE IT FURTHER RESOLVED, by the Common Council that the City Administrator is herein authorized and directed to execute any contract or document associated with the above action on behalf of the City of Jefferson upon the review and consent of the City Attorney.

Ald. Miller, seconded by Ald. Horn moved to approve Resolution No. 115. Motion carried unanimously on call of the roll.

RESOLUTION AUTHORIZING FINAL FY 2016 AUDIT FUND BALANCE ASSIGNMENTS

Ald. Peachey introduced Resolution No. 116.

**CITY OF JEFFERSON
RESOLUTION NO. 116**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes the City Administrator to make the following fund balance designations to the Final FY 2016 City of Jefferson Audit:

- Designate and allocate \$60,000 in General Fund Balance for Emergency Operations (\$50,000) and City Hall Door Replacement (\$10,000).
- Transfer from the General Fund to the Civic Promotion Fund \$10,000 to fund Civic Promotion Events (\$10,000).

- Designate and allocate \$45,000 in Capital Improvement and Equipment Replacement Fund Balance for Common Council Chambers Technology Upgrades (\$27,000), Police Department Building Mold Study (\$15,000) and VFW Recreation Center Window Replacement (\$3,000).
- Transfer from the Storm Water Fund to the General Fund \$150,000 to fund the implementation of Branding/Marketing Study Recommendations (\$100,000) and Harry Potter Festival Expenses (\$50,000).

Administrator Freitag explained that the transfer from the Storm Water fund to the General fund is to repay an advance from the General Fund to Storm Water fund from a few years ago.

Ald. Peachey, seconded by Ald. Beyer moved to approve Resolution No. 116. Motion carried unanimously on call of the roll.

Ald. Peachey seconded by Ald. Krause moved to adjourn the April 5, 2017 meeting of the Common Council. On a voice vote, motion carried unanimously.

The minutes of the April 5, 2017 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.