

**CITY OF BEAVER DAM, WISCONSIN  
COMMON COUNCIL MEETING AGENDA  
MONDAY, SEPTEMBER 17, 2018  
@ 8:00 P.M.**

- 1) **CALL TO ORDER – ROLL CALL**
- 2) **PLEDGE – SILENT DELIBERATION**
- 3) **PRESENTATION BY ROB CRAINE OF ALLIANT ENERGY REGARDING COMMERCE PARK**
- 4) **INFORMAL PUBLIC HEARING**
- 5) **ANNOUNCEMENTS**
- 6) **DISPOSITION OF MINUTES OF THE COMMON COUNCIL MEETING OF AUGUST 20, 2018**
- 7) **COMMUNICATIONS**
- 8) **BILLS**
- 9) **ORDINANCES**

**ORDINANCE NO. 23-2018**

**AN ORDINANCE AMENDING SECTION 46-9, SMOKING PROHIBITED IN CERTAIN AREAS, IN THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 46-9, Smoking prohibited in certain areas, is amended, in part, as follows:

A. **Sec. 46-9(b)**, *Definitions*, subparagraph (7), *Public place*, is repealed and recreated as follows:

(7) *Public place* means any area into which the public is invited or permitted, including elevators, reception areas, waiting rooms, cafeterias, restrooms, lobbies, hallways and other common areas in any retail building, mixed-use commercial building, apartment building, condominium, retirement facility, nursing home, other multiple-unit residential facility, ***taverns and restaurants***. A private residence located within a mixed-use commercial building is not a public place unless it is used as a child care, adult day care or health care facility.

B. **Sec. 46-9(b)**, *Definitions*, subparagraph (8), *Smoking*, is repealed and recreated as follows:

(8) *Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted tobacco product in any manner or in any form. ***It also includes any electronic nicotine delivery systems (ENDS) or any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The terms includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.***

C. **Sec. 46-9(c)**, *Prohibition of smoking*, subparagraph (4), *Prohibited areas*, is repealed and recreated as follows

(4) *Prohibited areas*. Smoking ***and electronic nicotine delivery systems*** are prohibited in ***taverns, restaurants***, stadiums, bleachers or outdoor auditoriums for spectators of sports events, outdoor theaters, amphitheaters, arenas or similar areas used by spectators at other public events.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – August 20, 2018

**ORDINANCE NO. 24-2018**

**AN ORDINANCE AMENDING SECTION 62-42, SPEED LIMITS, OF THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 62-42, Speed limits, of the Municipal Code is amended by adding:

(d) The maximum speed shall be 35 mph on DeClark Street, from STH 33 to a point 185' feet south of Industrial Drive.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – September 17, 2018

**10) RESOLUTIONS**

**RESOLUTION NO. 102-2018**

**A RESOLUTION URGING THE STATE OF WISCONSIN TO ADOPT A SUSTAINABLE SOLUTION TO ADEQUATELY FUND WISCONSIN'S TRANSPORTATION SYSTEM**

**WHEREAS**, local government in Wisconsin is responsible for about 90% of the road miles in the state; and

**WHEREAS**, Wisconsin's diverse economy is dependent upon county and town roads as well as city and village streets and transit systems across the state; and

**WHEREAS**, the City of Beaver Dam and other local governments across Wisconsin have been highlighting our unmet transportation needs in many different avenues including events such as the historic Turnout for Transportation event in September of 2016 where local governments in every region of this state held simultaneous meetings calling on the state legislature to prioritize transportation and pass a sustainable funding package; and

**WHEREAS**, while the increase in transportation funding for locals in the last budget was certainly appreciated, many still aren't back to 2011 levels when you adjust for inflation; and

**WHEREAS**, locals, including The City of Beaver Dam continue to struggle to meet even the most basic maintenance needs for our transportation system; and

**WHEREAS**, states surrounding Wisconsin and across the country have stepped up with sustainable funding plans for their state and local roads; and

**WHEREAS**, Wisconsin will be at a competitive disadvantage if it does not implement a revenue and spending plan that addresses both our Interstates that were built in the 1950's and 60's and our local and state roads; and

**WHEREAS**, levy limits do not allow local government to make up for the deterioration of state funding; and

**WHEREAS**, local governments would not be forced to turn to local wheel taxes or increased borrowing or exceeding their levy limits if the state would finally pass a sustainable funding plan for transportation; and

**WHEREAS**, the Common Council recognizes that our state highway and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin. Both local and state roads need to be properly maintained in order for our economy to grow; and

**WHEREAS**, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Beaver

Dam urges the Governor and Legislature to Just Fix It and agree upon a sustainable solution that includes a responsible level of bonding and adjusts our user fees to adequately and sustainably fund Wisconsin's transportation system; and

**BE IT FURTHER RESOLVED**, that the Common Council directs the City Clerk to send a copy of this resolution to our State Legislators, Governor Scott Walker and to the League of Wisconsin Municipalities.

(Subject To Committee Approval)

**RESOLUTION NO. 103-2018**

**A RESOLUTION APPROVING THE ATTACHED TASK ORDER AMENDMENT FOR ENVIRONMENTAL MONITORING AND WDNR REPORTING SERVICES FOR THE CITY OF BEAVER DAM CLOSED LANDFILL SITE FOR AN ADDITIONAL THREE YEARS**

**WHEREAS**, the City of Beaver Dam wishes to continue the Environmental Monitoring and WDNR Reporting Services for the City of Beaver Dam Closed Landfill Site with MSA Professional Services (MSA) which expired in June, 2018; and

**WHEREAS**, the attached Amendment would extend the contract between the City of Beaver Dam and MSA for an additional three years until February, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Amendment is hereby approved pursuant to the attached contract. Funds are available in the Landfill Long Term Care Account.

**RESOLUTION NO. 104-2018**

**A RESOLUTION AWARDDING THE CONTRACT FOR 2019 GAS POWERED PICKUP TRUCK**

**WHEREAS**, the Operations Committee of the Common Council of the City of Beaver Dam did advertise and receive bids for the captioned contractual service; and

**WHEREAS**, two (2) proposals were received, opened, tabulated, and on file in the City Engineering Department Office.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for said 2019 Gas Powered Pickup Truck be and is hereby awarded to the low bidder, REED CHRYSLER, Beaver Dam, Wisconsin, for the net bid amount of \$27,748.00. Funds in the amount of \$30,000 are available in the Capital Outlay Account.

(Subject To Committee Approval)

**RESOLUTION NO. 105-2018**

**A RESOLUTION AWARDDING THE CONTRACT FOR 2018 STORM SEWER CLEANING & TELEVISIONING**

**WHEREAS**, the Operations Committee of the Common Council of the City of Beaver Dam, Wisconsin did advertise and receive sealed proposals for the captioned contractual service; and

**WHEREAS**, four (4) proposals were received and are on file in the Beaver Dam Engineering Office.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for said 2018 Storm Sewer Cleaning & Televisioning be and is hereby awarded to the low bidder, PLC Water Jetting Service, Inc., Luxemburg, Wisconsin, for the total proposal of \$12,045.00. Funds in the amount of \$30,000 are available in the Stormwater Utility Capital Improvements Program.

(Subject To Committee Approval)

**RESOLUTION NO. 106-2018**

**BE IT HEREBY RESOLVED**, that the following claim(s) be denied:

- 1. Claimant: Lisa Hopper  
Date of loss: 06/11/2018. Damage to door at home as City police executed a search warrant at the residence.

(Subject To Committee Approval)

**RESOLUTION NO. 107-2018**

**RESOLUTION TO CHANGE PREMISES DESCRIPTION**

**BE IT HEREBY RESOLVED**, by the Common Council of the City of Beaver Dam, Wisconsin that the following applicant be granted the following premises description change:

Wal-Mart, 120 Frances Lane, effective September 18, 2018 thru June 30, 2019:

**1 room 1 story, approximately 183,917 sq. ft. including stalls in parking lot specifically designated for online grocery pickup**

(Subject To Committee Approval)

**RESOLUTION NO. 108-2018**

**A RESOLUTION GRANTING BEVERAGE OPERATOR LICENSE(S)**

**BE IT HEREBY RESOLVED** that the following applicant(s) be granted a Beverage Operator’s License:

For one (1) year ending June 30, 2019:

No(s): 154 - 159

**BE IT FURTHER RESOLVED** that the following applicant(s) be granted a Beverage Operator’s License:

For two (2) years ending June 30, 2020:

No(s): 160 - 162

(Subject To Committee Approval)

**11) CLOSED SESSION**

The Council may consider entering into closed session, pursuant to Wis. Stat. Sec 19.85 (1) (e), for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever the competitive or bargaining reasons require a closed session. **More specifically to discuss the offers to purchase of City Tax Parcel No. 206-1114-0511-148 and City Tax Parcel No. 206-1114-0511-011, and discuss redevelopment of these parcels.**

Upon completion of Closed Session, the Council may reconvene in Open Session to act upon any/all items discussed or deliberated during the Closed Session.

**12) ADJOURNMENT**

***"Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk’s office at 887-4600, Ext. 338, with as much advance notice as possible."***