

**CITY OF BEAVER DAM, WISCONSIN  
COMMON COUNCIL MEETING AGENDA  
MONDAY, AUGUST 19, 2019  
@ 8:00 P.M.**

- 1) **CALL TO ORDER – ROLL CALL**
- 2) **PLEDGE – SILENT DELIBERATION**
- 3) **INFORMAL PUBLIC HEARING**
- 4) **ANNOUNCEMENTS**
- 5) **DISPOSITION OF THE MINUTES OF THE MEETING OF THE COMMON COUNCIL ON AUGUST 5, 2019**
- 6) **COMMUNICATIONS**
- 7) **BILLS**
- 8) **ORDINANCES**

**ORDINANCE NO. 10-2019**

**AN ORDINANCE AMENDING SECTION 62-50(d) PARKING PROHIBITED OF THE CITY OF BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:  
Section 62-50(d), Parking prohibited, of the Municipal Code is amended by:**

**SECTION I:** 62-50(d). Adding:

The east side of Mary Street from a point 110 feet south of the south line of W. Burnett Street to a point 60 feet south thereof.

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

First Reading – August 5, 2019

**ORDINANCE NO. 11-2019**

**AN ORDINANCE ADDING A FOUR-WAY STOP ON NORTH SPRING STREET AT ITS INTERSECTION WITH WOODLAND DRIVE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:  
Section 62-45, Four-way stop intersections, of the Municipal Code is amended by:**

**SECTION I:** ADDING: (16). N. Spring Street at its intersection with Woodland Drive.

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

First Reading – August 5, 2019

**ORDINANCE NO. 12-2019**

**AN ORDINANCE AMENDING, IN ITS ENTIRETY, SECTION 66-35, CROSS CONNECTION CONTROL, IN THE BEAVER DAM MUNICIPAL CODE, TO SECTION 66-35, CROSS CONNECTION CONTROL (APPENDIX A), AND CROSS CONNECTION CONTROL (APPENDIX B), REGARDING THE BEAVER DAM WATER UTILITY-CROSS CONNECTION CONTROL PROGRAM**

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

**SECTION I: Section 66-35, Cross connection control**, is amended in its entirety to read as follows:

**66-35. Cross connection control (Appendix A).**

1. **Definition.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(a) *Cross connection* means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City and the other, water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

2. **Prohibited generally.** No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of the city unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City Water Utility and the State Department of Natural Resources in accordance with Wis. Admin. Code NR Sec. 811.07.

3. **Inspections.** The Director of Inspection Services shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and Re-inspections based on potential health hazards involved shall be as established by the City Water Commission and as approved by the State Department of Natural Resources.

4. **Right of entry.** Upon presentation of credentials, the representative of Department of Inspection Services shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. Sec. 66.0119. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

5. **Discontinuance of service.** The City Water Utility is authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water services shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. Ch. 68, except as provided in subsection (6) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

6. **Emergency procedure.** If it is determined by the City Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. Ch. 68 within ten days of such emergency discontinuance.

7. **State plumbing code adopted.**

(a) The City adopts by reference the Wisconsin Uniform Plumbing Code, Code Chs. 381 through 386.

(b) This section does not supersede the State Code and Chapter 14 of this Code but is supplementary to them.

**Sec. 66-35. Cross connection control (Appendix B).**

1. **Beaver Dam Water Utility – Cross Connection Control Program.**

(a) *Description of program.* This program is designed to control potential contaminants from entering our distribution system from variable locations between the potable water supply and industrial/commercial or residential sources of contamination. We will inspect all residences for backflow preventers where there may be the potential of cross contamination. In the event of a residential cross connection, we will offer one free backflow preventer to the homeowner. It

is their responsibility to install the device. We will keep records on file of the inspections as we change each water meter as part of our meter change program. Industrial and commercial cross connection inspections will be contracted out and it will be under the contractors' designation for the time schedule and frequency to inspect and report their findings as long as it complies with current regulations.

(b) *Devices used to protect the water supply.* The devices to be used will include those as discussed in Section 382.41 and 384.11 of the current edition of the Wisconsin Administrative Code.

(c) *Time schedule.* Inspections will be conducted every 10 years when a meter change has been scheduled. The homeowner will have 30 days from the date the inspection was performed to fix any and all cross connections either themselves or by a licensed plumber. Industrial and commercial establishments shall be inspected every 2-6 years depending on the degree of hazard as described in Wis. Admin. Code NR Sec. 10.15.

(d) *Compliance.* Owners will be notified in writing if a cross connection is present. We will re-enter the home or facility if necessary, to ensure compliance. If compliance is not observed within the allotted time allowed, a final notice will be sent from the Water Utility. The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in subparagraph (e) below. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(e) *Emergency Discontinuance.* If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

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

First Reading – August 19, 2019

9) **RESOLUTIONS**

**RESOLUTION NO. 136-2019**

**A RESOLUTION RECOGNIZING GIL A. HAACK  
FOR HIS SERVICE TO THE CITY OF BEAVER DAM, WISCONSIN**

**WHEREAS,** Gil A. Haack announced his retirement from the Parks for the City of Beaver Dam, effective August 1, 2019; and

**WHEREAS,** Gil began his career with the City as a member of the Parks Department (then known as the Park and Recreation Department) on July 10, 1978; and

**WHEREAS,** The dedication, expertise, professionalism, positive attitude and skills performing his many duties made Gil an invaluable asset to the City of Beaver Dam for over 41 years.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Beaver Dam expresses its sincere appreciation to **GIL A. HAACK** for a job well done and further wishes him a long, happy and healthy retirement.

**RESOLUTION NO. 137-2019**

**A RESOLUTION AWARDING THE CONTRACT FOR 2019 WOODLAND DRIVE  
RESURFACING PROJECT**

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

**WHEREAS**, one (1) bid was received and is on file in the City Engineering Department Office.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for said 2019 Woodland Drive Resurfacing Project be and is hereby awarded to the only bidder, NORTHEAST ASPHALT, INC., Fond du Lac, Wisconsin, for the bid price of \$85,720.40 pursuant to the attached bid proposal. Funds are available in the Streets Capital Improvements Program.

(Subject To Committee Approval)

**RESOLUTION NO. 138 - 2019**

**A RESOLUTION APPROVING A DEPOSIT ACCOUNT AGENCY AGREEMENT BETWEEN THE CITY OF BEAVER DAM AND AMERICAN DEPOSIT MANAGEMENT CO.**

**WHEREAS**, Wisconsin §§ 62.12 (7) directs every Common Council to designate the public depository, or depositories, with which city funds shall be deposited; and

**WHEREAS**, the City of Beaver Dam currently maintains such depositories as provided for in state law, and desires to add additional depositories; and

**WHEREAS**, it is in the best interest of the City to obtain the highest rate of return on its “time deposits”; and

**WHEREAS**, The American Deposit Management Co. (ADM) is a national treasury management and financial services company, with headquarters in Pewaukee, Wisconsin, that allows local governments to keep their municipal deposits protected, liquid and earning a competitive return; and

**WHEREAS**, ADM provides deposit account services as an agent through its “Deposit in Place Program” that offers interest earning accounts and Certificate of Deposit management services for municipalities to help the municipality achieve the highest interest earnings possible while maintaining appropriate insurance or collateral within the guidelines of applicable state statutes; and

**WHEREAS**, the City of Beaver Dam may deposit funds with one or more custodian banks which qualify as selected by American Deposit Management Co., as agent for the City, which custodian bank(s) shall qualify as, and shall be designated as, a Federal Deposit Insurance Corporation ("FDIC") and/or National Credit Union Administration ("NCUA") insured public depository for the City.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Beaver Dam, duly assembled this 19<sup>TH</sup> day of August, 2019, hereby authorizes the appointment of American Deposit Management Co., (ADM) to serve as agent to place, manage, and/or direct the placement of funds with select Federal Deposit Insurance Corporation ("FDIC") and/or National Credit Union Administration ("NCUA") insured depository institutions (collectively, the "Program Institutions") upon initial deposit of such funds by Client at custodian banks (collectively, the "Custodians"); and

**BE IT FURTHER RESOLVED** that the attached Agreement between the City of Beaver Dam and the American Deposit Management Co., (ADM) is hereby approved and appropriate city officials are authorized to execute the same on behalf of the City of Beaver Dam.

**BE IT FINALLY RESOLVED** that City Finance Director-Clerk is authorized to open an account with American Deposit Management Co. (ADM), to invest reserve cash on behalf of the citizens of Beaver Dam.

**RESOLUTION NO. 139 - 2019**

**A RESOLUTION AUTHORIZING ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT RELATING TO THE “WISCONSIN INVESTMENT SERIES COOPERATIVE” AND AUTHORIZING PARTICIPATION IN THE INVESTMENT PROGRAMS OF THE FUND**

**WHEREAS**, Wisconsin school districts, technical college districts, cities, villages, counties and towns may invest their monies as authorized by Wisconsin Statutes, Section 66.0603 (1m); and

**WHEREAS**, Wisconsin Statutes, Section 66.0301 (the “Intergovernmental Cooperation Act”) provides, among other things, that municipalities may contract with other municipalities for the joint exercise of any power or duty required or authorized by law, including investment of their monies; and

**WHEREAS**, the Wisconsin Investment Series Cooperative (formerly known as the Wisconsin School District Liquid Asset Fund) (the “Fund”) was formed as of June 23, 1988 pursuant to the Intergovernmental Cooperation Act by the adoption of an Intergovernmental Cooperation Agreement relating to the Wisconsin School District Liquid Asset Fund by Oregon School District and Sheboygan Area School District, as the initial participants of the Fund, which Agreement was amended as of July 15, 1994 and July 12, 2002 (the “Intergovernmental Cooperation Agreement”); and

**WHEREAS**, the Fund is governed by the Wisconsin Investment Series Cooperative Commission (the “Commission”) in accordance with the terms of the Intergovernmental Cooperation Agreement; and

**WHEREAS**, the Intergovernmental Cooperation Agreement has been presented to this governing body (the “Governing Body”); and

**WHEREAS**, the Intergovernmental Cooperation Agreement authorizes municipalities to adopt and enter into the Intergovernmental Cooperation Agreement and become participants of the Fund; and

**WHEREAS**, this Governing Body deems it to be advisable for this Municipality (the “Municipality”) to adopt and enter into the Intergovernmental Cooperation Agreement and become a participant of the Fund for the purpose of exercising jointly with other municipalities the power to invest their monies, so as to enhance the investment earnings accruing to each; and

**WHEREAS**, this Governing Body deems it to be advisable for this Municipality to make use from time to time, in the discretion of the officials of the Municipality identified in Section 2 of this Resolution, of the Fixed Rate Investment Program available to participants of the Fund; and

**WHEREAS**, this Governing Body deems it advisable for this Municipality to make use of, from time to time, the services provided by PMA Financial Network, Inc., PMA Securities, Inc., U. S. Bank National Association, and/or their affiliates and successors, in connection with the Municipality’s utilization of the Fund.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The City of Beaver Dam shall join with other Wisconsin municipalities in accordance with the Intergovernmental Cooperation Act by becoming a participant of the Fund and adopting and entering into the Intergovernmental Cooperation Agreement. A copy of the Intergovernmental Cooperation Agreement shall be filed in the minutes of the meeting at which this Resolution was adopted. The Mayor and the Clerk are authorized to take such actions and execute any and all such documents as they may deem necessary and appropriate to effectuate the entry of the City of Beaver Dam into the Intergovernmental Cooperation Agreement and to utilize Fund programs through PMA Financial Network, Inc., PMA Securities, Inc. U. S. Bank National Association, and/or their affiliates and successors.

**Section 2.** The City of Beaver Dam is authorized to invest its available monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Intergovernmental Cooperation Agreement, including investment in the fixed-income program of the Fund through the intermediaries PMA Financial Network, Inc. and PMA Securities, Inc. The following officers and officials of the City of Beaver Dam and their respective successors in office each are designated as "Authorized Officials" with full power and authority to effectuate the investment and withdrawal of monies of the City of Beaver Dam from time to time in accordance with the Intergovernmental Cooperation Agreement and pursuant to the Fixed Rate Investment Program available to participants of the Fund: Jeffrey L. Wiswell, Sr., Finance Director and Clerk who will be authorized to invest and withdraw monies in and from the Fund and pursuant to the Fixed Rate Investment Program.

**Section 3.** Members of this Governing Body and officials of this Municipality are authorized to serve as Commissioners of the Commission from time to time if selected as such pursuant to the provisions of the Intergovernmental Cooperation Agreement.

**Section 4.** This Municipality may open depository accounts, enter into wire transfer agreements, safekeeping agreements, and lockbox agreements, or other applicable or related documents

with U. S. Bank National Association, and any other institutions participating in the Fund programs or programs of PMA Financial Network, Inc. and PMA Securities, Inc., pursuant to Wisconsin Statutes, Section 34.05, Wisconsin Statutes, Section 120.12(7) (if applicable) and, when directed by one of the Authorized Officials, Wisconsin Statutes, Section 66.0603. PMA Financial Network, Inc. and/or PMA Securities, Inc. are authorized to act on behalf of this Municipality as its agent with respect to such accounts and agreements.

**Section 5.** Credit unions, banks, savings banks, trust companies and savings and loan associations authorized to transact business in the State of Wisconsin which qualify as depositories under Wisconsin law and are included on a list approved and maintained for such purpose by the Administrator of the Fund are designated as depositories of this Municipality pursuant to Wisconsin Statutes, Section 120.12(7) (if applicable) and Wisconsin Statutes, Section 34.05. Monies of this Municipality may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fixed Rate Investment Program available to participants of the Fund through the intermediary PMA Financial Network, Inc.

**RESOLUTION NO. 140 - 2019**

**A RESOLUTION ACCEPTING A GIFT FROM AARP FOR THE BEAVER DAM PARKS DEPARTMENT FOR BENCHES DOWNTOWN**

**WHEREAS**, the American Association of Retired Persons (AARP) is a nonprofit, nonpartisan organization that works to address the needs and interests of middle-aged and elderly people in the United States; and

**WHEREAS**, AARP's professed mission is to help older Americans remain physically and intellectually active by serving others; and

**WHEREAS**, the AARP Foundation invests in programs to help millions of older Americans regain stability, take control of their lives again and create opportunities to thrive; and

**WHEREAS**, the AARP Foundation also cooperates with thousands of communities across the United States by underwriting various projects.

**WHEREAS**, AARP desires to enhance the environment in downtown Beaver Dam by providing a monetary donation of \$5,000 to the Beaver Dam Parks Department for benches.

**NOW, THEREFORE, BE IT RESOLVED** that the Beaver Dam Parks Department is hereby authorized to accept a monetary donation of \$5,000 for benches to be placed in the General Fund in account #010000-484100 (Donations and Contributions); and

**BE IT FINALLY RESOLVED** that \$5,000 is transferred from the General Fund account #010000-484100 (Donations and Contributions) to the Beaver Dam Parks Department account #010968-530010 (Supplies and other expenses).

**RESOLUTION NO. 141 - 2019**

**A RESOLUTION RELATING TO ACCEPTING A GIFT FROM WAL-MART FOR BEAVER DAM FIRE DEPARTMENT ROPE RESCUE TRAINING**

**WHEREAS**, Walmart and the Walmart Foundation support and invest in communities through local giving, encouraging volunteerism, and through programs to strengthen community cohesion that help them thrive; and

**WHEREAS**, Walmart's associates, as residents in the community, along with their families, friends and neighbors, also work to strengthen the community through community giving; and

**WHEREAS**, the Beaver Dam Walmart Store #7039 desires to enhance the operations of the Beaver Dam Fire Department by providing a monetary donation of \$1,000 to the Beaver Dam Fire Department for rope rescue training opportunities.

**NOW, THEREFORE, BE IT RESOLVED** that the Beaver Dam Fire Department is hereby authorized to accept a monetary donation of \$1,000 for fire department training to be placed in the General Fund in account #010000-484100 (Donations and Contributions); and

**BE IT FINALLY RESOLVED** that \$1,000 is transferred from the General Fund account #010000-484100 (Donations and Contributions) to the Beaver Fire Department account #01-0325-530120 (training and travel).

**RESOLUTION NO. 142-2019**

**A RESOLUTION GRANTING A PROVISIONAL CLASS “B”/”CLASS B” LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGES AND INTOXCATING LIQUORS AND A TAVERN DANCE LICENSE TO GREGG A. CLARK D/B/A CLARKS (FORMERLY JOHNNY’S LOUNGE) FOR THE PERIOD BEGINNING AUGUST 19, 2019 AND OCTOBER 18, 2019**

**WHEREAS**, pursuant to Sec. 125.185, Wis. Stats., the City of Beaver Dam proposes to grant Gregg A. Clark d/b/a Clarks a provisional Class “B”/”Class B” License for the sale of Fermented Malt Beverages and Intoxicating Liquors and a Tavern Dance License for the period beginning August 19, 2019 and ending October 18, 2019 (60 days) for the premises located at 519 Madison Street in the City of Beaver Dam.

**NOW, THEREFORE, BE IT RESOLVED** that the provisional Class “B”/”Class B” License for the Sale of Fermented Malt Beverages and Intoxicating Liquors and the Tavern Dance License is granted to Gregg A. Clark d/b/a Clarks for the period beginning August 19, 2019 and ending October 18, 2019 for the premises located at 519 Madison Street, City of Beaver Dam, Wisconsin.

(Subject To Committee Approval)

**RESOLUTION NO. 143-2019**

**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, 2020:

No(s): 160 - 161

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

For two (2) years ending June 30, 2021:

No(s): 162 - 167

(Subject To Committee Approval)

**RESOLUTION NO. 144-2019**

**A RESOLUTION AWARDING THE CONTRACT FOR 2019 STORM SEWER INSTALLATIONS PROJECT**

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

**WHEREAS**, six (6) bids were received and are on file in the City Engineering Department Office.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for said 2019 Storm Sewer Installations Project be and is hereby awarded to the low bidder, FOREST LANDSCAPING & CONSTRUCTION, INC., Lake Mills, Wisconsin, for the bid price of \$90,795.00 pursuant to the attached bid proposal. Funds are available in the Stormwater Utility Capital Improvements Program account.

(Subject To Committee Approval)

**10) 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."*