

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
JANUARY 7, 2003

The Tuesday, January 7, 2003, meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Brawders. Members present were: Ald. Wagner, Ald. Oppermann, Ald. Carnes, Ald. Gang, Ald. Stewart and Ald. Coffman. Also present were City Administrator Schornack, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart. Absent was: Ald. Johann and Ald. Stevens.

PUBLIC PARTICIPATION

Mayor Brawders read a postcard from the Gemuetlichkeit King and Queen (the Bieck's) thanking the Council and the City for their support.

Tim Koehler, N3865 County Trunk K, addressed the Council regarding the moratorium on big box construction. Mr. Koehler stated that he is a victim of taxation without representation. He stated that he was representing his neighbors and the neighboring businesses. He encouraged the Council to keep the moratorium in place and stated that the development of farmland could be devastating to the community. He encouraged the Council and the proponents of Walmart to study of the master plan. He stated that he felt Council action would be premature at this time since Mr. Norman (a self proclaimed Walmart basher) had not even had a chance to present his information. Mr. Koehler stated that the Council at least needed to hear both sides of the coin before lifting the moratorium. He concluded by requesting the Council to keep the moratorium in place for the one-year time frame.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding the moratorium on big box construction. Mrs. Twist stated that she is in favor Walmart, because Walmart could provide things for the community that we are currently lacking. Ms. Twist stated that if we push Walmart out, no other big company will not want to locate here either. Janet added that Walmart probably would have an impact on other business, but noted that there is hardly no one in town to be hurt. She stated that she views Walmart as a win-win situation for the community. Ms. Twist further stated that it is her opinion that the people speaking out against Walmart are probably shopping (or have shopped) at Walmart. She requested that the Council consider lifting the moratorium.

Jan Niebler, 717 Oakwood Court, addressed the Council regarding the moratorium. Ms. Niebler stated that she was in favor of continuing the moratorium. Mrs. Niebler encouraged the Council to come to Mr. Norman's presentation. She stated that Walmart should possibly look at Johnson Creek, due to their need for a grocery store. Ms. Niebler stated that "we all like to get good deals", but they (Walmart) are sometimes known for "snowing people" and only telling the public what they want to hear. Ms. Niebler noted her displeasure with a quote from our Mayor as reported by the Daily Union. In conclusion, she asked the Council to listen to both sides of the story and then make their decision.

Cheryl Higgins, 776 North Jackson Avenue, addressed the Council regarding the moratorium. Ms. Higgins stated that she was in favor of Walmart locating in Jefferson. Ms. Higgins questioned where else the City could expand except on the fringes of the City. She also noted

that, in her experience, Walmart is also a pretty decent place to work for. She encouraged the Council to lift the moratorium.

Bill Pinnow, N4043 Highway K, addressed the Council regarding the moratorium. Mr. Pinnow stated that his wife and himself are possibly the most impacted by the potential location of Walmart in Jefferson. Mr. Pinnow stated that they have lived at their home on Highway K for over 30 years and the decision to sell or not to sell to Walmart has been a difficult one. He commented that other towns have not dried up and blown away because Walmart has located in their communities. Mr. Pinnow continued by stating that recently a local businessman stated on the radio that you could buy anything here; Mr. Pinnow countered by stating that it depends upon what St. Vinnies and Twice as Nice have for sale. Mr. Pinnow then addressed what some people are calling urban sprawl into the Countryside. He questioned why development on the east side of Highway 26 is considered sprawl and the west side of Highway 26 is considered OK. Mr. Pinnow stated that our current stores are good stores, and would most likely always offer better customer service and noted that Walmart is not always the lowest price or best deal. He stated that the "Coalition for a Better Jefferson" should rename themselves "Coalition for NO CHANGE in Jefferson". Mr. Pinnow questioned what type of business would be acceptable to move into Jefferson and where do you draw the line. He stated that him and his wife had went to other communities in which Walmart had located and had spoke to other retailers in the community. He stated that some were in favor and others against, however they did note that Walmart caused an adverse impact at first, but noted that now more people were in town. In closing, he asked the Council to lift the moratorium and explore the possibility of Walmart locating in our community.

John Laesch, 236 East Ogden, TIF, addressed the Council regarding the moratorium. Mr. Laesch encouraged the Council to wait until Mr. Norman has a chance to speak and present his thoughts on Walmart. He added that he felt that the Council was trying to "railroad" the issue through. He questioned why the Council couldn't wait and encouraged the Council to listen to both sides of the issue. He added that the infrastructure improvements might cost the City a lot. He concluded by stating that the Council should cool their heads, wait a little bit and then make decision.

Mel Urbaniak, 117 West North Street, addressed the Council regarding Walmart. Mr. Urbaniak noted that Walmart is routinely being sued by their employees. He added that they have been charged with selling under cost to force competition to leave the area. Urbaniak noted that much negative publicity is in the media about Walmart and that they do a good job bashing themselves.

Betty Spangler, 221 North Marion Avenue, addressed the Council regarding Walmart. She stated that she feels that Walmart is bad and a monopoly and that they are undercutting the United States of America. She noted that they (Walmart) lay out their terms and tell manufactures how much they will pay for the product. Consequently this action forces other businesses to pay more for the same product, which can eventually put them out of business. She also stated that Walmart is taking jobs oversees. She concluded by stating that Jefferson is better than Walmart

Patty Lorbecki, 714 Windsor, addressed the Council regarding the moratorium. She stated that the definition of a moratorium is a delay. She encouraged the Council to leave the moratorium in place and gather information. She stated if the community wants Walmart then so be it. The moratorium could then be lifted after the one year. She encouraged the Council to listen to both sides.

Tim Bare, 217 Meadow Court, addressed the public regarding his upcoming campaign. He stated that his focus will be the amount of taxes paid to the City and State. Mr. Bare stated that he is running for Alderperson-at-large and expects to take office in April. He stated that his goal is to cut one million dollars out of the City budget. And to do so, staff would be directed to identify areas to cut. Mr. Bare stated that "we will have votes to cut that money". Mr. Bare then provided the Council with his observations on Walmart. He questioned the social consciousness of Walmart. He stated that he would like to hear council report about Walmart before the end of the public participation. He then questioned if Walmart would need to pay for traffic studies and if they could be ordered to do so with a moratorium in place.

Tom Pinnow 410 East Ogden, addressed the Council regarding the moratorium. Mr. Pinnow stated that he was confused about the ability to get information on Walmart while the moratorium is in place. He noted that it was his understanding that the moratorium does not allow for information gathering. Pinnow noted that a vote to lift the moratorium is not a vote for Walmart. He encouraged the Council to lift the moratorium so we can get the information needed to make an informed decision.

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding the moratorium. He noted that the moratorium was put in place so that we could garner more information. He questioned how the Council could make a decision tonight if no one has any more information than when the moratorium was put into effect. He urged that Council not to act on the resolution before Mr. Norman comes to speak in Jefferson. Lorbecki encouraged the Council to talk to the business people, not just the Chambers of Commerce. He stated that the Chambers will always give you a positive light because they do not want to hurt any type of business. He encouraged the Council to each get their own information. In closing he encouraged the Council to vote no on the resolution to lift the moratorium.

Charlotte Lehman, 142 North Wilson Avenue, provided the Council with an update on current Chamber activities. Mrs. Lehman indicated that she is the new Chamber President and if the Council or public has any questions they can feel free to contact Janet or herself.

Bob Niebler, 132 South Main, addressed the Council regarding the moratorium. He asked if there was anything legally wrong with the moratorium being in place. *City Attorney Brantmeier indicated no, because it targets large retail stores, not just Walmart.* Mr. Niebler indicated that "we" are not kicking Walmart out of town; but we are strongly urging the Council to leave the moratorium in place, at this time, so the potential impact can be studied.

Michael Day, Town of Jefferson, addressed the Council regarding Walmart. Mr. Day stated that he had done a lot of internet research. He also noted that he used to work for Walmart and could relate to both the bad and good being represented at the meeting. He stated that he could

understand the opposing sides arguments and agreed that the Council must have answers to all their questions. He encouraged the Council to leave the moratorium in place for at least two weeks and to listen to Mr. Norman so the Council gets both views.

Tom Pinnow, 410 East Ogden, addressed the Council regarding Walmart. He stated that it is important to get factual and reasonable information. He questioned the composition of the Coalition for a Better Jefferson and who is paying for Mr. Norman to come to Jefferson. He asked the Council to look at where information the information is coming from and if the source is prejudicing the information.

Bill Koehler, N3881 Highway K, addressed the Council regarding Walmart. He stated that he does not feel he has a say in this...no representation. He indicated that he felt the moratorium is a time to gather information. He questioned the need for an environmental impact study and the impact of water run-off on the adjacent properties. Mr. Koehler stated that the City should consider the impact that additional vehicles in the area would have on air quality and the added cost of more police and fire protection. He stated that you can't buy quality of life and Walmart wouldn't be able to sell it back to us once it takes it away.

Peg Beyer, 623 South Center Avenue, addressed the Council regarding the moratorium. She encouraged the Council to keep the moratorium on large retailers, in keeping with the City's five year master plan against big box retail. She stated that additional business for the City should not be a detriment to the existing businesses. She noted that not a lot of research has been done and the moratorium should remain in place so that more information could be garnered.

Pam Rockstroh, N3978 Highway K, addressed the Council regarding her opposition to Walmart. She questioned if the Council had done any research. She stated that the moratorium should stay in place until more research has been done. She stated that the Council should the present this information to the community.

Tom Rockstroh, N3978 Highway K, addressed the Council regarding his opposition to Walmart. He stated that he is opposed to lifting the moratorium and indicated that more studies to be done. He questioned the Council regarding potential water run off and flooding and who's responsibility it would be if damage was incurred.

Mayor Brawders then clarified statements, which were misquoted and/or taken out of context in the evenings issue of the Daily Union. Mayor Brawders stated that he had never used the word "spew" as quoted in the Capital Times and requoted in the Daily Union. Brawders stated that he always chooses his words carefully and indicated that he believes he was misquoted. As far as his comments regarding Mr. Norman, Mr. Norman calls himself a "self proclaimed Walmart basher". Mayor Brawders concluded by stating that he used Norman's own words to describe him and it does not reflect his personal opinion. Mayor Brawders encouraged Mr. Norman to speak to the community and to "let him say what he is going to say".

MAYORAL APPOINTMENT TO PARK & RECREATION COMMISSION

Mayor Brawders has requested that the following Mayoral Appointment be approved.

Park & Recreation Commission.....Robert Zweifel

Ald. Wagner, seconded by Ald. Oppermann moved to recommend the appointment to the Park and Recreation Commission. Motion carried by a voice vote.

AN ORDINANCE TO AMEND SECTION 17.04(2)(B) OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO THE REZONING OF PARCEL #241-06-14-11-13-050 FROM MULTI-FAMILY RESIDENTIAL (RM) TO HIGHWAY COMMERCIAL (BHN)

Ald. Stewart introduced Ordinance #1-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #1-03**

An ordinance to amend Section 17.04(2)(b) of the Municipal code of the City of Jefferson related to rezoning.

The Common council of the City of Jefferson Wisconsin, do ordain as follows:

Section 1. Section 17.04(2)(b) of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by deleting the following area from RM (Multi-Family Residential) to BHN (Highway Commercial):

Description: S60 ft of Lot 5, Blk 39, Orig. Plat.

Parcel #: 241-06-14-11-13-050

Address: 726 South Main Street

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

This is a first reading.

RESCINDING RESOLUTION NO. 95 AS AMENDED APPROVING A TEMPORARY MORATORIUM ON ANNEXATION AND/OR REZONING FOR LARGE SCALE RETAIL DEVELOPMENT

Ald. Oppermann introduced Resolution No. 120.

**CITY OF JEFFERSON
RESOLUTION NO. 120**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that because numerous citizens of the City of Jefferson have requested that the proposed Wal-Mart

Super Center project be allowed to go through due process like any other project that Resolution No. 95 as amended approving a temporary moratorium on annexation and/or rezoning for large scale retail development be rescinded.

Ald. Oppermann, made a motion to recommend Resolution No. 120. Motion died for a lack of a second.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 121.

CITY OF JEFFERSON RESOLUTION NO. 121

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for January 7, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable December 2002 and January 2003 in the amount of \$157,507.22 and \$383,304.04 respectively and December 2002 Manuals in the amount of \$12,491.17 and Payroll Summaries for December 13 & 27, 2002 in the amounts of \$99,954.99 and \$106,622.42.
- ❖ Council Minutes from the December 17, 2002 Regular Session Meeting of the Common Council.
- ❖ Nutrition Site Rental Agreement for 2003.
- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 121. On call of the roll, motion carried unanimously. Ald. Carnes abstained from the approval of the December 17, 2003 Council Minutes approval due to his absence.

REFINANCING WISCONSIN RETIREMENT SYSTEM UNFUNDED LIABILITY

Ald. Carnes introduced Resolution No. 122.

CITY OF JEFFERSON RESOLUTION NO. 122

By the provision of Sec. 67.05(5)(b) of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation

district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 66.22 or 66.882, joint sewerage system created under Sec. 144.07(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the City of Jefferson, in the County of Jefferson, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Four Hundred Sixty Five Thousand and 00/100 Dollars (\$465,000.00) for the purpose of paying off the city's unfunded pension liability and for no other purpose.

The loan is to be payable within 20 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 6.00 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of Jefferson, in the County of Jefferson, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Jefferson by such loan from the state be applied or paid out for any purpose except paying off the city's unfunded pension liability without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the mayor and clerk of the City of Jefferson, in the County of Jefferson, Wisconsin, are authorized and empowered, in the name of the city to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum or money that may be loaned to the city pursuant to this resolution. The mayor and clerk of the city will perform all necessary actions to fully carry out the provision of Chapter 24 and Sec. 67.05(5)(b), Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and the clerk of this city forward this certified record, along with the application for the loan, to the Board of commissioners of Public Lands of Wisconsin.

Ald. Carnes, seconded by Ald. Gang moved to recommend Resolution No. 122 for discussion.

City Administrator Schornack then provided the Council with an overview of the potential WRS refunding. He noted the benefits and the down side of refunding the debt at this time.

City Administrator Schornack noted that the Finance Committee defeated this resolution in Committee.

Dave Wagner of Ehlers and Associates indicated that if it was his money he would pay it off now, for a savings of \$40,000. However, if the Council/staff does not have a comfort

level to do so at this time then it shouldn't be pursued. He noted that in some respects it does make sense to pursue the refunding later this year. He stated that there may be too many budget issues at this time.

Ald. Oppermann asked how long ago the liability was incurred. It was noted that the time frame was from the early to mid 80s.

Ald. Wagner questioned the why he hadn't heard about the liability until this time. City Clerk/Treasurer Stewart stated that this item has been noted in our audit for many years.

Ald. Carnes noted that Finance voted against the loan at this time. He stated that the City would lose a little by not pursuing the refunding now (by not saving one year's interest), but felt that it was in our best interest to take our time with the application and thoroughly think through the process so we play it safe. Ald. Carnes noted that our savings would just start one year later.

Ald. Gang, seconded by Ald Stewart moved to table Resolution No. 122. Motion carried on a voice vote.

**DISBANDING THE SENIOR CENTER BUILDING CONSTRUCTION COMMITTEE
AND THANKING THE PERSONS SERVING ON THIS COMMITTEE FOR THEIR
WORK**

Ald. Coffman introduced Resolution No. 123.

**CITY OF JEFFERSON
RESOLUTION NO. 123**

WHEREAS the Senior Center Building Construction Committee has completed the task that it was requested to perform, and

WHEREAS further renovation to the building will be under the Facilities Committee,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Senior Center Building Construction Committee is hereby disbanded and the Common Council thanks the members of the Committee for their hard work.

Ald. Wagner and the Mayor stated their thanks to the members of the Committee.

Ald. Coffman, seconded by Ald. Wagner moved to recommend Resolution No. 123. Motion carried on a voice vote.

CONTRACT FOR CLEANING SERVICES

Ald. Carnes introduced Resolution No. 124.

CITY OF JEFFERSON

RESOLUTION NO. 124

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to enter into a one year contract for cleaning services with Happy Vac Cleaning Service in the amount of \$720.00 per month for the cleaning of the library and hallway between the library and the general administrative offices.

Ald. Gang asked if any other bids had been received for cleaning.

City Administrator Schornack noted that last time RFPs for cleaning services were solicited only Happy Vac responded.

Ald. Oppermann asked if the expenditures were budgeted. City Administrator stated that money was budgeted for the service.

Ald. Coffman noted that the Library is happy with the service they receive from Happy Vac.

Ald. Wagner stated that he would support the Resolution because the business is local and the Library is satisfied with the service received.

Ald. Carnes, seconded by Ald. Coffman moved to recommend Resolution No. 124. On call of the roll motion carried unanimously.

RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF EVERETT REESE SR.

Ald. Wagner introduced Resolution No. 125.

**CITY OF JEFFERSON
RESOLUTION NO. 125**

WHEREAS, God in his infinite wisdom and mercy, has chosen to call from his life, Everett Reese Sr., and

WHEREAS, Everett was a trusted and loyal citizen of the City of Jefferson.

WHEREAS, Everett served the City of Jefferson as Mayor for one term, and as a Volunteer Firefighter for 30 years. He also served as City Clerk for a short time.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson, by this Resolution extends its sympathy to the family of the late Everett Reese Sr. and that a copy of this resolution be sent to the bereaved family.

Ald. Wagner, seconded by Ald. Oppermann moved to recommend Resolution No. 125. The Council stood in a moment of silence in recognition of Resolution No. 125.

Ald. Carnes and seconded by Ald. Stewart moved to adjourn. On call of the roll, motion carried unanimously.

The minutes of the January 7, 2003, 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