

**AMENDED MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
FEBRUARY 4, 2003**

The Tuesday, February 4, 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, Ald. Johann, Ald. Stevens and Ald. Coffman. Also present were City Administrator Schornack, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICIPATION**

Mayor Brawders then stated that he had a confession to make to the community. He stated that he recently had a verbal altercation with Mr. Dave Olsen after a Historical Committee Meeting. Mayor Brawders stated that he had said some things that he was not proud of. He stated that last night, at the Chamber Annual Dinner, he had given a public apology to Mr. Olsen and that it was accepted and sealed with a handshake.

Charlotte Lehman, 142 North Wilson Avenue, provided the Council with a Chamber of Commerce update. She stated that last night the Chamber held their annual dinner. She noted that the dinner was held at Meadow Springs and was attended by over 170 people. Mrs. Lehman stated that Gretchen Bayorgeon received the Citizen of the Year. She also informed the Council that the Chamber Office would be moving at the end of the month. She stated that they would be moving to 108 South Main Street, also known as the second and third floors of the F & M Bank. She then asked if the Council had any questions or concerns for the Chamber.

Mr. Erwin Drews, 1001 Wisconsin Drive, addressed the Council regarding the sidewalk issue. Mr. Drews stated that he wanted to "get the record straight". He stated that he felt that a lot of misinformation was being given out. He stated that he wanted to thank the Council for bringing the issue back up. Mr. Drews noted that he had already took trees out in anticipation of the project. He stated that he was out today talking today with his neighbors and found a lot of false statements were being made about the project. He stated that he is aware with problems in 800 block, but still felt that the project was worthwhile. He clarified that at this time there would be no assessments for sidewalks, driveways and retaining walls. He stated that several of his neighbors stated that they had not wanted the project, but after discussion with him had changed their mind. He stated that he felt a valid reason for not wanting sidewalk was not that you do not want to shovel.

Stuart Hellweg, 841 Wisconsin Drive, addressed the Council regarding the sidewalk project. He stated that even if there is not assessment, he does not want sidewalk. He stated that in order to install sidewalk along his home, the bank would need to be cut up and his property would need a retaining wall. He also stated that his neighbors would also have their yards cut up with sidewalk. He also questioned the placement of the sidewalk since four streets that would need to be crossed on the west side. However, across the street only one street would need to be crossed, Plymouth Street. He stated that he did not see an advantage to having sidewalk coming from Countryside. He concluded by stating that he was against sidewalk on the north side of Wisconsin Drive.

Joanie Curtis, 991 Wisconsin Drive, addressed the Council regarding sidewalk installation. Ms. Curtis stated that she does not believe that we need any more sidewalk. She stated that 15 homes would be effected. She stated that she did not understand the installation of the sidewalk since it was not linking up a subdivision, just Countryside. She stated that an argument used for the installation of the sidewalk was that they did not want sidewalk on Collins Road and now it is used all the time. Ms. Curtis commented that there already is sidewalk on Wisconsin Drive and it is used, but a clear need for sidewalk on both sides has not been demonstrated. Ms. Curtis noted that 14 utility poles and several fire hydrants are within four to five feet of the street, she questioned if the sidewalk would then be six feet into the properties in question. She questioned about removal of shrubs and other landscaping and asked if the City does the restoration and replacement of their yards. Ms. Curtis then questioned the cost of the project. Staff then noted that the costs could reach \$65-70,000. *It was indicated that approximately \$30,000 is in the sidewalk fund and that the state would pick up approximately half of the project cost.* Ms. Curtis clarified that the property owners would not be assessed. Ms. Curtis concluded by stating that she felt that we should not be “greedy” and take funds from the State just because they are offered, especially since we are in such economic times.

Anita Kelly, 723 Pinecrest, addressed the Council regarding the installation of sidewalk on Wisconsin Drive. Ms. Kelly stated that the proposed sidewalk would service people from Oak Street and the other adjacent neighborhoods. She stated that it would also be good for the children walking to the park. Ms. Kelly encouraged the Council to do what is good for all the people of the community.

Tim Bare, 217 Meadow Court, then addressed the Council regarding several issues. Mr. Bare first questioned the maintenance of retaining walls. He questioned who was responsible for maintaining the walls. He noted that the walls on Puerner and Racine Street are failing and need to be taken care of. Mr. Bare stated that they were constructed with poor workmanship. He stated that he felt that the state should fix the wall, not the City or property owner. He then questioned the refinancing of the WRS liability. Mr. Bare then questioned the Ambulance collection services agreement.

Bill Koehler, Highway K, addressed the Council in opposition to Walmart. Mr. Koehler stated that Walmart is the world’s largest corporation and that he believes in free enterprise and competition, but that Walmart is the end of competition. He then stated that Walmart had recently located in Delevan and that their Kmart was already closing. He then drew the Council’s attention to the political cartoon in the Daily Union.

Patty Lorbecki, 714 Windsor Terrace, addressed the Council in opposition to Walmart. Mrs. Lorbecki stated that we have a Walmart ten miles down the road, so we do not need another. She encouraged the City to conduct an economic impact study to see how the existing businesses would be affected by Walmart’s presence. Ms. Lorbecki stated that the study would show what it needs to show. She concluded by asking that a committee be formed to study the issue.

**PRESENTATION: LENGTH OF SERVICE AWARD PROGRAM**

Fire Chief Powell then introduced Ann Whiting from Paine Weber. Ms. Whiting was here to discuss the length of service award program for the Fire Department. She explained the origins of the program and how the program runs. She then noted how the City of Jefferson is impacted and how it could be affected if the City bought back prior service and the potential cost involved.

**AN ORDINANCE AMENDING SECTION 7.03(7) AND CREATING SECTION 7.03(7)(A) OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATING TO THE TRAFFIC CODE**

Ald. Gang introduced Proposed Ordinance #2-03 for its first reading.

**CITY OF JEFFERSON  
ORDINANCE #2-03**

An ordinance amending Section 7.03(7) and creating Section 7.03(7)(a) of the Municipal Code of the City of Jefferson relating to the Traffic Code.

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

**Section 1.** The following section 7.03(7) is hereby amended:

**(7) RESTRICTED PARKING FOR COMPACT CARS ONLY.**

The first two parking spaces on East Side of South Center Avenue immediately South of East Milwaukee Street.

**Section 2.** The following section 7.03(7)(a) is hereby created to read:

**Compact Cars** – Defined by using [www.fueleconomy.gov](http://www.fueleconomy.gov) a site maintained by the U.S. Department of Energy and U.S. Environmental Protection Agency.

**Section 3.** This ordinance shall take effect after passage and publication as required by law.

This is a first reading.

**RESOLUTION EXTENDING SIDEWALK ALONG WISCONSIN DRIVE FROM STATE STREET TO HICKORY DRIVE**

Ald. Oppermann introduced Resolution No. 127.

**CITY OF JEFFERSON  
RESOLUTION NO. 127**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin, that the City Engineer is authorized to extend the sidewalk along Wisconsin Drive from State Street to Hickory Drive along the west side of the roadway.

Ald. Johann wished to correct a statement made about the sidewalk not being used by Countryside. She stated that sidewalk would be a benefit for staff and residents as well as their families.

Ald. Stewart questioned if this was under the grant by the state. He wondered if we could possibly lose any of the grant funds with the State's current financial situation.

City Administrator Schornack indicated that this was unlikely since it had already been awarded.

Ald. Oppermann indicated that he believed the answer to be "no" to Ald. Stewart's question. He stated that the City of Jefferson were one of nine projects awarded funding and if not used here the funds will be used by another community. He stated that the DOT gives money to those communities who "do a project right", namely providing a safe pedestrian way.

Ald. Oppermann indicated that the proposed sidewalk came from the Streets Committee with a unanimous recommendation. He indicated that a lot of time and planning went into this discussion. Oppermann outlined the location of the sidewalk that was already authorized by the Council and indicated that those property owners will be assessed. He stated that he did not find funding the project a problem and did not believe that putting the sidewalk fund in a deficit was a problem. He noted that he did not foresee any large sidewalk projects in the near future. He concluded that this would give everyone an opportunity to get out and walk in a safe manner.

Mayor Brawders thanked Ald. Gang for the time and effort involved in getting the pictures of similar sidewalk projects in other communities.

Ald. Wagner questioned who would be paying the deficit in the project. City Administrator Schornack noted that the grant will pay 47% of the anticipated \$70,000. City Administrator Schornack then noted that we would use sidewalk fund monies for the remainder and fund the deficit in a future year. Ald. Wagner stated it is the City's policy to assess and that he did not support the project.

Ald. Oppermann noted that sidewalk was not special assessed on the Highway 26 project.

Ald. Wagner then talked about the sidewalk project and how 15 years ago the Council handled the issue.

Ald. Oppermann noted that a lot has changed in fifteen years. He added that different circumstances call for different decisions.

Ald. Gang stated that we have voted on this resolution before. He stated that he had spoke with all but two of the property owners. He stated that 14 of the homeowners said NO to the project. Gang added that the foot traffic in the area does not demand additional sidewalk. Some

homeowners felt that a crosswalk, for the benefit of Countryside would be better than the additional sidewalk. Ald. Gang then asked some procedural questions of Atty. Brantmeier.

Ald. Wagner then questioned the installation of sidewalks in the area of St. Coletta. It was noted that this is covered in a developer agreement.

Ald. Carnes noted that sidewalks are already going in on part of Wisconsin Drive. He stated that we need to finish the project so that the Council is not criticized for doing half of a project.

Ald. Oppermann, seconded by Ald. Johann moved to recommend Resolution No. 127 for discussion. On call of the roll, motion carried by a vote of 5 to 4. Mayor Brawders breaking the tie. Ald. Coffman, Ald. Wagner, Ald. Gang and Ald. Stewart voted against the resolution.

### **CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 129.

### **CITY OF JEFFERSON RESOLUTION NO. 129**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for February 4, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable December 2002 and January 2003 in the amounts of \$80,800.17 and \$939,680.10 respectively and Payroll Summary for January 24, 2003 in the amount of \$89,235.34.
- ❖ Council Minutes from the January 21, 2003 Regular Session Meeting of the Common Council.
- ❖ Licenses as Approved by the Regulatory Committee
  - Operator's Licenses
  - Special Class B Licenses.

Ald. Wagner, seconded by Ald. Stevens moved to recommend Resolution No. 129. On call of the roll, motion carried unanimously.

### **REFINANCING WISCONSIN RETIREMENT SYSTEM UNFUNDED LIABILITY**

Ald. Carnes introduced Resolution No.130.

### **CITY OF JEFFERSON RESOLUTION NO. 130**

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 pr 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 Seventy Thousand and 00/100 Dollars (\$470,000.00) 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 15<sup>th</sup> 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 15<sup>th</sup> 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. Oppermann moved to recommend Resolution No. 132 for discussion.

City Administrator Schornack then provided the Council with background on the Resolution. The Trust Fund had encouraged the City to apply for the funds and then draw on the application any time within the next two years. Schornack indicated that this is a safe way to apply for the funds and that we are now no longer in a time crunch. Administrator Schornack indicated that

Finance Committee had not made a recommendation and felt that interest rates may also decrease making submittal of the application premature.

Ald. Carnes stated that the difference between 6 and 8% a year is significant.

Ald. Stevens asked if we could check with some other municipalities and find out what they are doing and when the liability was actually incurred. He stated that if we can save money it is probably worth doing. He also questioned how this liability would be recorded towards our debt levy. He questioned if we would be sacrificing our bond rating if we pursued the refinancing.

Ald. Gang asked earlier what responsibility the Water and Electric has. City Administrator Schornack noted that the Utility wants to prepay, in cash, their portion of the liability. Schornack noted that Virchow Krause would need to determine the Utilities amount of financial liability.

Ald. Wagner questioned why the City didn't pay off the people when we went into the Retirement System. Staff indicated that they did not have an answer, but that many municipalities face the same fate.

Ald. Carnes, seconded by Ald. Stevens moved to table Resolution No. 132. Motion carried by a voice vote.

City Administrator Schornack indicated that he would bring this Resolution back this summer for consideration when more information is known about other municipalities and the impact on our debt ceiling.

### **COLLECTION AGREEMENT FOR UNPAID EMS BILLS**

Ald. Stevens introduced Resolution No.131.

### **CITY OF JEFFERSON RESOLUTION NO. 131**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign an agreement with Collection Experts, Inc. of Brookfield, Wisconsin to collect unpaid EMS bills with Collection Experts retaining 30% of what they collect and 50% of what they collect if legal action is used.

Ald. Johann questioned how far back we would be going.

City Administrator Schornack indicated that a policy would need to be developed by the Ambulance Committee. He added that criteria for collection would need to be established. City Administrator Schornack noted that soon we will have an idea on how many bills are still outstanding.

Ald. Johann stated that she favored the Ambulance Committee renegotiating the contract for collection for lower rates.

City Attorney Brantmeier then entered the conversation, he noted that he would do as much as possible on the collection as financially feasible.

Ald. Carnes stated that we need to get something in place to collect these funds; and that Finance Committee had unanimously recommended the resolution.

Ald. Wagner asked if we had went out to bid.

City Administrator Schornack noted that National EMS works with the agency regularly and that the fees charged were competitive. He concluded by stating that we did not use a bidding process.

Ald. Oppermann clarified the collection process that will be used.

Tim Bare then asked how uncollected accounts were handled under the former ambulance contracts.

Ald. Stewart indicated that he had contacted several other collection agencies and that their percentages were either the same or higher than what was being proposed in the agreement in front of them.

Ald. Stewart, seconded by Ald. Johann moved to recommend Resolution No. 131 for discussion. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. Gang moved to adjourn to closed session pursuant to Section 19.85(1)(c) to Discuss Employment. On call of the roll, motion carried unanimously.

Ald. Coffman, seconded by Ald. Gang moved to reconvene to Open Session.

### **HIRE OF AUXILIARY POLICE OFFICER**

Ald. Coffman introduced Resolution No. 132.

### **CITY OF JEFFERSON RESOLUTION NO. 132**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to hire Dan Johnson as Auxiliary Police Officer for a starting pay rate of \$12.4937.

Ald. Coffman, seconded by Ald. Wagner moved to recommend Resolution No. 132. On call of the roll, motion carried unanimously.

### **HIRE OF FULL-TIME POLICE OFFICER**

Ald. Johann introduced Resolution No. 133.

**CITY OF JEFFERSON  
RESOLUTION NO. 133**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to hire Cassandra Zweig as a Full-time Police Officer for a starting pay rate of \$16.891 in accordance with the WPPA/JPPA Union Contract.

Ald. Johann, seconded by Ald. Stevens moved to recommend Resolution No. 133. On call of the roll, motion carried by ~~unanimously~~ a vote of 7 to 0, Ald. Stewart abstained from the vote.

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

The minutes of the February 4, 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