

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
MARCH 4, 2003

The Tuesday, March 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, and Ald. Stevens. Absent was: Ald. Johann and Ald. Coffman. Also present were City Administrator Schornack, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

PUBLIC PARTICIPATION

Jim Van Lieschout, 227 Meadow Court, addressed the Council regarding large retail development. He stated that he was addressing the Council as a member of the Jefferson Development Commission. He noted that he felt that the article in the Union stated that the JDC was urging City to lift the moratorium on big box retail. Mr. Van Lieschout noted that his understanding was that the removal of the moratorium was only endorsed after the work of the City was done in relation to the permitting (ie Proposed Ordinance) of big boxes. He encouraged the Council to ascertain all of the necessary information to make an informed decision on the possibility of large retail businesses locating in the City of Jefferson.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding Walmart. Ms. Twist read an anonymous letter sent to her, which supported her feeling that Walmart would be a positive thing for the community. The letter stated that Walmart has had nothing to do with the businesses that have already left. The writer noted that Jefferson needs more than office buildings. They indicated that people from neighboring towns will also visit Walmart bringing additional revenues into the community. The writer stated that Walmart would create jobs, which would offer a good supplemental income. They indicated that Walmart would benefit all surrounding communities and would not force out existing businesses—in fact, it may even help them. The writer encouraged the Council to enrich Jefferson, and bring life back into the town. Ms. Twist noted that she also believes that Walmart would be a benefit to Jefferson and indicated that the Council should look at capturing the tax revenue that Walmart would bring to Jefferson.

Tim Bare, 217 Meadow Court, addressed the Council regarding Proposed Ordinance #3-03. He questioned what the approval process would be for the ordinance. He then addressed specific questions in the ordinance. Mr. Bare stated that he would like to see that the developer provide funds so that the City can do an independent traffic study. Mr. Bare then stated that funds should not be appropriated for the roof repair of City Hall due to the uncertainty of funding at the State and Local level.

Bill Koehler, Highway K, addressed the Council regarding Ordinance #3-03. He asked the Council if this ordinance could be lifted at a future meeting. City Administrator Schornack indicated that any ordinance can be removed, repealed or amended at anytime. City Attorney Brantmeier indicated that a conditional use permit is a requirement in ordinance itself. Mr. Koehler then stated that a recent editorial in the Daily Union from the Greenfield Police Chief was a tactic of Walmart. Mr. Koehler stated that the City of Greenfield died because of all of the Walmarts around them, similar to how Jefferson has died from the retail in surrounding communities. Mr. Koehler stated that he thinks that it is scary that in five years we may only end

up with Walmart. Mr. Koehler stated that a perfect example of corporate greed exists right outside of City Hall's doors—Tyson Foods. He stated that the employees are not asking for much, and that the corporation only cares about their own pocket. He stated that as bad as Tyson Foods is, Walmart is worse. He said we should look 10 years down the road. Where will Walmart be...controlling everything.

Mr. Koehler then read a letter from the Lorbecki Family questioning why the moratorium must be lifted in order to discuss the possibility of Walmart coming to the community. They indicated that they felt that Walmart would make it very difficult for other businesses to co-exist in the same community. They questioned the ability of all of the Walmart's to thrive in such a small area.

Tim Koehler, Highway K, addressed the Council regarding Walmart. Mr. Koehler stated that Walmart is taking over the country and the world. Mr. Koehler then provided materials to the Council regarding Walmart's detrimental effects to farmland and communities.

Peg Beyer, 623 South Center Avenue, addressed the Council regarding the Joint meeting on the Master Plan. Ms. Beyer stated that another meeting is needed to further discuss and refine the objectives in the Master Plan. She encouraged the Council to approve the conditional use permit for large retail businesses.

AGREEMENT FOR ARCHITECTURAL SERVICES FOR RENOVATION DESIGN FOR THE INTERIOR OF SENIOR CENTER BUILDING

Ald. Stevens introduced Resolution No. 145.

CITY OF JEFFERSON RESOLUTION NO. 145

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to sign an agreement with The Architectural Firm to prepare a conceptual plan, final design and bid documents for the renovation of the interior of the senior center.

Ald. Wagner asked if any dollar amounts were included in the contract. City Administrator Schornack stated that the contract was rewritten to include a percentage of construction costs, similar to other contracts approved by the Council. Ald. Wagner asked if a fundraiser would be held for funds for the new center. Ald. Stevens stated that the renovation must be done, because the Council had made the promise to the seniors. After the work has been completed, fundraising can be looked at.

Ald. Gang noted that the Seniors agreed to keep the project at a bare minimum. He stated that they also indicated that they would be doing things like painting, to help out with the costs. Ald. Gang noted that the Committee wanted to get the project on the fast track, finally moving forward with a promise that had been made by the Council.

Ald. Stevens, seconded by Ald. Oppermann moved approve Resolution No. 145. On call of the roll, motion carried unanimously.

AN ORDINANCE CREATING SECTION 17.05(6)(M) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO STANDARDS FOR LARGE RETAIL BUILDINGS IN EXCESS OF 20,000 SQUARE FEET

Ald. Stewart introduced Ordinance #3-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #3-03**

An ordinance creating Section 17.05(6)(m) of the Municipal Code of the City of Jefferson relating to the Large Retail Buildings in Excess of 20,000 Square Feet.

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

Section 1. The following section 17.05(6)(m) is hereby created as follows:

- (m) Retail and Commercial Service Buildings In Excess of 20,000 Square Feet of Area.

The following requirements are applicable to all new retail and commercial service buildings in excess of twenty thousand (20,000) gross square feet and shall be conditional uses in the zoning districts in which they are allowed, except that a separate Conditional Use Permit is not required where such buildings are part of a PAD District. All additions to existing retail and commercial service buildings, built either before or after the adoption of this Ordinance, which brings the total building size to over twenty thousand (20,000) gross square feet shall also require a Conditional Use Permit. The following standards are intended to ensure that large retail and commercial service buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the city. Such projects shall also be subject to the more general standards for the approval of Conditional Use Permits or PAD Districts.

1. **Compatibility with City Plans.** The applicant shall provide, through a written report submitted with the petition for a conditional Use Permit or rezoning application for the PAD Districts, adequate evidence that the proposed building and overall development project shall be compatible with the City's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed adopted elements of the City's master plan.
2. **Building Materials.** Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic

quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used, as determined by the plan commission and City Council. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.

3. **Building Design.** The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the facades of the structure shall employ actual façade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over fifty thousand (50,000) square feet. Roofs with particular slopes may be required by the city to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent to their horizontal length. The integration of windows into building design is strongly encouraged.
4. **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. All sides of the building that directly face or abut a public street or public parking area shall have public entrances.
5. **Building Color.** Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas, subject to the limitations in Section 17.08(6).
6. **Building Location.** Modest building setbacks are encouraged. Where

buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or out lots closer to the street.

7. Screening. Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.
8. Traffic Impact. All projects that include buildings over twenty thousand (20,000) square feet shall have direct access to an arterial street, or shall dedicate public roads, which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation District One guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
9. Parking. Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required in Section 17.07(4) this Ordinance shall be allowed only with specific and reasonable justification. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each

parking aisle spaced at intervals no greater than one island per every twenty (20) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred (300) square feet in area. Landscaped medians shall also be used to break large parking areas into smaller pods, with a maximum of one hundred (100) spaces in any one pod.

10. Natural Resources Protection. Each project shall meet the natural resource protection standards for storm water, utilities, erosion control and public safety. In general, existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the City.

11. Landscaping. On-site landscaping shall be provided per following landscaping requirements:

- a. Landscaping plan shall be submitted to the city Forester for approval including species as per Section 8.08 of the City Municipal Code.
- b. Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within ten (10) feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.
- c. Extensive paved area landscaping for all parking, driveway, and loading areas to screen and provide visual breaks in the size of such paved areas. Canopy/shade trees shall be emphasized within landscaped islands, with shrubs, groundcover, or grass preferred to mulch or stones.
- d. Canopy/shade tree shall be planted in the City tree terrace at a maximum spacing of 1 per 50 feet, if space permits, or off public right-of-way at a maximum spacing of 1 per 100 feet. Canopy/shade trees shall have a minimum of 2.5" diameter.

12. Lighting. On-site exterior lighting shall meet all the standards of Section 17.10(4) of the Ordinance, except that total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting. The color and design of pole lighting standards shall be compatible with the building and the city's public lighting in the area, if a particular public lighting theme has been established for the area.

13. Signage. The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area.
14. Bicycle and Pedestrian Access. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location.
15. Central Areas/Features. Each development that contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building project.
16. Cart Returns. A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building.
17. Impact on Existing Jefferson Business Locations. Where such a building is proposed as a replacement location for a business already located within the City, the City shall prohibit any privately imposed limits on the type of reuse of the previously occupied building through conditions of sale or lease. If the applicant requires such limits, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for future redevelopment.

18. Maintenance Bond. A maintenance/restoration bond must be set up to ensure the building and all amenities on the site are maintained if the building becomes vacant. If the building remains vacant for a period of eight (8) years the restoration bond will be enacted to either modify the building or remove the building from the site.
19. Waiver of Standards. The Plan Commission may waive any of the above standards by a three-quarters (3/4) vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver of the particular standard and prepare the site for future development.

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

This is a first reading.

Mike Slavney of Vandewalle and Associates then gave a brief overview of the Proposed Ordinance. Mr. Slavney noted that he was part of the team that prepared the City of Jefferson's Master Plan. He indicated that of late he has specifically been involved in the location of six Walmart Supercenters and three large Menards. He stated that similar ordinances, to the one proposed this evening is in place in approximately six other communities. He stated that the ordinance has the teeth for a community to say no. The community has three options: no—they do not meet requirements, no—you meet the requirements but it is not right for our community, yes—but with the following requirements. He stated that he is pleased to see that the community is looking at a conditional use process. He noted that the ordinance will not make the review of a big box any easier and it will be fought by all big boxes looking to locate in your community. He stated that the corporations will develop focus groups to elicit community/public support for what they want.

Mr. Slavney then went through the ordinance point by point with the Council. He noted areas where the City lacks and make recommendations for further revisions to the Municipal Code. He provided a good amount of insight as to what the large retailers will do and say regarding the various requirements of the conditional use permit.

He encouraged the Council to look to professionals who can help with the negotiation associated with the location of a large retailer in your community.

Ald. Wagner asked how many of these conditions a retailer would actually follow. Mr. Slavney stated that some retailers have actually complied with the majority of the points.

Ald. Oppermann stated that he was happy to see the Council take this step. He noted the importance of protecting the City's financial interest.

Ald. Gang echoed Ald. Oppermann's comments. Ald. Gang asked about the inclusion of consultant fees in the proposed ordinance. Mr. Slavney noted that this should be in the City of

Jefferson's Municipal Code as well. Ald. Gang stated that he would like to see a provision put in the ordinance that would create a requirement for an economic impact study—at the applicants cost. He also encouraged the inclusion of a traffic study performed by an independent engineer/traffic engineer, paid for by developer funds. Ald. Gang preferred that the Council, not just the Plan Commission, have a say in lifting or imposing standards. Ald. Gang stated that #19 should be at the discretion of the elected officials, not just a commission. The Plan Commission should make recommendations to the full Council.

Atty. Brantmeier stated that if we wanted to change #19, we need to completely change our zoning ordinance by requiring all conditional uses come to full Council.

Ald. Stewart agreed with the removal of #19 and felt that if we establish standards then there is no reason for #19.

Ald. Stevens stated that he saw #19 as allowing the Commission to negotiate “down”. He noted that at times we may want to look at lifting certain restrictions.

Ald. Oppermann agreed with Ald. Gang and stated that he felt final approval should be given by the elected body, not an appointed body. Should come down to the people who are accountable to the voters. Atty. Brantmeier indicated that the standard would need to be consistent for ALL conditional use applications. Need to be uniform in application of conditional uses.

Ald. Carnes stated that he did not feel that it would always be necessary to get Council approval. Atty. Brantmeier stated that conditional use permits, as a class, must be treated the same to avoid any claims of discriminatory actions.

Ald. Gang stated that he felt we should take another look at our Zoning Ordinance in general.

Ald. Carnes and Ald. Oppermann agreed that the Zoning Ordinance should be looked at for revisions.

Ald. Oppermann stated that the Council should look at codification.

Ald. Carnes stated that it should be a $\frac{3}{4}$ vote of present members—just a $\frac{3}{4}$ vote.

Anything which the Plan Commission needs can be charged back to the developer. Put a form together—will fax a sample (a clear track record).

Ald. Oppermann asked if Walmart could bring their information forward while the moratorium is in place. City Administrator Schornack stated yes, but they have not chosen to do this. Oppermann questioned if we would be compromising our position if we lifted the moratorium.

Ald. Wagner stated that in his talks with Walmart, they indicated that they would not come forward as long as the moratorium is in place.

Ald. Gang asked if an environmental impact study would be written in and what was happening with #19.

Mayor Brawders indicated that we should take our time in drafting the ordinance.

Ald. Oppermann stated that it should be a priority to come up with new wording.

Mike Slavney recommended that the Plan Commission recommend a zoning code/zoning map change to the full Council. Then the Council should take a look at the revised ordinance.

Ald. Oppermann asked that a resolution be placed on the next agenda for the hire of Mr. Slavney to help revise/develop the zoning code.

Ald. Wagner agreed with the other members that #19 needs to be revised.

Ald. Carnes indicated that this ordinance does not deal with Walmart, it deals with the future of Jefferson and the future of development of Jefferson.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 141.

CITY OF JEFFERSON RESOLUTION NO. 141

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

The consent agenda for tonight includes:

- ❖ Vouchers Payable for March 2003 in the amount of \$291,419 and Payroll Summary for February 21, 2003 in the amount of \$88,542.21.
- ❖ Council Minutes from the February 18, 2003 Regular & Closed Session Meetings of the Common Council.
- ❖ Greenwood Cemetery Association Request for Funds -- \$13,372.
- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses
 - Combination Class B Licenses – 135 South Main Street

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 141. On call of the roll, motion carried unanimously.

CITY HALL/LIBRARY ROOF BIDS

Ald. Stevens introduced Resolution No. 142.

CITY OF JEFFERSON

RESOLUTION NO. 142

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to sign a contract with Walsdorf Roofing Co. for the construction of a new roof for city hall/library for an amount of \$134,100.00 including alternate bid A.

Ald. Wagner asked if it was unanimous at Finance Committee. Ald. Carnes stated yes.

Ald. Gang gave an explanation of why the entire roof project needed to be completed.

Ald. Stevens, seconded by Ald. Carnes moved to recommend Resolution No. 142. On call of the roll, motion carried unanimously.

**RESOLUTION SETTING TIME FOR HEARING TO VACATE A PUBLIC ALLEY
BETWEEN STATE STREET AND HILL STREET**

Ald. Oppermann introduced Resolution No. 143.

**CITY OF JEFFERSON
RESOLUTION NO. 143****RESOLUTION SETTING TIME FOR HEARING TO VACATE A PUBLIC ALLEY
BETWEEN STATE STREET AND HILL STREET**

WHEREAS, the alley between State Street and Hill Street deadends into the Crawfish River.

AND WHEREAS, David Haffelder is the owner of all the frontage of the lots and lands abutting the public alley.

AND WHEREAS, that public alley has never been opened or used as an alley, but was platted;

AND WHEREAS, it would be in the best interests of the City of Jefferson not to open said alley, construct road surfaces, and then have the obligation to maintain alleys that deadend in the Crawfish River;

AND WHEREAS, the procedures for vacating this alley will proceed under Section 66.1003 Wisconsin Statutes, and this Board will consider whether the public interest is best served and requires the vacation of said alley.

NOW THEREFORE, BE IT RESOLVED, that a public hearing will be held on April 15, 2003 at the Jefferson City Hall to consider passing a resolution vacating the alley between State Street and Hill Street as described above and as shown on the attached diagram.

BE IT FURTHER RESOLVED, That notice of said hearing be published in the DAILY JEFFERSON COUNTY UNION.

Ald. Oppermann, seconded by Ald. Stevens moved to recommend Resolution No. 143. On call of the roll, motion carried unanimously.

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

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

HIRE OF COOP STUDENT

Ald. Wagner introduced Resolution No. 144.

CITY OF JEFFERSON RESOLUTION NO. 144

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to hire Shannon Juris for the position of Coop Student at a starting rate of \$7.00.

Ald. Wagner, seconded by Ald. moved to recommend Resolution No. 144. On call of the roll, motion carried unanimously.

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

The minutes of the March 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