

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
MARCH 18, 2003

The Tuesday, March 18, 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. Coffman, Ald. Wagner, Ald. Oppermann, Ald. Carnes, Ald. Gang, Ald. Stewart, and Ald. Stevens. Absent was: Ald. Johann. Also present were City Administrator Schornack, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

PUBLIC PARTICIPATION

Cherie Anderson, 1201 Cheyenne Court, Fort Atkinson addressed the Council regarding the Tyson Strike. She noted that she was upset regarding the treatment that the strikers were receiving from the City Police. She stated that she was hit by a bus which was attempting to cross the "line", she indicated that her follow up actions caused her to be arrested. She stated that the Police became physically aggressive and told her to "shut up and walk". She stated that she would be filing a claim against the City for injuries sustained during her arrest. Ms. Anderson stated that the Police are getting more aggressive and infringing on free speech. She encouraged the Council to address the issue with the Police.

Chuck Mehling, N5386 Felson Ridge, Johnson Creek, addressed the Council regarding the Tyson Strike. He stated that he was concerned about the Police escorting replacement workers into Tyson. His concern was that City tax money is going to help the replacement workers and not the strikers. Mr. Mehling added that the Police are not supposed to be taking sides, however that is not the way it looks. He stated that in essence, Jefferson tax money is going back to Arkansas and that the community is paying for workers who are not tax paying and taking the money elsewhere. He concluded by stating that he feels the Police are helping Tyson's cause and consequently taking jobs away from Jefferson.

Mayor Brawders indicated that the City Administrator and City Attorney would be meeting with the Police Chief to discuss the concerns brought forth this evening.

Judy Clark, 411 Wisconsin Drive, #203, addressed the Council regarding the Tyson Strike. Ms. Clark indicated how strongly the strike is impacting her family. She stated that she was concerned that different police officers had different standards and that the strikers need consistency so they know what is acceptable from day to day. She stated that the City's first consideration should be to the taxpayers not the outsiders. Ms. Clark stated that outsiders will change Jefferson as they have no moral conviction. She encouraged the Council to put officers back where they belong...in the community.

Perry Sinclair, 663 West Prospect, Lake Mills, addressed the Council regarding the Tyson Strike. He stated that an officer had warned him and others to stop enticing people to honk their horns. He indicated that people are doing that on their own and that the strikers are not enticing this behavior. He stated that he feels that the Police Department's time is better used patrolling the City, instead of harassing the picketers.

Debbie Kitsembel, 314 South Jackson Avenue, addressed the Council regarding the Tyson Strike. She questioned how closing off the street (Linden Drive) is a safety issue? She stated that she feels that it would be less of a safety issue to have the street open, it would give the strikers more room to spread out.

Janet Moldenhauer, 1153 North Watertown Avenue, addressed the Council regarding the Tyson Strike. She stated that a car was driving without plates and was ignored (Monday morning). She questioned why the officers would not check into this. She noted that anyone else would be pulled over and ticketed.

Judy Huebner, N4230 Highway 89, addressed the Council regarding the Tyson Strike. Ms. Huebner also commented on the vehicle that did not have plates. She also felt that this should have been immediately checked into and that anyone else (resident) would have been ticketed. Ms. Huebner then stated that speeding across the picket line is also a problem. She noted that she did not feel that the strikers were enticing the public to honk, rather the public is doing that to show their support. Ms. Huebner stated that the strikers need to know what they can and can't legally do. She concluded by stating that Tyson does not care about our town and neither do the replacement workers. She noted that the economic impact of the strike will have a trickle down effect to the community.

Mike Soleska, 140 South Dewey Avenue, addressed the Council regarding the Tyson Strike. Mr. Soleska stated that he is concerned about the safety of City and children in town especially from 3 to 5 pm everyday when the Police are sitting at the "line". He stated that he feels that this leaves the rest of the City unsafe. He questioned "where is the safety for the rest of the citizens?".

Steve Schweitzer, 141 North Pleasant, addressed the Council regarding the Tyson Strike. He addressed the safety issues associated with the buses that are bringing in replacement workers.

Gary Johnson, 203 North Dewey Avenue, addressed the Council regarding the Tyson Strike. He questioned if the strikers can get on the buses to check for valid identifications.

Cherie Anderson, 1201 Cheyenne Court, Fort Atkinson addressed the Council regarding the Tyson strike. She stated that vehicles were crossing the line very quickly and that only a few of them had received warnings.

Chuck Mehling, N5386 Felson Ridge, Johnson Creek, addressed the Council regarding the Tyson Strike. He stated that if the "line" is going to be videotaped, it should be done all of the time, so that incidents wouldn't be missed.

Mary Jones, Fort Atkinson, addressed the Council regarding the Tyson Strike. Ms. Jones stated that she was confused as to what was allowed under striking laws. She stated that vehicles speeding across the strike line should be issued fines and not warnings. She stated that strikers have gotten fines, but only one person from the other side has received a ticket. She stated that she understood a strike to be an opportunity to voice your opinion on the line legally. She

questioned what the strikers could legally do and questioned the ability to strike within limits. She concluded by stating that the vehicles crossing the line have no respect for strikers.

Bill Koehler, Highway K, addressed the Council regarding Walmart. He thanked the Council for moving forward with the proposed conditional use process for large retailers. He also was happy to see the Council working on hiring Vandewalle for consulting. He encouraged the Council to look at more changes to Chapter 19 of the Municipal Code. He felt that the Council should have the final say, not the Plan Commission. Mr. Koehler stated that he is completely against Walmart and that it is the cheapening of America.

Janet Twist, 663 Dewey Avenue, addressed the Council regarding Walmart. Ms. Twist stated that she was speaking on behalf of the many Jefferson resident's who want Walmart. She stated that many stores sell foreign merchandise, not just Walmart. She also indicated that the jobs Walmart could provide for the community may be very needed in light of the problems with Tyson.

Peg Beyer, 623 South Center, addressed the Council regarding the Tyson strike. Officers need to help traffic get off of the street, not just on the street. She encouraged everyone to look for the Union label. Ms. Beyer encouraged the Council to not entice places like Walmart into town.

Mary Jones, Fort Atkinson, addressed the Council regarding Walmart. Ms. Jones provided the public and Council with her perspective on the impact Walmart had in Prairie DuChien. She stated that Walmart was good for the community, but the Supercenter (which was recently built out of town) has not been. She stated that "once you go SuperWalmart it's nasty". She stated that Walmart is now offering free cab rides to the elderly making it even more difficult for smaller stores to compete.

Paul Miller, 10169 County Line Road, Whitewater addressed the Council regarding Walmart. He stated that he is against Walmart because they drive out competition.

Cherie Anderson, 1201 Cheyenne Court, Fort Atkinson addressed the Council regarding Walmart. Ms. Anderson stated that Walmart is another example of corporate greed. She stated that they pay you minimum wage to do hard work and that they are not good jobs. She stated that no one from Tyson would take a job at Walmart. She concluded by stating "No more corporate greed".

AN ORDINANCE TO REPEAL SECTIONS 7.03(6), 7.03(9), 7.03(4)(O) AND AMEND SECTION 7.03(4)(H) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO TRAFFIC

Ald. Gang introduced Proposed Ordinance #4-03 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #4-03**

An ordinance to Repeal Sections 7.03(6), 7.03(9), 7.03(4)(o) and Amend Section 7.03(4)(h) of the City of Jefferson Municipal Code. The Common Council of the City of Jefferson, Wisconsin, does ordain as follows:

Section 1. Sections 7.03(6), 7.03(9) and 7.03(4)(o) are hereby repealed.

~~(6) RESTRICTED PARKING FOR POLICE SQUADS ONLY (Cr. #10-85) No vehicle, except an authorized police squad, shall be parked in the most southerly space in the Linden parking lot adjacent to the Municipal Building. The penalty for violating this subsection shall be \$5. If not paid within 5 days, a warrant will be issued.~~

~~(9) DESIGNATION OF LOWER LEVEL MUNICIPAL LOT AS SENIOR CITIZENS CENTER AND/OR DISABLED PERSONS PARKING ONLY. (Cr. #4-91) Parking in this lot is restricted to those individuals utilizing the Senior Citizen Center between 8 a.m. and 5 p.m., Monday through Friday, excluding holidays; and disabled persons displaying valid disabled motor vehicle registration.~~

~~(e) The following streets shall be posted as "No Parking on School Days; 7:00 am to 9:00 am."~~

~~The west side of South Copeland Avenue from its intersection with West Racine Street south to its intersection with Ryder Street (Cr. #13-94)~~

Section 2. 7.03 (4)(h) is amended by the removal of the following:

~~N. Pleasant Street, east side, from North Street to Clark Street. (Cr.#18-90)~~

Section 3. These ordinances shall take effect upon passage and publication as required by law.

This was a first reading.

AN ORDINANCE CREATING SECTION 1.03(5)(C) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE APPOINTMENT OF ELECTION OFFICIALS

Ald. Carnes introduced Proposed Ordinance #5-03 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #5-03**

An ordinance to Create Section 1.03(5)(c) of the City of Jefferson Municipal Code. The Common Council of the City of Jefferson, Wisconsin, does ordain as follows:

Section 1. Section 1.03(5)(c) is hereby created to read:

(c) The City of Jefferson shall allow a pupil who is 16 or 17 years of age, who is enrolled in 9 to 12 grade in a public or private school, who has at least a 3.0 grade point average or

the equivalent may serve as an inspector at the polling place serving the pupil's residences with the approval of the pupil's parent or guardian and of the principal of the school in which the pupil is enrolled. SS 7.30 (2) (am)

Section 2. These ordinances shall take effect upon passage and publication as required by law.

This was a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 146.

CITY OF JEFFERSON RESOLUTION NO. 146

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for March 18, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for February and March 2003 in the amounts of \$1,810.00 and \$280,758.14 respectively and Payroll Summary for March 7, 2003 in the amount of \$94,986.63.
- ❖ Council Minutes from the March 4, 2003 Regular & Closed Session Meetings of the Common Council.
- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses
 - Temporary Lease of Right-of-Way – St. Marks Lutheran Church
 - Combination Class B License – Suck 'Em Up

Ald. Wagner, seconded by Ald. Coffman moved to recommend Resolution No. 146. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A NEW DUMP TRUCK

Ald. Carnes introduced Resolution No. 147.

CITY OF JEFFERSON RESOLUTION NO. 147

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator be authorized to purchase a 2003 International truck from Capital City International, Inc. of Madison, WI for \$49,150.00, a dump body, hoist and hydraulic system from Madison Truck Equipment of Madison, WI for \$14,295.00 and a snow plow and lift from Monroe Truck Equipment of Monroe, WI for \$7,390.00.

Ald. Carnes indicated that approval of Resolution No. 147 was unanimous at Finance Committee. He also noted that \$75,000 was budgeted and that a savings of \$4,000 over the budgeted dollar amount would be realized.

Ald. Carnes, seconded by Ald. Stevens moved to recommend Resolution No. 147. On call of the roll, motion carried unanimously.

2003 TREE PRUNING & REMOVAL

Ald. Stewart introduced Resolution No. 148.

CITY OF JEFFERSON RESOLUTION NO. 148

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to contract with Two Guys Trimming of Jefferson, WI to perform pruning and tree removal for 2003 at a not to exceed price of \$5,500. \$13,500.00 has been budgeted in 2003 for this service.

Ald. Wagner stated that it was good to see a Jefferson bid come in.

Ald. Stewart, seconded by Ald. Carnes moved to recommend Resolution No. 148. On call of the roll, motion carried unanimously.

APPROVAL OF THE LUBAHN PARK MASTER PLAN

Ald. Oppermann introduced Resolution No. 149.

CITY OF JEFFERSON RESOLUTION NO. 149

BE IT RESOLVED by the Common Council of the City of Jefferson that the Common Council hereby approves the Master Plan for Lubahn Park.

Park, Recreation and Forestry Director Keller then gave the Council a brief presentation regarding the Lubahn Park Master Plan.

Ald. Carnes clarified that grants could not be received until a conceptual Master Plan is accepted by the Council.

Ald. Oppermann indicated that two public hearings were held to help draft the conceptual master plan. Neighbors of the park were polled for their opinions. Ald. Oppermann then outlined the process used to get to this point.

Ald. Gang questioned if wetlands would be filled in and if permits would be needed from the Department of Natural Resources. Director Keller noted that wetlands would not be filled in, but that permits to work in wetlands would need to be received before work could commence.

Director Keller indicated that the money used to develop the Park would not be tax dollars, but that the funds would come from Developer Park fees.

Park and Recreation Commission Chairperson Adams stated that he is aware that the project will take a long time to complete and that the Commission just wants to see something done at the park.

Ald. Gang asked if the Council would have a say in the projects completed. Director Keller noted that it would need to be approved in the budget and that contracts would also need to be approved by the Council.

Ald. Wagner stated that he wanted to make the following amendment. "The Council can make changes to the plan as deemed necessary...". Motion died for a lack of a second.

Ald. Oppermann, seconded by Ald. Carnes moved to recommend Resolution No. 149. On call of the roll, motion carried 4 to 3. Ald. Gang, Ald. Stewart and Ald. Wagner cast the dissenting votes.

MOBILE DATA COMPUTERS

Ald. Coffman introduced Resolution No. 150.

CITY OF JEFFERSON RESOLUTION NO. 150

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that three mobile data computers be purchased from General Communications for a total of \$24,012.00.

Ald. Wagner asked if bids were received. City Administrator Schornack stated that because it is equipment, we did not have to solicit bids. However, Schornack noted that multiple quotes were solicited.

Ald. Carnes noted that this was \$12 over the budgeted figure and that approval of Resolution No. 150 was unanimous at Finance Committee.

Ald. Coffman, seconded by Ald. Gang moved to recommend Resolution No. 150. On call of the roll, motion carried unanimously.

ACKNOWLEDGING REVIEW OF 2002 COMPLIANCE MAINTENANCE ANNUAL REPORT

Ald. Stevens introduced Resolution No. 151.

CITY OF JEFFERSON RESOLUTION NO. 151

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby informs the Department of Natural Resources that said Council has reviewed the Compliance Maintenance Annual Report for calendar year 2002, which is attached hereto as part of this resolution.

City Wastewater Treatment Plant Superintendent Kelly then provided the Council with a brief overview of the 2002 Compliance Maintenance Annual Report. He then entertained questions from the Council.

Ald. Stevens, seconded by Ald. Wagner moved to recommend Resolution No. 151. On call of the roll, motion carried unanimously.

AGREEMENT FOR CURRENT PLANNING 2003

Ald. Gang introduced Resolution No. 152.

CITY OF JEFFERSON RESOLUTION NO. 152

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the agreement for "Current Planning 2003" is hereby approved and the City Administrator is authorized to execute same.

City Administrator Schornack noted that Vandewalle has been the City's contact for zoning direction. He noted that this contract would allow Mr. Slavney to work with the City to develop the proposed changes to the zoning code related to large retailers and to work with the remainder of the zoning code to eliminate any potential conflicts.

Administrator Schornack indicated that due to some concerns with the contract, this item had been tabled at Finance Committee Meeting.

City Administrator Schornack and City Attorney Brantmeier encouraged the tabling of the Resolution No. 152.

Ald. Gang, seconded by Ald. Coffman moved to recommend Resolution No. 152.

Ald. Stevens, seconded by Ald. Coffman moved to table Resolution No. 152. Motion carried by a voice vote.

AUTHORIZING BUDGET ADJUSTMENTS

Ald. Carnes introduced Resolution No. 153.

CITY OF JEFFERSON RESOLUTION NO. 153

BE IT RESOLVED by the Common Council of the City of Jefferson that the

following 2002 budget adjustments are hereby authorized:

| BUDGET ITEM | ACCOUNT # | CURRENT BUDGET | BUDGET ADJUSTMENT | REVISED AMOUNT |
|-------------------------------------|-----------------|-------------------|----------------------|-------------------|
| Fund 32 – Trnsfr to PW Bldg | 01-00000-27-432 | \$0.00 | \$4,500.00 | \$4,500.00 |
| Fund 01 – Serv to Maint Strt | 01-54310-30-357 | \$59,000.00 | -\$4,500.00 | \$54,500.00 |

Ald. Carnes indicated that this Resolution was unanimous at Finance Committee.

Ald. Carnes, seconded by Ald. Gang moved to recommend Resolution No. 153. 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) and 19.85(1)(g) to Discuss Performance Evaluation Data and to Confer with Legal Counsel. On call of the roll, motion carried unanimously.

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

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

The minutes of the March 18, 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