

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
APRIL 15, 2003

The Tuesday, April 15, 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

Ann Adkins, 703 Wisconsin Drive, addressed the Council regarding the sidewalk on Wisconsin Drive. She stated that she objected to having to pay for the sidewalk when others did not have to. She felt that it was only fair that both sections of the Wisconsin Drive sidewalk be treated equitably.

Nancy Haberman, 536 East North Street, addressed the Senior Center Commission Ordinance. She stated that too much is left to interpretation and that the ordinance is too vague. She encouraged the Council to take time and get the ordinance right the first time. Ms. Haberman stated that she sees no reason that the Council has to act on the ordinance this evening. Ms. Haberman also addressed whether or not this ordinance was a second reading.

Dennis Lehman, 777 Wisconsin Drive, addressed the Council regarding the sidewalk on Wisconsin Drive. Mr. Lehman stated that he did not believe he should be assessed when others were not being assessed for the sidewalk. *City Engineer Ludwig provided the property owner with history involving the assessing of the sidewalk.*

Tim Bare, 217 Meadow Court, addressed the Council regarding various issues. Mr. Bare addressed the Council regarding the looming increases in property taxes in the future (citing an article in the Jefferson County Daily Union). He asked the Council to think about this when voting on spending issues this evening. He stated that the sidewalk on Wisconsin Drive should not be assessed and encouraged the Council to go forward with new assessing policy. Mr. Bare stated that another (Senior) Commission should not be added to the City. He stated that the Park and Recreation and Facilities Committees can meet the purpose which were set forth for the Senior Commission. Mr. Bare stated that in order to expedite the agenda this evening the current Council should adjourn and let the new Council take their seats.

Lyman Tracy, 415 North Pleasant Avenue, addressed the Council regarding the resolution endorsing the pyrotechnic convention. Mr. Tracy stated that he was concerned about the noise and the pollution which would be caused by the event. Mr. Tracy noted that he was opposed to the proposed convention.

Scott Adkins, 703 Wisconsin Drive, addressed the Council regarding the sidewalk along Wisconsin Drive. Mr. Adkins stated that if he has to pay for the sidewalk, he requested that the state funding for his project should be rejected and sent back to the State.

Bill Koehler, Highway K, addressed the Council regarding the proposed big box ordinance and Walmart. Mr. Koehler stated that he has a problem with waiving standards (as suggested in the ordinance). Mr. Koehler then also provided the Council with an article about Walmart and their union busting activities.

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding the proposed large retail ordinance. Mr. Lorbecki stated that he felt that the Plan Commission should not have the power of waiving restrictions. Mr. Lorbecki gave the Council an update on what the Walmarts in the area were doing. He encouraged the Council to look out for the community and the community's businesses. He also indicated the support that his business has for the community.

Cheryl Higgins, 776 North Jackson Avenue, addressed the Council regarding the large retail ordinance. She encouraged the Council to leave the ordinance as written and that the community should rely on the intelligence of their elected officials.

Charlotte Lehman, Chamber of Commerce President, addressed the Council regarding Chamber activities. Lehman indicated that the Chamber had hosted a "Business after Five" event and she noted that the Spring Car Show was upcoming. Lehman indicated that the Farmers Market was scheduled to start on May 3 and would be held every Saturday this year. It was noted that the Gemuetlichkeit May Ball will also be held on May 3. President Lehman indicated that the Chamber Board was unanimous in support of the room tax. She stated that it was the Committee's opinion that the tax will not discourage travel. Lehman concluded by stating that we are the only community in the area which does not have a room tax and she encouraged the Council to vote yes on the proposed ordinance.

PUBLIC HEARING ON 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

Mayor Brawders called the public hearing to order.

City Administrator Schornack read the Notice of Public Hearing.

City Engineer Dan Ludwig gave an explanation of the proposed ordinance.

Mayor Brawders then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Tim Bare, 217 Meadow Court, questioned what a PAD District was. City Engineer Ludwig indicated that it is similar to a PUD, only for commercial businesses. Engineer Ludwig explained the relevance to commercial development. Mr. Bare then addressed future parking and traffic issues. (*Attorney Brantmeier stated that to speculate too far into the future would not be constitutional.*) Mr. Bare then addressed the lighting issue "total cutoff luminary". (*Attorney Brantmeier noted that Plan Commission had also discussed this and that it was to minimize the appearance of "daylight" as created by artificial lighting.*) Mr. Bare then moved onto Natural Resource protection and how it related to the water tower. Mr. Bare then spoke about the Plan Commission and their authority to approve or disapprove the conditional use permit.

Peg Beyer, 623 South Center Avenue, stated that the Plan Commission had spent a lot of time on the proposed ordinance. Ms. Beyer stated that she stated that the Commission had also taken into consideration that the ordinance needs to fit remodeling and “adding on” to existing structures in the City. She stated that she believes that #19 should stay in the ordinance and that the Plan Commission has the time to invest in making good decisions. She stated that she hoped that the Council would approve the ordinance this evening.

Hearing from no one else, Mayor Brawders closed the public hearing.

Ald. Stewart introduced Ordinance #3-03 for its second 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.

Ald. Stewart, seconded by Ald. Stevens moved to recommend Proposed Ordinance #3-03 for discussion.

City Administrator Schornack stated that the Engineer and himself had prepared a memo to the Council regarding their observations and other comments regarding the ordinance.

Ald. Coffman stated that this ordinance would apply to ANY new store that would locate or expand in Jefferson. He stated that with that in mind several areas stuck out. He stated that traffic studies may not always be needed and that he also has issues with the language regarding parking. Ald. Coffman then discussed the need for the bond.

Ald. Coffman stated that he was worried about different requirements for different developments (selective enforcement of the ordinance). Attorney Brantmeier agreed that without a good public purpose it would look like selective enforcement and subject the City to legal liability.

Ald. Carnes agreed with Ald. Coffman and stated that the staff should retool the ordinance.

Attorney Brantmeier stated that if changes need to be made they should be brought forward and that a first reading and another public hearing be held for the revised ordinance.

Ald. Oppermann questioned which changes were made at the request of the Plan Commission and which ones were the recommendations of Walmart. City Administrator Schornack then went through the changes to the ordinance and their origin.

Ald. Coffman further identified problems with the ordinance.

Mayor Brawders indicated that there are many issues that should be given an additional look.

Ald. Carnes questioned if a joint meeting with the Plan Commission and the City Council was in order.

Ald. Wagner, seconded by Ald. Coffman moved to table Proposed Ordinance #3-03. Motion carried on a voice vote.

**PUBLIC HEARING ON THE PROPOSED VACATION OF A PUBLIC ALLEY
LOCATED BETWEEN STATE STREET AND HILL STREET**

Mayor Brawders called the public hearing to order.

City Administrator Schornack read the Notice of Public Hearing.

City Engineer Dan Ludwig gave an explanation of the proposed vacation.

Mayor Brawders then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Dave Haffelder, 613 State Street, stated that he had spoke with the property owners adjacent to his property and that they did not have a problem with the vacation.

Hearing from no one else, Mayor Brawders closed the public hearing.

Ald. Stevens introduced Resolution No. 158.

**CITY OF JEFFERSON
RESOLUTION NO. 158**

**RESOLUTION VACATING AND DISCONTINUING A PUBLIC ALLEY LOCATED
BETWEEN STATE STREET AND HILL STREET**

WHEREAS, the City Council of the City of Jefferson at their meeting on March 4, 2003, adopted a Resolution setting the time and date to consider vacating a public alley located between State Street and Hill Street, and directing that notice thereof be published in the DAILY JEFFERSON COUNTY UNION;

AND WHEREAS, the Lots 1, 2, 3, 4 and Lots 5, 6, 7, 8 in Block 6 of Savages Addition, which abut the public alley, are owned by David Haffelder;

AND WHEREAS, the Notice of a Public Hearing to be held on this date; namely April 15, 2003 at 7:30 p.m. at the City Hall in the City of Jefferson was published in the DAILY JEFFERSON COUNTY UNION;

AND WHEREAS, a public hearing on said petition was held on April 15, 2003

AND WHEREAS, Notice of Pendency of the consideration to vacate a public alley located between State Street and Hill Street was filed with the Register of Deeds for Jefferson County, Wisconsin, as required by Section 840.11 Wisconsin Statutes on February 13, 2003;

AND WHEREAS, the only owner of property abutting on the portion of said alley proposed to be vacated is David Haffelder, having appeared at the hearing and supported the vacating of said roads.

AND WHEREAS, all provisions of Section 66.1003 Wisconsin Statutes have been satisfied and complied with for the vacating or discontinuance of said public alley located between State Street and Hill Street;

AND WHEREAS, it appears in the best interests of the City, and the public interest requires that the public alley located between State Street and Hill Street hereinafter described be vacated and discontinued.

NOW THEREFORE, IT IS HEREBY RESOLVED, That the following described portion of the public alley located between State Street and Hill Street located in the City of Jefferson, Jefferson County, Wisconsin, as depicted on the attached map, be and the same is hereby vacated and discontinued.

The alley is described as:

- (A) The public alley located between State Street and Hill Street located between Lots 1, 2, 3, 4 and Lots 5, 6, 7, 8 in Block 6 of Savages Addition to the City of Jefferson, which alley runs southeast to northeast with the Northerly boundary being the Crawfish River.

Ald. Stevens, seconded by Ald. Carnes moved to approve Resolution No. 158. On call of the roll, motion carried unanimously.

AN ORDINANCE TO CREATE SECTION 1.04 (15) OF THE CITY OF JEFFERSON MUNICIPAL CODE CREATING A JEFFERSON SENIOR CENTER COMMISSION

Ald. Stevens introduced Proposed Ordinance #13-02 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #13-02**

An ordinance to create Section 1.04 (15) creating a senior center commission. The Common Council of the City of Jefferson, Wisconsin, does ordain as follows:

Section 1: Section 1.04 (15) is hereby created as follows:

Section 1.04 (15). JEFFERSON SENIOR CENTER COMMISSION.

- a) Composition: The Jefferson Senior Center Commission shall be comprised of seven (7) members. The Parks, Recreation and Forestry Director and the Senior Center Director shall serve as ex-officio members. The Commission may have additional ex-officio members as appointed by the Mayor and confirmed by the Common Council.

- b) Appointments and Terms. Members shall be appointed by the Mayor, subject to confirmation of the Common Council for a term of five (5) years commencing May 1, with the terms staggered so that at least one but not more than two terms expire annually.
- c) Powers and Duties: The Jefferson Senior Center Commission shall serve as an advisory Commission of the Common Council, advising the Common Council on all matters pertaining to operations and activities of the senior center. Areas of responsibilities shall include, but not limited to:
 - 1. The management, improvement and care of the senior center.
 - 2. The development of policies, procedures, rules and regulations pertaining to the use of the senior center.
 - 3. The development of the annual operation and capital budgets for the senior center.
 - 4. The development of a broad variety of recreational programs and services to meet the needs and demands of the senior community.
 - 5. Advising the Common Council on levels of staffing.

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

Ald. Stevens, seconded by Ald. Oppermann moved to recommend the approval of Proposed Ordinance #13-02 for discussion.

Ald. Oppermann stated that the intent of the Ordinance is to empower the users of the Center. Oppermann noted that he felt that the ordinance was a good tool to achieve that.

Ald. Stevens stated that the term of five years concerned him. Ald. Stevens, seconded by Ald. Wagner moved to make the term of the committee members to three years instead of five years. On call of the roll, motion carried by a vote of 4 to 3. Ald. Coffman, Ald. Gang, and Ald. Stewart voted against the ordinance.

Ald. Gang stated that he would not be supporting the ordinance because the users of the Center are not in support of it.

Ald. Wagner questioned if a Council member was going to be on the Commission.

Ald. Oppermann, seconded by Ald. Gang moved to table Amended Ordinance #13-02. Motion carried on a voice vote.

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 second 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.~~

~~(o) 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.

Ald. Wagner indicated that Proposed Ordinance #4-03 was unanimous at Regulatory Committee.

Ald. Carnes noted it was a housekeeping ordinance.

Ald. Gang, seconded by Ald. Stevens moved to recommend Proposed Ordinance #4-03. On call of the roll, motion carried unanimously.

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 second 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.

Ald. Carnes stated that he felt it was good opportunity for our students.

Ald. Wagner asked if the ordinance was being adopted to get rid of the "old workers". City Clerk/Treasurer Stewart stated absolutely not. She indicated that the ordinance was being added so that additional workers could be added to the worker list to cover vacancies, absences or just for additional help in difficult elections, such as the Presidential.

Ald. Wagner asked if it was discriminatory to have a grade point average in the ordinance. Attorney Brantmeier stated the qualifications were structured in such a way that they could not be construed as discriminatory.

City Clerk/Treasurer Stewart added that this was verbiage which the State of Wisconsin and the Elections Board had given their blessing to.

Ald. Carnes, seconded by Ald. Oppermann moved to recommend Proposed Ordinance #5-03. On call of the roll, motion carried by a vote of 7 to 1. Ald. Wagner cast the dissenting vote.

ORDINANCE TO CREATE A ROOM TAX

Ald. Oppermann introduced Proposed Ordinance #6-03 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #6-03**

An ordinance to create Section 3.10 of the Municipal Code of the City of Jefferson related to a room tax.

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

Section 1. 3.10 ROOM TAX

(1) DEFINITIONS.

In this chapter, the following definitions shall apply:

(a) HOTEL OR MOTEL. A building or a group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins, commercial indoor lodging facilities and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than thirty (30) consecutive days and accommodations furnished by any hospitals, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

(b) GROSS RECEIPTS. Has the meaning as defined in Sec. 76.48(d), Wisconsin Statutes, insofar as applicable:

“ ‘Gross Receipts’ means total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a hotel or motel as defined herein.”

(c) TRANSIENT. Any person residing for a continuous period of less than thirty (30) consecutive days in a hotel, motel, or other furnished accommodations available to the public.

(d) MUNICIPALITY or CITY. The City of Jefferson, Wisconsin.

(e) PAYOR. The person or entity who owes the tax imposed by this ordinance.

(f) TOURISM. Any travel for recreational, business or educational purposes.

(g) ROOM TAX. The tax imposed by this ordinance.

(2) IMPOSITION OF TAX.

Pursuant to Sec. 66.75, WI Statutes, a tax is hereby imposed on the privilege

and services of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of five percent (5%) of the gross receipts from such retail furnishing of rooms or lodgings. [Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, WI Statutes, and may not be imposed upon sales to the federal government and persons listed under Sec. 77.54(9a), WI Statutes.]

(3) COLLECTION OF TAX.

The Collection of the tax imposed by this ordinance shall be administered by the City Treasurer. The tax imposed for the months of January, February and March, and for the calendar quarters thereafter is due and payable on the last day of the month succeeding the calendar quarters for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which the tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarters from such retail furnishings of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such a quarterly return shall, with their first return, elect to file an annual calendar or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return of his/her duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.

The correct amount of tax shall accompany each quarterly tax return and be made payable to the City. The Payor of such tax may deduct a sum equal to ~~two (2%)~~ five (5%) percent of the net tax due to compensate the Payor for the administrative costs incurred as a result of this ordinance.

Any unpaid tax imposed by this ordinance may, in addition to other penalties available herein, be deemed to be an assessment on any land owned by the Payor inside the legal boundaries of the City.

(4) SALE OR CONVEYANCE OF BUSINESS.

If any person liable for any amount of tax under this section transfers their business or stock of goods or terminates the business, their successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certi-

ificate stating that no amount is due. If person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, they shall become personally liable for payment of the amount required to be withheld by them to the extent of the price of the accommodations valued in money.

(5) DETERMINATION OF TAX BY AUDIT.

(a) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

(b) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. Whenever the City Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the City Treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

(6) FAILURE TO FILE RETURN.

If any person fails to file a return due under this Chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under (1). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into his/her possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City adding to the sum thus arrived at, a penalty equal to ten percent (10%) thereof. One or more such determinations may be made for one or more than one period.

(7) FORFEITURE RELATING TO RETURNS NOT FILED TIMELY.

A forfeiture of twenty-five percent (25%) of the room tax due for the previous year or One Thousand Dollars (\$1,000), whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within thirty (30) days after the due date of the return. In addition to this forfeiture, all unpaid taxes under this section shall bear interest at the rate of twelve percent (12%) per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. All refunded taxes shall bear interest at twelve percent (12%) per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded. An extension of time within which to file a return shall not

operate to extend the due date of the return for purposes of interest computation. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, it shall not allow any interest thereon.

(8) DELINQUENT TAX RETURNS.

Delinquent tax returns shall be subject to a Twenty-Five Dollar (\$25) late filing fee. The tax imposed by this section shall become delinquent if not paid by the due date of the return.

(9) FILING OF FRAUDULENT RETURNS.

If a person files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of fifty percent (50%) shall be added to the tax required to be paid, exclusive of interest and other penalties.

(10) POSTING OF SECURITY AS REQUESTED BY CITY TREASURER.

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this Chapter to place with him or her such security, not in excess of Five-Thousand (\$5,000) Dollars as the City Treasurer determines. If any taxpayer is delinquent in the payment of taxes imposed by this section, the City Treasurer may, upon ten (10) days notice, recover the taxes, interest and penalties from the security placed with the City Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security.

(11) RECORD-KEEPING REQUIREMENTS.

Every person liable for the tax imposed by this Chapter shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer requires.

(12) CONFIDENTIALITY OF TAX RETURNS.

All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following, and no others:

1. The person who filed the return.
2. Officers, employees, or agents of the City Treasurer.
3. Other persons for use in the discharge of duties imposed by law,

or in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a court.

No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records or any person on whom a tax is imposed by this section, or the amount of source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in this Section. Any person violating this Section, or subsequent Ordinances or Resolutions adopted by the City pertaining to the confidentiality of the information described in this Section may be required to forfeit not less than One Hundred Dollars (\$100) nor more than Five-Hundred Dollars (\$500).

(13) PENALTIES.

Any person who is subject to the tax imposed by this Chapter who fails or refuses to permit the inspection of records by the City Treasurer after such inspection has been duly requested by the City Treasurer, or who fails to file a return as provided in this Section, or who fails to post security requested by the City Treasurer or who violates any other provisions of this Section, shall be subject to a forfeiture not to exceed Two-Hundred Fifty Dollars (\$250). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense. The total forfeiture imposed shall not exceed five percent (5%) of the tax imposed by this Chapter.

(14) EXEMPTIONS.

For the tax year 2001, any person or business otherwise required to file a return and make payment to the City under this Section will be allowed an exemption from the requirement to collect and pay Room Tax for any signed contract dated prior to adoption of this ordinance in which the contract guarantees the lodging rates. This exemption will expire on December 31, 2001.

(15) CREATION & DUTIES OF TOURISM COMMITTEE.

(a) The creation of a Tourism Committee is hereby made and shall consist of five (5) members who shall be appointed by the ~~City Administrator~~ Mayor with approval of the Common Council. The Committee will consist of the following personnel:

- (1) A Representative of the local lodging industry;
- (2) A City of Jefferson Common Council member;
- (3) A Representative from the City's Chamber of Commerce Board

- of Directors or the Chamber's Tourism Committee;
- (4) The executive director of the City's Chamber of Commerce
- (5) A local business person who works in the area of tourism.

Each member's term will be for a three (3) year period and may serve multiple terms.

(b) Seventy (70%) percent of the tax collected by the City under this chapter shall be forwarded to the Jefferson Chamber of Commerce to be used for promoting tourism. Twenty-five (25%) percent of the tax shall be used by the City for civic promotion. Five (5%) percent of the tax shall remain with the hotel owner.

(c) The City may not use any of the Room Tax revenue it receives to construct or develop a lodging facility.

ALTERNATIVE NO. 1:

~~(15) PROMOTION OF TOURISM AND DEVELOPMENT.~~

~~(a) Seventy percent (70%) of the tax collected by the City under this Chapter shall be spent on tourism promotion and development. The City shall have the authority to carry out the duties set forth in Sec. 66.75(1m), WI Statutes, and as otherwise provided by law.~~

~~(b) The City may not use any of the Room Tax revenue it receives to construct or develop a lodging facility.~~

ALTERNATIVE NO. 2:

~~(15) TOURISM PROMOTION AND DEVELOPMENT.~~

~~(a) Seventy (70%) percent of the tax collected by the City under this chapter shall be forwarded to the Jefferson Development Corporation to be spent on tourism promotion and development. The Jefferson Development Corporation shall have the authority to carry out the duties set forth in Sec. 66.75(1m), WI Statutes, and as otherwise provided by law. Such duties shall include, without limitation, the following:~~

- ~~(1) using the room tax revenue that it receives from the City to promote and develop tourism in the City;~~
- ~~(2) reporting at least annually to the City the purposes for which the room tax revenues it received were spent;~~
- ~~(3) annually recommending a budget to the City of Jefferson~~

~~Common Council for approval.~~

~~(b) The Jefferson Development Corporation may not use any of the room tax~~

~~revenue it receives to construct or develop a lodging facility.~~

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law.

Ald. Oppermann, seconded by Ald. Carnes moved to waive the second reading. Ald. Oppermann then provided the Council with background regarding the first reading. He then outlined the changes that had been made since. On call of the roll, motion was defeated by a roll of 5 to 2. Ald. Stevens, Ald. Stewart, Ald. Wagner, Ald. Coffman and Ald. Gang voted against the waiving of the second reading.

Ald. Gang stated that he was concerned that some people may not have attended because this was a first reading and may wish to speak on the Proposed Ordinance.

Janet Duggan, Rodeway Inn, stated that she was not aware of any Committee meetings. (It was later noted that she had received materials, but that they had not been received at her home address, they had been delivered to her business address.) Ms. Duggan stated that she opposes the City tax and questioned what the City tax was for. She asked who was collecting the fee and monitoring its administration. She stated that she was concerned about preprinted materials and noted that her business is already 20% down. She questioned what the City would be promoting for tourism.

Chamber of Commerce President Charlotte Lehman stated that because the Chamber does not know what type of funds to be expected so exact plans for the use of the funds have not been developed. President Lehman offered several ideas as to what the funds may be used for.

This was a first reading.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO LICENSE FEES

Ald. Coffman introduced Proposed Ordinance #7-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #7-03**

An ordinance to amend Section 12.01(3)(d) & (e) of the Municipal Code of the City of Jefferson related to alcoholic beverage licensing fees.

Section 1. The Common Council of the City of Jefferson do ordain as follows:

Section 2. Sections 12.01(3)(d), 12.01(3)(e), 12.01(3)(g), 12.01(3)(h), and 12.01(3)(i) are hereby amended as follows:

(d) Retail Class A Liquor License - \$500/yr.

(e) Retail Class B Liquor License. \$500/yr. A retail Class B liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed 4 liters at any one time to be consumed off the licensed premises. If issued in conjunction with a Class B Fermented Malt Beverage License the fee is \$600 per year.

- (g) Operator's License. (EFFECTIVE 7/1/2003)
\$30/yr-new; \$25/yr-renewal; \$40/2 yrs-new; \$35/2 yrs-renewal
- (h) Provisional Operator's License. \$15/yr. (EFFECTIVE 7/1/2003)
- (i) Temporary Operator's License. \$20/yr. (EFFECTIVE 7/1/2003)

Section 3. Section 12.16(3)(a) is hereby amended as follows:

- (a) Cigarette License. \$100/yr.

Section 4. This ordinance shall take effect and be in full force after passage and publication as provided by law.

This was a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 154.

CITY OF JEFFERSON RESOLUTION NO. 154

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for April 15, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for April 2003 in the amount of \$307,921.96 and \$309,198.70, manual April 2003 Vouchers in the amount of \$3,836.32 and Payroll Summaries for March 21 and April 4, 2003 in the amounts of \$96,962.74 and \$94,737.13.
- ❖ 2003 Petition for County Highway Aid.
- ❖ Council Minutes from the March 18, 2003 Regular & Closed Session Meetings of the Common Council.
- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses
 - Class B Site License – Azteca's Ballroom Bar & Grill (Rosalina Solorzano)
 - Class B Beer License – Jefferson Blue Devils Baseball Team (Jeff Seisser AGENT)

It was noted that the March 18, 2003 minutes indicated that City Engineer Ludwig was present at the meeting and that the minutes should be corrected to reflect that he was not present.

Ald. Coffman questioned approval of the Personnel Committee Closed Session Minutes. City Clerk/Treasurer Stewart indicated that minutes of Committees are to be approved at the Committee level, not at Council.

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 154. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING CONTRACT FOR CITY HALL RENOVATION

Ald. Stevens introduced Resolution No. 161.

**CITY OF JEFFERSON
RESOLUTION NO. 161**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to sign a contract with Tri-North Builders for the City Hall renovation for \$947,000.00.

Jim Willmas then provided the Council with an overview of the bid process. Mr. Willmas noted that the market was very favorable.

Ald. Wagner, seconded by Ald. Gang moved to table Resolution No. 161.

Ald. Wagner stated that he could not approve the resolution because he had not seen the numbers on the project or the plans. He questioned why a breakdown of numbers had not been provided in the packet.

Ald. Oppermann stated that the plans had been available at City Hall for some time and that the numbers had also been available for inspection.

City Administrator Schornack also stated that a breakdown of the numbers had been provided to the Facilities Committee as requested by Ald. Gang.

Mr. Willmas, Bray Architects indicated that the contractors would have the "real" costs and they could be extracted from the bid. On call of the roll, motion to table was defeated by a vote of 5 to 2. Ald. Stewart, Ald. Coffman, Ald. Oppermann, Ald. Stevens, Ald. Carnes cast the dissenting votes.

Ald. Stevens stated that the Committee has come up with a good plan. He stated that the Committee had numerous public meetings discussing the project. Ald. Stevens stated that he constantly reading about the wonderful things that the Historical Society is doing in Fort Atkinson. He stated that this is an opportunity for Jefferson to do the same. Ald. Stevens indicated that the new facility will address many of the issues which have plaguing City Hall for many years. He stated that this is one of the final things that the City has to do...facility wise.

Ald. Wagner stated that Ald. Stevens stated that the building costs would not go over a million, but with the roof it did. Ald. Wagner stated that he just didn't feel that there was enough money in the fund to do everything. Ald. Stevens stated that funds exist for the entire City Hall project and the Senior Center.

Ald. Carnes stated that money exists to renovate both buildings. Ald. Carnes stated that the vote was 2 to 1 at Finance Committee.

Ald. Gang stated that he is 100% sure about the upper level renovation. However he is unsure about the lower level. Ald. Gang questioned the legality of using the note proceeds. He noted displeasure in the fact that additional information was not included in the packet for consideration.

Ald. Stevens, seconded by Ald. Carnes moved to recommend Resolution No. 161. On call of the roll, motion was defeated by a vote of 4 to 2 with one abstention. Ald. Wagner, Ald. Coffman Ald. Gang, and Ald. Stewart cast the dissenting votes. Ald. Oppermann abstained from the vote.

RESOLUTION SUPPORTING EFFORTS TO HAVE THE PYROTECHNICS GUILD INTERNATIONAL ANNUAL CONVENTION IN JEFFERSON

Ald. Stewart introduced Resolution No. 155.

**CITY OF JEFFERSON
RESOLUTION NO. 155**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council supports the efforts to have the Pyrotechnics Guild International Annual Convention in Jefferson.

Ald. Wagner stated that he would not support this resolution.

Ald. Carnes stated that this could help the City in some ways, but may harm in others.

Ald. Stewart, seconded by Ald. Carnes moved to approve Resolution No. 155 for discussion.

After discussion, Ald. Coffman, seconded by Ald. Wagner moved to table Resolution No. 155. Motion carried by a voice vote.

RESOLUTION TO NOT SPECIAL ASSESS SIDEWALK ALONG WISCONSIN DRIVE FROM THE CRAWFISH BRIDGE TO STATE STREET (WEST SIDE) AND SIDEWALK ALONG SOUTH JACKSON AVENUE (BOTH SIDES)

Ald. Oppermann introduced Resolution No. 156.

**CITY OF JEFFERSON
RESOLUTION NO. 156**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the sidewalk along Wisconsin Drive from the Crawfish Bridge to State Street (west side) and the sidewalk along South Jackson Avenue (**north** side) not be special assessed.

Ald. Wagner asked if the special assessment policy would be changed.

Ald. Oppermann stated that this resolution was unanimous at Streets Committee and that state funding had not been secured at the time the original resolution was passed. He stated that it was only fair not to charge the other owners.

Ald. Carnes stated that he does not believe that sidewalks should be assessed because they are a benefit to the entire City. We must be uniform in our assessing practice.

Ald. Gang made a correction to the text of the resolution.

Ald. Oppermann, seconded by Ald. moved to recommend Resolution No. 156 as clarified. On call of the roll, motion was defeated 4 to 3. Ald. Coffman, Ald. Gang, Ald. Stewart and Ald. Wagner cast the dissenting votes.

RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 1

Ald. Coffman introduced Resolution No. 157.

CITY OF JEFFERSON RESOLUTION NO. 157

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator be authorized to sign Change Order Number 1 to the Wisconsin Drive Reconstruction Project with B.R. Amon and Sons for the amount of \$43,262.50 to install sidewalk, retaining walls and handicap ramps from State Street to Hickory Drive.

Ald. Coffman, seconded by Ald. Carnes moved to recommend Resolution No. 157 for discussion. On call of the roll, motion carried was defeated by a vote of 4 to 3. Ald. Gang, Ald. Stewart, Ald. Wagner, and Ald. Coffman cast the dissenting votes.

RESOLUTION APPROVING AGREEMENT WITH VANDEWALLE & ASSOCIATES FOR 2003 PLANNING SERVICES

Ald. Gang introduced Resolution No. 159.

CITY OF JEFFERSON RESOLUTION NO. 159

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the agreement with Vandewalle & Associates for 2003 planning services is hereby approved and the City Administrator is authorized to execute same, and

BE IT FURTHER RESOLVED that the funds to pay for the services that will be provided under this agreement will come from the contingency fund.

Atty. Brantmeier reviewed the contract with the Council and gave a brief overview. Atty. Brantmeier noted that codification of the City's ordinances should take place next year.

City Administrator Schornack noted that he was concerned about the use of contingency funds so early in the year. City Clerk/Treasurer Stewart noted that funds in the contingency line item have already been earmarked for other items.

Ald. Oppermann stated that he regrets that funds were removed from the 2003 budget for this purpose. He stated that the revisions are long overdue and that the new Council would need to deal with the financial impact of removing this request from the original 2003 budget.

Ald. Wagner asked what the maximum of the contract may be. It was noted that \$10,000 was the maximum.

Ald. Gang, seconded by Ald. Stewart moved to recommend Resolution No. 159. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING REQUEST FROM THE COUNCIL FOR THE PERFORMING ARTS FOR ASSISTANCE FROM THE CITY IN PAYING FOR UTILITIES AT THE CARNEGIE BUILDING

Ald. Wagner introduced Resolution No. 160.

**CITY OF JEFFERSON
RESOLUTION NO. 160**

WHEREAS, the Chamber of Commerce has moved out of the Carnegie Building and the Jefferson Historical Society is in the process of moving out of the building, and

WHEREAS, the Council for the Performing Arts will be vacating the Carnegie Building in October 2003, and

WHEREAS, both the Chamber of Commerce and the Jefferson Historical Society helped pay the utilities by paying rent to the Council for the Performing Arts, and

WHEREAS, the City of Jefferson has budgeted \$3000.00 for the Jefferson Historical Society for 2003 which the Society has informed the City that it will only use one-half of this amount,

NOW, THEREFORE, BE IT RESOLVED that the City of Jefferson will pay the Council for the Performing Arts \$138.58 each month for seven months, April 2003 through October 2003 to help defray the cost of utilities for the Carnegie Building.

Ald. Oppermann stated that he believes that the CPA is a wonderful organization and would like to support the resolution, but he just can't when all the other departmental budgets have been cut and then asked to cut more.

Ald. Carnes stated that the Historical Society would be providing the funding source.

Ald. Oppermann questioned where the Historical Society funds would go if they were not disbursed. It was noted that they would go back to fund balance. Ald. Oppermann clarified that the unused funds would be returned to the tax-payers.

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 160. On call of the roll, motion carried 6 to 1. Ald. Oppermann cast the dissenting vote.

RESOLUTION AUTHORIZING EHLERS AND ASSOCIATES, INC. TO SOLICIT COMPETITIVE PROPOSALS FOR NOT TO EXCEED \$1,150,000 GENERAL OBLIGATION PROMISSORY NOTES

Ald. Carnes introduced Resolution No. 162.

**CITY OF JEFFERSON
RESOLUTION NO. 162**

**RESOLUTION AUTHORIZING EHLERS AND ASSOCIATES, INC.
TO SOLICIT COMPETITIVE PROPOSALS FOR NOT TO EXCEED
\$1,150,000 GENERAL OBLIGATION PROMISSORY NOTES
OF THE CITY OF JEFFERSON, WISCONSIN**

WHEREAS, Section 67.12(12), Wis. Stats., authorizes the City of Jefferson to issue General Obligation Promissory Notes; and

WHEREAS, the City deems it necessary to refund the outstanding principal of the General Obligation Promissory Notes dated May 1, 1997 and June 1, 1998, and to finance up to \$305,000 of public improvements pursuant to a development agreement in TID #5; and

WHEREAS, Ehlers and Associates, Inc. is the financial advisor for the City of Jefferson;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Jefferson, Jefferson County, Wisconsin, that Ehlers and Associates, Inc. be authorized to solicit competitive proposals for the purchase of not to exceed \$1,150,000 General Obligation Promissory Notes of the City of Jefferson.

BE IT FURTHER RESOLVED, that Ehlers & Associates is authorized to prepare an Official Statement in behalf of the issuer in accordance with SEC Rule 15c2-12 and to publish a notice of sale.

City Administrator Schornack gave the Council a brief overview of the proposed issuance and its uses.

Ald. Gang stated that is an expensive parking lot. He questioned what the City would be doing to the lot. City Administrator Schornack stated that we can only make it a "parking lot" according to our agreement with the Department Natural Resources. He noted that due to the contamination we cannot dig into the lot.

Ald. Coffman questioned the issuance and the associated costs, which could be allocated to the Downtown TIF #5.

Ald. Oppermann asked if the \$100,000 would have been recouped if we put it in the 2003 budget. City Administrator Schornack indicated yes.

Ald. Stewart asked if there are any other scenarios to get the money for the TIF District.

City Administrator Schornack indicated that due the City's financial condition, there really is no place to "borrow" the funds from.

Ald. Gang questioned the lot and the funds to be spent on the improvement. City Administrator Schornack noted that the funds requested in this issuance was equal to the amount of money that the Council had promised Fort Community Credit Union in their developers agreement.

Ald. Carnes noted that we are saving a lot of money in the refinancing.

Ald. Stewart asked what would happen if we did not do this. City Administrator Schornack noted that if we do nothing our debt service payment for 2004 goes way up.

City Administrator Schornack stated that the only additional funds being requested at this time were for the promises made in the Fort Community Credit Union Developer's Agreement (approx. \$300,000). He stated that a portion of the debt therefore would be TIF eligible. Schornack also noted that until TIF #5 generates an increment, general fund tax dollars would be needed to offset the debt payments for the district. Schornack further stated that because of the generous TIF increment shares approved by the Council to spur downtown development that it may be sometime before TIF #5 generates enough increment to offset debt principal and interest payments.

Ald. Carnes, seconded by Ald. Oppermann moved to recommend Resolution No. 162. On call of the roll, motion carried unanimously.

RESOLUTION CREATING ONE ADDITIONAL FULL-TIME EMT POSITION

Ald. Carnes introduced Resolution No. 163.

CITY OF JEFFERSON RESOLUTION NO. 163

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that one additional full-time emergency medical technician position be created.

Ald. Carnes, seconded by Ald. Stevens moved to recommend Resolution No. 163. On call of the roll, motion carried unanimously.

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

The minutes of the April 15, 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