

**AMENDED MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
MAY 6, 2003**

The Tuesday, May 6, 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. Bare, Ald. Carnes, Ald. Gang, Ald. McGrath, Ald. Stewart, and Ald. Stevens. Also present were City Administrator Schornack, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

Mayor Brawders then apprised the Council that the title for Revised Proposed Ordinance #3-03 had an error and that the title should read 50,000 and not 20,000. He also informed the Council that the City website is up and running ([www.jeffersonwis.com](http://www.jeffersonwis.com)).

Discussion was then held regarding Resolution No. 12.

**PUBLIC PARTICIPATION**

Gerry ~~Gary~~ Haas, 1021 South Main Street, addressed the Council regarding Walmart. He stated that Walmart is working to eliminate the Fair Trade Agreement. Specifically the gas tax (.06 a gallon). He concluded by stating that it would hurt everyone if we let Walmart come into Jefferson.

Janet Werner, Chamber of Commerce, addressed the Council regarding the room tax. She noted that the Chamber Board is in favor of the Ordinance and feels that its approval would be good for the City and the Chamber. She indicated that it would be a good tool now (and for the future). She stated that the additional funds will allow the Chamber to promote tourism. She noted that one idea the Board has is to work on signage; she indicated that the signs the JDC had proposed had not even been started. Ms. Werner concluded by stating that the Chamber hopes the Council will pass the proposed Ordinance.

Bob Mau, 207 East Racine, addressed the Council regarding several issues. He indicated that he was happy with the process used to deal with Walmart. He then addressed the Council regarding Tyson. He understands that the City's neutral position, however he believes that Tyson is taking away a standard of living from the City. In essence, taking more than it is giving, which tips the scales in favor of the strikers. He stated that Tyson is replacing good jobs with below poverty level wages. He stated that Tyson is taking away from the City. He concluded by stating that the City should do something about the situation, but he has no idea what.

Jackie Myers, 425 Neuman Court, addressed the Council regarding the Room Tax. She stated that she is the spokesperson for the Chamber's Room Tax Committee. She provided the new Council members with background regarding the proposed room tax and why the additional revenue is needed. Ms. Myers stated that many communities surrounding Jefferson all have the room tax. She stated that over the past twenty years she has not seen the community blossom and that this may be a good tool to help build tourism and business growth.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding the Big Box Ordinance. She applauded the Council's efforts to create a framework for these types of businesses. She stated that she was concerned that Walmart had a chance to make comments/recommendations

on the Proposed Ordinance even before residents/business owners had a chance to make comments. Mrs. Lorbecki then drew a parallel between Walmart and Tyson and how large corporations can dictate the City's operations. She stressed the need for an independent impact study.

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding the Big Box Ordinance. Mr. Lorbecki stated that he felt many of the same things as Ms. Lorbecki. However, he cautioned the Council not to lift the moratorium as soon as the Ordinance is adopted. He stated that the Council should take time to make sure that they have considered everything they need to consider. Mr. Lorbecki also noted that the SuperCenter in Janesville will also include a Sam's Club. He then noted other potential areas of expansion.

Charlotte Lehman, Chamber of Commerce President, addressed the Council regarding Chamber activities. She stated that the First Farmers Market was held this past Saturday from 6AM to 12PM, she stated that they will be held every Saturday thru October. Ms. Lehman noted that Thursday May 15 there will be a golf outing at Meadow Springs and that everyone is welcome to come. She commented that the City-wide Rummage Sale is set for Saturday May 17, from 7AM to 2 PM. Ms. Lehman then spoke regarding the proposed Room Tax. She stated that the room tax is not a tax on the City residents; it is a tax on people who lodge in Jefferson. She noted that it would be a great benefit to the City and the Chamber.

Bill Koehler, Highway K, addressed the Council regarding the proposed big box ordinance and Walmart. Mr. Koehler then read from a Janesville Gazette article regarding employment statistics. He questioned where all the jobs are going? He stated that Walmart couldn't get American products cheaper so they went overseas. He then spoke about Walmart's proposed building plans in Janesville. Mr. Koehler then spoke about the water issues with Walmarts.

Jerry Pasutin, 138 West Garland, addressed the Council regarding license fees. He stated that due to the strike and everything else that is going on in the community. He feels that this is a really bad time to increase fees. He stated that the increase is not warranted for the few pieces of paperwork that the City needs to generate for them each year.

#### **MAYORAL PROCLAMATION**

Mayor Brawders read a proclamation celebrating Emergency Medical Services Week. Mayor Brawders praised the City of Jefferson EMS Service.

#### **WASTEWATER TREATMENT PLANT UPDGRADE--GENE LASCHINGER, TOWN & COUNTRY ENGINEERING**

Gene Laschinger, Town and Country Engineering gave an overview of the WWTP Plant Upgrade. He provided the Council with details on the different contracts, the percentage of completion and the work that is still left to be completed.

Mr. Laschinger then entertained questions from the Council.

**PRESENTATION: REFINANCING DEBT & ISSUING TIF DEBT--**  
**DAVID WAGNER, EHLERS & ASSOCIATES**

Dave Wagner of Ehlers and Associates then provided the Council with information regarding the City's existing debt and potential ways of raising funds for the purposes of the Fort Community Credit Union Developer Agreement.

Mr. Wagner stated that the City cannot use proceeds from one debt issuance to payoff the callable debt on another debt issuance. He stated that they can be used for capital projects (for the intended projects or other qualifying projects) or to pay down that issuance's principal and interest payments.

Mr. Wagner then reviewed the schedule of General Obligation Debt with the Council. He noted that current interest rates are in the neighborhood of 2 to 2 ¼% versus the 4 to 5 % that the City is currently paying. He stated that the City would also need to remember that a refinancing would involve issuance costs. Mr. Wagner stated that \$300,000 of the City Hall/Senior Center Bond Fund could be used for TIF purposes and then drew the Council's attention to the proposed debt schedule options number one through three. Wagner indicated that in April, the Council had approved Option #3 with a not to exceed figure.

City Administrator Schornack also noted that outside of TIF #2 funds, there is also money in the North Industrial Park Fund.

Dave Wagner then entertained questions from the Council.

Ald. Bare then questioned Mr. Wagner . Reducing \$380,000 out of the 2001 Debt issuance. Mr. Wagner stated that \$300,000 could be used for a project that the City is committed to, but has not yet funded. Ald. Bare then went over the financing options with Mr. Wagner. \$80,000 was an arbitrary figure, I guess paying off isn't an option.

Dave Wagner then explained the spreading out of the \$80,000, stating that a benefit for the TIF District would be created. Meaning that the district could close out sooner. Adding \$10 million of value to be used for general City purposes.

Mayor Brawders then asked Dave Wagner which option was most preferable. Wagner stated that Option #1 would be recommended.

The length of TIF District was then discussed. Ald. Wagner asked if we could double up payments in the final year of the debt to pay it off quicker. Mr. Wagner stated that that was a possibility.

Ald. Carnes questioned the \$300,000 and where these funds would come from. Dave Wagner stated that it would come out of the City Hall/Senior Center Debt Issuance.

Ald. Stevens stated that he felt we should wait until we have concrete construction costs for the Senior Center and City Hall.

City Administrator Schornack questioned how long it would take us to get the additional funds if we waited 30 days. Mr. Wagner stated that from that time, it would probably be around 6 weeks till funds were received. Schornack noted that there was some concern that the City would have funds to do the work on Highway 26 and the Big A property to comply with the Fort Community Credit Developer's Agreement.

Dave Wagner asked the Mayor for a consensus on the proposed financing methods.

City Administrator Schornack gave a rundown of the funds available in the City Hall/Senior Center Fund. He gave a rundown of the anticipated costs and noted that we COULD run tight on funds, even though current plans don't indicate that at this time.

Attorney Brantmeier clarified that interest rates cannot be guaranteed. Mr. Wagner concurred and stated that current trends indicate that rates should not jump too drastically.

City Administrator Schornack noted that funds could be borrowed from another source (such as the Industrial Park Fund). Mr. Wagner noted that funds can be temporarily borrowed without a reimbursement resolution if they are repaid within 60 days.

Ald. Carnes questioned the proposed timelines.

Ald. Bare stated that \$1.4 million is in the City's cookie jar, so it would not need to be borrowed. He questioned if that was the money that was being refinanced. He questioned what was being refinanced? He stated that the Committee of Whole stated that they would take \$380,000 out of the Senior Center/City Hall renovation and he is ready to do it today.

Ald. Gang stated that he favored Option #1. He stated that he felt that the City did not need to make a call on additional borrowing at this time.

Ald. Coffman stated that he agreed with reducing it by \$300,000, but he does not see a problem with waiting.

Ald. Wagner concurred.

Ald. Bare stated that he felt that there was a misunderstanding. \$300,000 would be taken out of the fund for the Big A Property.

Ald. Coffman stated that he felt that a savings will be realized out of the Senior/City Hall Fund and the funds for the TIF District will be used for this purpose.

Ald. Stevens stated that the reconstruction costs will be reduced, but no one knows where the costs will end up. He stated that he felt we should wait two weeks.

Ald. McGrath stated that we will reduce by \$300,000, but he doesn't mind waiting.

Ald. Carnes committed to reconstructing City Hall/Senior Center and the TIF Project and all the funds will be taken out of the Bond Fund.

Ald. Stewart stated that we will take the funds out of the debt fund, so waiting will not hurt.

Ald. Bare stated that eliminating the lower level reconstruction will eliminate \$200,000 and the Senior Center fund is anticipated to be reduced by \$100,000. Ald. Stevens clarified that that figure was an estimate.

Mr. Wagner stated that the cost of waiting to deal with the debt issue is about \$2,000 for every two weeks.

Ald. Coffman asked what a consensus means at this point. It doesn't mean anything tonight. Mayor Brawders stated that we are trying to provide Mr. Wagner with a direction.

After discussion, it was the consensus of the Council that the City would pursue option #1. Mr. Wagner then concluded by going over the proposed debt issuance timeline.

### **ORDINANCE TO CREATE A ROOM TAX**

Ald. Carnes introduced Proposed Ordinance #6-03.

#### **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 certificate 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 inspec-

tion 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. Bare stated that there is nothing that you can do about a room tax it charged in almost every other community. He indicated that he felt it would be a benefit to the community and favored it because it is not a tax on residents.

Ald. Wagner asked why we are doing bookwork? City Administrator Schornack indicated that it is set up like that in State Statutes. City Attorney Brantmeier then gave a legal opinion.

Ald. Wagner stated that he would not support this Ordinance, indicating that now is not the right time.

Ald. Carnes, seconded by Ald. Bare moved to recommend Proposed Ordinance #6-03. On call of the roll, motion carried 7 to 1. Ald. Wagner cast the dissenting votes.

**RESOLUTION TO RENEW INSURANCE COVERAGE THROUGH WAUSAU  
INSURANCE COMPANIES**

Ald. Stevens introduced Resolution No. 14.

**CITY OF JEFFERSON  
RESOLUTION NO. 14**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to continue the City-wide insurance coverage through Wausau Insurance for the 2003-2004 insurance year.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to sign any related documents.

City Administrator Schornack stated that we work well with Wausau and had received good service. He noted an increase in workers compensation.

Gary Heinzelmann of Wausau Insurance indicated that he was here to answer any questions the Council may have regarding the City's insurance policies.

Ald. Wagner asked how much the policy had increased. Mr. Heinzelmann indicated that the policy had increased by approximately \$40,000. (Which equated to approximately 20%.) He then explained the increases in the public officials policy and the worker compensation policy. He noted that the workers compensation increases could be attributed to an increase in payrolls and a jump in the State set workers compensation rates. In addition, the City's Public Officials policy had almost doubled as a result of the City's claim experience on that policy.

Mr. Heinzelmann indicated that Wausau wrote the City's insurance policy in 1991. He noted that at that time, the City was paying \$161,000 a year for insurance. He noted that up until this year, the City had paid less in premiums than they were 12 years ago. Heinzelmann then stated that Kemper Insurance is no longer associated with the League.

Ald. Stevens, seconded by Ald. Gang moved to recommend Resolution #14. 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 50,000 SQUARE FEET**

Ald. Stewart introduced Proposed 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 50,000 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 50,000 Square Feet of Area.

The following requirements are applicable to all new retail and commercial service buildings in excess of fifty thousand (50,000) 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 fifty thousand (50,000) 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. The applicant must demonstrate in the report that the development is consistent with the City's Comprehensive Master Plan. The Common Council or the Plan Commission may retain professional consultants to assist in the City's review of the proposal. The applicant shall pay for such professional review services applicable to the proposal as per Section 18.04 (3)(d).
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.
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 fifty thousand (50,000) 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. The traffic impact analysis shall consider the parking lot 100% full for level of service analysis. 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 seventy-five (75) 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.
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 simple majority 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.

20. Developer's Agreement. The Developer shall enter into a Development Agreement with the City, which shall include the payment of all utilities including storm water infrastructure.

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

This was a first reading.

**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, one of which shall be a Common Council Member. 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 three (3) 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.

City Administrator Schornack noted the two changes made to the Ordinance.

Ald. Bare stated that he felt it was unnecessary to create another governing body. He stated that he felt that there was an overlap in duties. He questioned who was in charge of the Facility.

Ald. Stevens stated that he spoke to some of the members of the Park, Recreation and Forestry Commission and they feel that this body will know better than any other group what is needed at the Center. Stevens noted that this will be a way the Seniors can take care of themselves. The Mayor added that a Commission does not cost anything.

Ald. Bare stated that he feels that the impression is that the (financial) pie will be split up a little differently, since the Senior Center would not be under the umbrella of the Park and Recreation Commission any longer. He stated that he felt the administration should be left to the Park and Recreation Commission.

Ald. Wagner stated that he agreed with Ald. Bare and that he would not be supporting the ordinance.

Ald. McGrath stated that he did not feel necessary to create another commission. He would not be supporting the Ordinance.

Ald. Stevens, seconded by Ald. Gang moved to recommend Proposed Ordinance #13-02. On call of the roll, motion was defeated by a vote of 6 to 2. Ald. Stevens and Ald. Carnes voted in favor of the Ordinance.

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

Ald. Bare introduced Proposed Ordinance #7-03 for its second 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 - \$375/yr (2003-2004) & \$500/yr (2004-2005).
- (e) Retail Class B Liquor License. \$375/yr (2003-2004) & \$500/yr (2004-2005). 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 \$475.00/yr (2003-2004) and \$600 (2004-2005) 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. \$62.50/yr (2003-2004) and \$100.00 (2004-2005).

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

Ald. Bare questioned if the amounts listed were the statutory limits. City Clerk/Treasurer stated that with the exception of the Operator's Licenses that the rest were the statutory limits.

Ald. Wagner stated that a public hearing was held at the Regulatory Committee so that the license holders would have a chance to offer suggestions and comment on the proposed changes. Wagner noted that three license holders appeared and the requested changes were incorporated into the Proposed Ordinance in front of you tonight. Ald. Wagner stated that this increase was being pursued as a method to generate revenue in light of future State Shared Revenue cuts.

Ald. Bare, seconded by Ald. Wagner moved to approve Proposed Ordinance #7-03. On call of the roll, motion carried 7 to 0, Ald. Coffman abstained from the vote.

### **AN ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO ORDINANCE BONDS**

Ald. McGrath introduced Proposed Ordinance #8-03.

#### **CITY OF JEFFERSON PROPOSED ORDINANCE #8-03**

An ordinance to amend portions Section 25.04(3) of the Municipal Code of the City of Jefferson related to ordinance bond fees.

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

**Section 2.** Section 25.04(3) is hereby amended as follows:

- 9.01** Prohibited discharging and carrying firearms and guns \$150

9.02 Throwing/Shooting Missiles	\$100
9.04 Sale and Discharge of Fireworks restricted	\$100
9.051 Loitering or Prowling	\$100
9.06(1) Disorderly conduct ... which causes disturbance of public order	\$200
9.08 Loud and Unnecessary Noise Prohibited	\$150
9.09 False Fire Alarm Prohibited	\$100
9.10 Resist or Interfere with Officer	\$100
9.11 Assist Escape of Prisoner	\$100
9.17 Destruction of Property Prohibited	\$150
9.18 Littering Prohibited	\$50
9.22 General Offenses (Including Theft, Criminal Damage...)	\$100

In addition to each base deposit amount set forth above, the total bond shall include the statutory penalty assessment and jail assessment, as amended from time to time by State Law. Except for a violation of Section 347.48(2m), court costs of \$23.00 shall be assessed and collected on each judgment.

**Section 3.** 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. 8.

### **CITY OF JEFFERSON RESOLUTION NO. 8**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for May 6, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for May 2003 in the amount of \$181,022.22 Payroll Summary for April 18, 2003 in the amount of \$89,816.20
- ❖ 2003 Urban Mass Transit Operating Contract.
- ❖ 2003 Small Urban Operating Assistance Contract.
- ❖ Council Minutes from the April 15, 2003 Regular & Organizational Meetings of the Common Council and the April 22, 2003 Special Common Council Minutes and Committee of the Whole Minutes.
- ❖ Licenses as Approved by the Regulatory Committee
  - Operator's Licenses
  - Special Class B Licenses

Ald. Bare then asked questions regarding the Operating Assistance Contracts.

Ald. Wagner, seconded by Ald. McGrath moved to approve Resolution No. 8. On call of the roll, motion carried unanimously. Ald. Bare abstained from the approval of the April 15, 2003 Common Council Meeting Minutes and Ald. Carnes abstained from the approval of the April 22, 2003 Special Council Meeting and Committee of the Whole Minutes.

**CREATING THE POSITION OF SENIOR ACTIVITY LEADER, CLASSIFYING THE POSITION AND HIRING GAYLE KREK FOR THE POSITION**

Ald. Coffman introduced Resolution No. 9.

**CITY OF JEFFERSON  
RESOLUTION NO. 9**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the position description for the senior activity leader be approved, and

**BE IT FURTHER RESOLVED** the position of senior activity leader be placed in pay range 1 of the Non-Union Compensation Plan, and

**BE IT FURTHER RESOLVED** that Gayle Krek be hired as the senior activity leader at a wage of \$6.50 per hour, not to exceed 18 hours/week.

Ald. Wagner stated that Ms. Krek does a good job.

Ald. Bare questioned why the hours went from 10 to 18. It was noted that the change was made at the Committee's discretion.

Ald. Coffman, seconded by Ald. Wagner moved to recommend Resolution No. 9. On call of the roll, motion carried unanimously.

**ENVIRONMENTAL SERVICES AGREEMENT**

Ald. Gang introduced Resolution No. 10.

**CITY OF JEFFERSON  
RESOLUTION NO. 10**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the City Administrator be authorized to sign a contract with Seymour Environmental Services, Inc. to remove an underground diesel fuel tank at the Waste Water Treatment Plan for a fee not to exceed \$4,595.

Ald. Gang, seconded by Ald. Stevens moved to recommend Resolution No. 10. On call of the roll, motion carried unanimously.

**BIDS FOR CENTER STREET AND 2003 STREET PROJECTS**

Ald. McGrath introduced Resolution 11.

**CITY OF JEFFERSON  
RESOLUTION NO. 11**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator be authorized to sign a contract with B.R. Amon and Sons for the 2003 Street Projects and South Center Avenue for the contract amount of \$125,688.

Ald. McGrath, seconded by Ald. Carnes moved to recommend Resolution No. 11. On call of the roll, motion carried unanimously.

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

Ald. Gang introduced Resolution No. 12.

**CITY OF JEFFERSON  
RESOLUTION NO. 12**

**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 (both sides) not be special assessed.

Ald. Gang, seconded by Ald. Carnes moved to recommend Resolution No. 12 for discussion.

Ald. Gang indicated that in Streets Committee they had discussed the removal of a portion of the sidewalk project and the assessing procedure. Ald. Gang asked that this be removed from the agenda and put on the next agenda for Council discussion and recommendation.

Ald. Bare questioned if this was part of the sidewalk discussed at the last meeting.

Mayor Brawders offered an explanation.

Ald. Gang, seconded by Ald. Stewart moved to table Resolution No.12. Motion carried by a voice vote.

**RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY/  
TEMPORARY LEASE OF CITY ROW (IMMANUEL METHODIST CHURCH)**

Ald. Wagner introduced Resolution No. 13.

**CITY OF JEFFERSON  
RESOLUTION NO. 13**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that Immanuel Methodist Church is hereby allowed sell food and soda on City ROW on August 2, 2003.

**BE IT FURTHER RESOLVED** that Immanuel Methodist Church is hereby granted a temporary lease of City ROW (Center Avenue from Racine Street to the driveway of the apartment building behind the church - as indicated on the attached map) for August 2, 2003 from 5:00 a.m. to 5:00 p.m.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 13. On call of the roll, motion carried by a voice vote.

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

The minutes of the May 6, 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