

**AMENDED MINUTES
CITY OF JEFFERSON COMMON COUNCIL
MAY 20, 2003**

The Tuesday, May 20, 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.

PUBLIC PARTICIPATION

Bill Koehler, Highway K, Jefferson, addressed the Council regarding the Big Box Ordinance. He stated that he was concerned that the paper stated that the City would be looking at lifting the moratorium. He stated that he thought this action would be premature since it was his impression that the City wanted to do more with the rezoning ordinances. He questioned why the moratorium was being dealt with so quickly. Mr. Koehler then read an article regarding Walmart/Sam's global retail domination.

Tim Koehler, Highway K, Jefferson addressed the Council regarding Walmart. He stated that he opposed the City lifting the moratorium. Mr. Koehler then read an article about vendor price hikes and Walmart's opposition to the increase and the impact it has on manufacturers.

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

Ald. McGrath introduced Proposed Ordinance #8-03 for its second reading.

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

An ordinance to amend portions of 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.

Ald. Wagner stated that approval of the Ordinance was unanimous at Regulatory Committee. Ald. Wagner stated that Chief Steinhorst had indicated that during his employment the bond amounts had not been increased.

Ald. McGrath, seconded by Ald. Wagner moved to recommend Proposed Ordinance #8-03. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 15.

CITY OF JEFFERSON RESOLUTION NO. 15

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for May 20, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for April & May 2003 in the amounts of \$176,966.08 and \$211,675.83, Payroll Summary for May 2, 2003 in the amount of \$98,370.16.
- ❖ Weights and Measure Contract with Department of Agriculture.
- ❖ Council Minutes from the May 6, 2003 Regular Meeting of the Common Council.
- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses

Ald. Bare asked for an explanation of the Weights and Measures Contract. City Administrator Schornack provided an explanation.

Ald. Carnes indicated that the minutes should state Gerry Haas and not Gary Haas.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 15. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING AGREEMENT FOR THE DESIGN OF THE RACINE STREET SANITARY SEWER REPLACEMENT

Ald. Bare introduced Resolution No. 16.

**CITY OF JEFFERSON
RESOLUTION NO. 16**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the agreement with Town & Country Engineering for the design of the Racine Street sanitary sewer replacement be approved.

Gene Laschinger of Town and Country Engineering then provided the Council with background regarding the Sanitary Sewer design for the Racine Street project. He stated that it is best to do the project now before the DOT has completely designed the project.

Ald. Gang stated that approval of Resolution No. 16 was unanimous at Streets Committee.

Ald. Bare, seconded by Ald. Gang moved to recommend Resolution No. 16. On call of the roll, motion carried unanimously.

**CHANGE ORDER NO. 6 TO CONTRACT B (MIRON CONSTRUCTION COMPANY)
FOR THE WASTEWATER TREATMENT FACILITY**

Ald. Stewart introduced Resolution No. 17.

**CITY OF JEFFERSON
RESOLUTION NO. 17**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to sign Change Order No. 6 (Contract B) to Miron Construction Company's agreement for a net increase of \$16,023.00.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 17. On call of the roll, motion carried unanimously.

**RESOLUTION TO NOT CONSTRUCT SIDEWALK ON WISCONSIN DRIVE FROM
JACKSON AVENUE TO STATE STREET**

Ald. Gang introduced Resolution No. 18.

**CITY OF JEFFERSON
RESOLUTION NO. 18**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin not to construct sidewalk on Wisconsin Drive from Jackson Avenue to State Street.

Ald. Gang indicated that Resolution No. 18 was approved by a 2 to 1 vote at the Streets Committee--to not construct sidewalk on the north side of the Street.

Ald. Carnes stated that he felt sidewalk should be installed to join up with the existing sidewalk. He also stated that he felt we should take advantage of the use of grant funds.

Ald. Gang, seconded by Ald. Stewart moved to recommend Resolution No. 18. On call of the roll, motion carried by a vote of 6 to 2. Ald. Stevens and Ald. Carnes voted against Resolution No. 18.

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. Carnes 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 (north side only) not be special assessed.

Ald. Carnes stated that the Resolution was amended at the Streets Committee meeting.

Ald. Gang questioned if another amendment was required. Atty. Brantmeier stated that the previous resolution makes the sidewalk issue null and void, however it would be most proper to do another amendment.

Ald. Carnes, seconded by Ald. Gang made an amendment to read "Crawfish Bridge to Jackson Street—north side only". The motion to amend carried on a voice vote.

Ald. Wagner then questioned the assessment procedure.

Ald. Gang stated that the vote was 2 to 1 in Streets Committee not to assess the project.

Ald. Wagner stated that we need to either assess or not assess sidewalk projects. He stated that the City needs to be consistent with the procedure it chooses to use.

Ald. Carnes stated that he did not feel that the Council's actions were precedent setting because state grant funds are available for this project. If it wasn't available, he agreed the homeowners would need to pay.

Ald. Bare stated that he was opposed to waiving the assessment. He stated that the Council already made a decision and they should stick to it. He stated that he felt it was a bad precedent to change it now. He questioned what would stop other people from petitioning the Council to waive their assessments.

Ald. Gang stated that the State funding makes this a special circumstance.

Ald. Carnes stated that he felt that sidewalks should never be assessed because the benefit everyone.

Ald. Stevens stated that we are not paying anymore for the project than we normally would, because of the State funding even if we didn't assess.

Ald. Bare asked the financial situation with the Sidewalk Fund. City Administrator Schornack stated that the state would fund 47% of the project. Schornack indicated that he did not feel that financing the remainder of the project would be a problem.

Ald. Bare asked if any other sidewalks were being assessed on Wisconsin Drive. Mayor Brawders stated that the other sidewalk on Wisconsin Drive was installed about 10 years ago.

Ald. Carnes, seconded by Ald. Gang moved to recommend Amended Resolution No. 12. On call of the roll, motion carried 6 to 2. Ald. Bare and Ald. Wagner voted against the Resolution.

ECONOMIC DEVELOPMENT CONSORTIUM AGREEMENT

Ald. Stevens introduced Resolution No. 19.

CITY OF JEFFERSON RESOLUTION NO. 19

WHEREAS, the City of Jefferson believes economic development will serve the best, long-term interests of the City of Jefferson residents and Jefferson County residents, and

WHEREAS, the Common Council of the City of Jefferson believes a comprehensive, well-conceived and fully-developed plan for economic development will enable the County to promote and encourage proactive, environmentally sound, socially responsible and sustainable economic growth throughout the County, and

WHEREAS, the Common Council of the City of Jefferson recognizes the benefits that a coordinated economic development program can bring to the County, including, but not limited to: increased visibility, networking relationships, grants-in-aid, development of a technology zone, small business development, commercial and manufacturing retention, and repository for information, and

WHEREAS, the Common Council of the City of Jefferson recognizes the development, facilitation, coordination, promotion, advancement and administration of a well-integrated, responsive and responsible economic development plan for Jefferson County requires dedicated, energetic, professional leadership, and

WHEREAS, the cities of Fort Atkinson, Jefferson, Lake Mills, Watertown and Whitewater and the village of Johnson Creek have indicated an interest and desire to join with Jefferson County in a cooperative effort to form an economic development entity, and

WHEREAS, the Chambers of Commerce of Fort Atkinson, Jefferson, Johnson Creek and Watertown have also indicated an interest and desire to join with Jefferson County in a cooperative effort to form an economic development entity, and

WHEREAS, Jefferson County has budgeted \$71,000 for economic development activities in its 2003 budget, and

WHEREAS, the cities of Fort Atkinson, Jefferson, Lake Mills, Watertown and Whitewater and the village of Johnson Creek have funds available for economic development activities in partnership with Jefferson County, and

WHEREAS, the Common Council of the City of Jefferson desires to partner with Jefferson County and other Jefferson County municipalities in the formation of an economic development consortium that will serve the best interests of all Jefferson County.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Jefferson, Wisconsin hereby approves and adopts the Intergovernmental Agreement Creating the Jefferson County Economic Development Consortium.

BE IT FURTHER RESOLVED, that the funding source for this program shall be the Economic Development Fund.

JDC Chair Steve Lewis stated that the Jefferson Development Commission is in unanimous support of this resolution. He stated that he felt that this was a proactive approach to business retention and recruitment.

Ald. Wagner stated that \$5,200 is a good investment for the City. It might help move Industrial Park Land.

Ald. Coffman stated that tourism and existing businesses would also benefit from this organization.

Ald. Bare asked Steve Lewis if the other cities had passed the agreement. City Administrator Schornack indicated that we were the last community to approve the program. He indicated that the employees would be hired as County employees.

The Council then discussed the funding of the position.

Ald. Coffman stated that the Committee made the amendment to take the funds from the Economic Development Fund. The JDC had preferred that the funds be taken from the Industrial Park Fund.

Ald. Stevens provided a funding source clarification.

City Administrator Schornack stated that there is approximately \$38,000 in the Economic Development Fund and \$160,000 in the Industrial Park Fund

Ald. Coffman stated that the Economic Development Fund was being used because it was funds that were originally budgeted for economic development.

Ald. Bare questioned the hiring of the County employee. He questioned who would handle personnel problems.

City Administrator Schornack gave background on the consortium's decision to make the employee a County employee. The position would be under the County Administrator, but the day to day direction under the consortium.

Ald. Stevens, seconded by Ald. Coffman moved to recommend Resolution No. 19. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY/
TEMPORARY LEASE OF CITY ROW**

Ald. Wagner introduced Resolution No. 20.

**CITY OF JEFFERSON
RESOLUTION NO. 20**

BE IT RESOLVED by the Common Council of the City of Jefferson that Capn's Catering/Jefferson Jaycees are hereby allowed sell beer, water, food and soda on City ROW on June 6, 2003.

Ald. Carnes, seconded by Ald. Wagner moved to amend Resolution No. 20 to include "beer and water". Motion carried on a voice vote.

Ald. Wagner stated that Resolution No. 20 was unanimous at Regulatory Committee.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Amended Resolution No. 20. On call of the roll, motion carried unanimously.

Ald. Gang, seconded by Ald. Carnes moved to adjourn to closed session of the Wisconsin State Statutes pursuant to Section 19.85(1)(e) and Section 19.85(1)(g) to Discuss Bargaining and Litigation. On call of the roll, motion carried unanimously.

Ald. Stevens, seconded by Ald. Gang moved to reconvene to open session. On call of the roll, motion carried unanimously.

**COLLECTIVE BARGAINING NEGOTIATIONS WITH THE JEFFERSON POLICE
OFFICER'S ASSOCIATION**

Ald. Coffman introduced Resolution No. 21.

**CITY OF JEFFERSON
RESOLUTION NO. 21**

BE IT RESOLVED by the Common Council of the City of Jefferson that the proposed Settlement Agreement for a 2003-2004 contract with the Jefferson Police Officers Association is hereby approved, and that the Mayor and City Administrator are hereby authorized to execute an agreement that contains the provisions contained in this proposed Settlement Agreement.

Ald. Coffman, seconded by Ald. McGrath moved to recommend Resolution No. 21. On call of the roll motion carried by a vote of 5 to 3. Ald. Bare, Ald. Stewart and Ald. Wagner cast the dissenting votes.

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

The minutes of the May 20, 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