

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**JUNE 3, 2003**

The Tuesday, June 3, 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. Stewart, and Ald. Stevens. Absent was Ald. McGrath. Also present were City Administrator Schornack, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

**PUBLIC PARTICIPATION**

Scott Howard, 512 Racine Street, addressed the Council regarding the strike line by Tyson Foods. He stated that speed bumps on Linden Drive are needed. He stated that people are going too fast across the line and are swerving back and forth. He stated "we are fighting for our lives" and that they (strikers) need some help. He stated that the new workers are a bad crowd and they are moving in to this community. He stated that temporary speed bumps are needed.

John Laesch, 236 East Ogden, addressed the Council regarding garbage collection. He felt that we were getting less services. He stated that he did not feel that it was a good that large items are only picked up 12 times a year, instead of 52 times. He stated that junk will be laying around peoples property for up to a month at a time.

Lyman Tracy, 415 North Pleasant Avenue, addressed the Council regarding the level of volume of the Council meetings. He stated that at times it is difficult to hear the Council members, especially when sitting in the back of the Chambers. He encouraged the Council to speak up so that everyone can hear what is going on.

Janet Werner, Executive Director of the Chamber, addressed the Council regarding Chamber activities. Werner noted that June 14<sup>th</sup> is the first concert in the park. She indicated that the "Dang-its" would be performing and that everyone is welcome to attend. She also reported that the Farmers Market is going OK. She stated that the construction on South Center Avenue is putting a damper on some of the activities.

Cheryl Higgins, 776 North Jackson Avenue, addressed the Council regarding a petition in support of Walmart. Ms. Higgins indicated that the petition now totaled 2,128, which are in support of lifting the moratorium.

Tim Bare, 217 Meadow Court, then addressed the Council. He stated that at the Streets Committee Meeting, the installation of speed bumps on Linden Drive were voted down.

Dale Oppermann, 1117 Hillebrand Drive, addressed the Council. He stated that the turnout in the Council Chambers was a good indication that the City needs to televise its Council and Committee meetings. Mr. Oppermann then spoke about the recently settled police union contract.

**MAYORAL APPOINTMENTS**

Ald. Stevens, seconded by Ald. Wagner moved to appoint David Schornack to the Jefferson County Economic Development Consortium. Motion carried on a voice vote.

Ald. Wagner stated that he would like to see the land in the North Industrial Park sold and that we are in desperate need of jobs.

Ald. Stevens, seconded by Ald. Coffman moved to appoint Jerry Keiser to the Police and Fire Commission. Motion carried on a voice vote.

**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 50,000 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 changes to the zoning 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.

Robert Giblin, N3725 Highway K, addressed the Council regarding Proposed Ordinance #3-03. He stated that he felt the ordinance was a watered down version of what it should be. He then outlined what he felt were the deficiencies in the Ordinance. He also questioned why Walmart had any input on the ordinance creation. Mr. Giblin stated that he also had concerns over the approval process that will be used. He questioned the familial relationship between a landowner and a member of a City commission. He encouraged the Council to vote down the Ordinance.

William Pinnow, N4043 Highway K, addressed the Council regarding Walmart. Mr. Pinnow stated that he was offended that Mr. Giblin made references to a potential impropriety on his brother's part. He stated that this was most certainly not the case. He encouraged the Council to support the Proposed Ordinance and to lift the moratorium.

Gerry Haas, 1021 South Main Street, addressed the Council regarding Walmart. Mr. Haas stated that he opposed Walmart. He stated that Highway 26 is already too busy and another 1,600 cars a week is not needed.

Bill Koehler, N3881 Highway K, Jefferson, addressed the Council regarding the Big Box Ordinance. He stated that he was opposed to the lifting of the moratorium. He then provided the Council with handouts regarding Walmart's poor business practices. He also read an article out of the Janesville Gazette in which Janesville and Stoughton residents oppose the location of a Super Walmart in their community.

Tim Koehler, N3865 Highway K, Jefferson addressed the Council regarding Walmart. He stated that he opposed the City lifting the moratorium. He encouraged the Council to keep moratorium for next four months. Mr. Koehler concluded by stating "in eight months we turned up this much dirt, imagine how much is out there".

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding the proposed large retail ordinance. Mr. Lorbecki publicly made a public records request for any documents relating to conversations/meeting between Walmart and the City. He requested the documents within 10 days and indicated that any part of the request that could not be complied with should be indicated in letter form. He stated that this request was all-inclusive, including memos, e-mails, minutes and any other correspondence.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding the moratorium. She stated that she was in favor of lifting the moratorium. She stated concern over the "rules" in the Ordinance. She questioned if everyone would have to comply with them. Noting that several existing businesses have very bright lights that would probably not comply with the Proposed Ordinance.

Patty Lorbecki, 714 Windsor Terrace, addressed the Council regarding the proposed large retail ordinance. Ms. Lorbecki stated that she applauded the Plan Commission efforts to create an ordinance to regulate big box retail. She encouraged the Council to send the ordinance back to the Plan Commission for further fine-tuning. She stated that she felt slighted that Walmart had an input on the ordinance before the citizens of the City had a chance to review it. Ms. Lorbecki concluded by stating that Walmart is not a good fit for Jefferson.

Don Jaeger, 611 Collins Road, addressed the Council regarding the Ordinance. He stated that he likes Jefferson the way it is. He would rather see the efforts of the Council put towards fostering small businesses and encouraging stable jobs. He questioned if we want to bring in another large company into the town that could potentially go away. He encouraged the Council to support 10-20 employees businesses and concluded by encouraging the Council to "get some small industry going".

Steve Adams, 434 North Midway, addressed the Council. He stated that he was proud to be an American and that we can all speak our piece without fear of retribution.

Shirley Heitz, N5141 Hillebrand Drive, addressed the Council regarding Walmart. She stated that Jefferson does need a Walmart. She indicated that many elderly people cannot just "run" to Watertown. They are looking for someplace local to shop for items such as clothes. Mrs. Heitz encouraged the Council to think about the individuals who are not mobile and rely on others for transportation. She added that if we drive Walmart away there is a good possibility that we will not be able to bring any other new businesses into the community. Mrs. Heitz stated that if we have a Walmart, people may also stop and shop at other locations in town. She concluded by stating that Jefferson needs a Walmart.

Charlotte Goers-Nevin, 122 North Pleasant Avenue, addressed the Council regarding Walmart. Mrs. Goers-Nevin stated that a lot of people want to see Walmart come to town. She noted that many business people had signed the petition in favor of Walmart. Adding that they want the additional foot traffic to augment their businesses. She concluded by asking the Council to lift the moratorium.

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

Ald. Bare introduced Proposed 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 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 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.

Ald. Bare addressed impact fees as they pertain to the ordinance. He talked about Police and Fire Protection impact fees. He noted that the City Attorney had been directed to look into this possibility.

Atty. Brantmeier stated that he had checked with numerous sources and none of them had heard about this type of impact fees. He stated that most communities encourage commercial development as it builds tax base and thus extra revenue for the community, specifically for their fire and police departments. He noted that he had contacted the Wisconsin League of Municipalities and had turned up empty on getting examples. He added that it was likely that there is not an example because what is being proposed may be precedent setting. Atty. Brantmeier stated that he questioned the City's authority to enforce such an impact fee.

Ald. Wagner thanked the Committee and the Commission for the work involved in developing the ordinance.

Ald. Gang stated that he objected to Walmart having input in the ordinance formation process. He stated that he would not support the ordinance as long as a requirement for an independent economic impact study was specifically written into the ordinance.

Ald. Bare then addressed section number 20 of the ordinance. He stated that he felt it was too specific and not inclusive enough. He offered an amendment.

Ald. Bare, seconded by Ald. Gang moved to amend Section 20 of Proposed Ordinance #3-03 with the following text "including but not limited to storm water infrastructure". Motion carried on a voice vote.

Ald. Bare then questioned the type of lighting that is used at the Menards in Johnson Creek. City Engineer Ludwig stated that different lighting in different areas in the City of Jefferson would allow the city/developer to put in lighting which matches that particular part of the community.

Ald. Bare then made an amendment to include a \$5,000 per acre impact fee. Motion died for lack of a second.

Ald. Bare, seconded by Ald. Coffman moved to recommend amended Proposed Ordinance #3-03. On call of the roll, motion carried by a vote of 6 to1. Ald. Gang cast the dissenting vote.

**RESCINDING RESOLUTION NO. 95 AS AMENDED APPROVING A TEMPORARY MORATORIUM ON ANNEXATION AND/OR REZONING FOR LARGE SCALE RETAIL DEVELOPMENT**

Resolution No. 22 was removed from the agenda and will return on the June 17, 2003 meeting in a reworded format.

**CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 23.

**CITY OF JEFFERSON  
RESOLUTION NO. 23**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for June 3, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for June 2003 in the amount of \$166,241.76, Payroll Summary for May 16, 2003 in the amount of \$94,570.85.
- ❖ Council Minutes from the May 20, 2003 Regular and Closed Session Meetings of the Common Council.
- ❖ Joint Minutes of the Plan Commission and Common Council—April 23, 2003.
- ❖ Licenses as Approved by the Regulatory Committee
  - Operator's Licenses
  - Special Class B Licenses
  - Renewal Operator's Licenses
  - Renewal/New Liquor Licenses

Ald. Stewart offered an amendment to May 20, 2003 Council Minutes. He indicated that the roll on Resolution No. 18 should read dissenting vote Ald. Stevens not Ald. Stewart.

Ald. Wagner, seconded by Ald. Bare moved to recommend Resolution No. 23 (with correction to the minutes). On call of the roll, motion carried unanimously.

**CONTRACT WITH PHEIFER BROTHERS FOR REHABILITATION OF THE NORTH STREET BRIDGE**

Ald. Stevens introduced Resolution No. 24.

**CITY OF JEFFERSON  
RESOLUTION NO. 24**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator be authorized to sign a contract with Pheifer Brothers for the Rehabilitation of the North Street Bridge for the contract amount of \$65,150.

Ald. Bare stated that he had voted against this in the Streets Committee Meeting. He stated that he favored another reconstruction method. He stated that he preferred that the abutments be replaced with cement.

Mayor Brawders asked if a price had been established for concrete abutments. Ald. Bare stated that he estimates \$45,000. He stated that he was opposed to a 10-year fix of the bridge.

Ald. Stewart noted that Resolution No. 24 was unanimous at Finance Committee.

Ald. Gang stated that we have been working on a plan for quite a while and this is what we have come up with.

Ald. Carnes stated that he would also support this resolution, because of the liability issue.

Ald. Stevens stated that he would also support the resolution and he indicated that he felt the bridge would last longer than ten years.

Ald. Wagner stated that the people on the west side of the river will be happy to have the bridge operable.

Ald. Stevens, seconded by Ald. Gang moved to recommend Resolution No. 24. On call of the roll, motion carried unanimously.

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

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

**CREATING THE POSITION OF GENERAL ADMINISTRATION RECEPTIONIST,  
CLASSIFYING THE POSITION AND HIRING OF SHANNON JURIS FOR THE LTE  
POSITION**

Ald. Coffman introduced Resolution No. 25.

**CITY OF JEFFERSON  
RESOLUTION NO. 25**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the position description for General Administration Receptionist be approved, and

**BE IT FURTHER RESOLVED** the position of Receptionist be placed in pay range 2 of the Non-Union Compensation Plan, and

**BE IT FURTHER RESOLVED** that Shannon Juris be hired as LTE General Administration Receptionist at a wage of \$8.50 per hour.

**BE IT FURTHER RESOLVED** that this position is for a limited term of one year and will be reviewed by the Personnel Committee in May ~~June~~ of 2004.

Ald. Bare, seconded by Ald. Coffman moved to recommend that June be replaced with May 2004. Motion carried on a voice vote.

Ald. Bare stated that he could not support the hiring. He stated that in the short-term the office would just need to get by.

Ald. Coffman, seconded by Ald. Stevens moved to recommend Resolution No. 25. On call of the roll, motion carried by a vote of 5 to 2. Ald. Bare and Ald. Wagner cast the dissenting votes.

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

The minutes of the June 3, 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