

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
JULY 15, 2003

The Tuesday, July 15, 2003, meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Brawders. Members present were: Ald. Coffman, Ald. Wagner, Ald. Bare, Ald. Carnes, Ald. Gang, Ald. Stewart, Ald. McGrath and Ald. Stevens. Also present were City Administrator Schornack, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

MAYORAL PROCLAMATION

Mayor Brawders read a Buddy Poppy Proclamation.

PUBLIC PARTICIPATION

Andrew Griggs, Atty. for the Township of Jefferson, addressed the Council regarding a boundary agreement with the City of Jefferson. Atty. Griggs stated that the town was very interested in having the proposed boundary agreement between the Township of Jefferson and the City be placed upon the agenda for action. Atty. Griggs stated that he felt that the agreement would be a beneficial for the town and the City. Atty. Griggs stated that township has been an excellent neighbor and a great contributor to the City. He stated that the Township of Jefferson is an urban town and it is appropriate to have an agreement which will address the costs of developments. Atty. Griggs concluded by requesting future in depth discussions regarding the agreement.

Paula Dowling, 310 East Dodge Street, addressed the Council regarding Walmart. Ms. Dowling stated that a Supercenter had located in LaMars, Iowa and that business in that town is now suffering.

Doug VanOsdale, representing the Local 538, addressed the Council regarding speed bumps. Mr. VanOsdale thanked the Streets Committee for listening to the Union. He stated that he feels that this is a safety issue for the individuals picketing and requested action on the Council's part. He stated that the first time the speed bumps were discussed was in winter (when hearing through winter garments was more difficult). He stated that speed is a problem at the picket line. He added that when Police are present, traffic moves slower and other times speed is a safety issue. He stated that the Union supports any method, which would improve the safety of the strikers by slowing traffic. Mr. VanOsdale continued by addressing the Council's resolution No. 38. He stated that the Local 538 is willing to meet for meaningful discussions with Tyson at any point. However, thus far the employer has not been willing to do so.

Ron Peich, N5072 Watertown Road, addressed the Council regarding the Tyson strike. He stated that he is the Chief Steward at Tyson Foods worked at the Tyson Plant for over 35 years. He asked why the Council does not want to put speed bumps there. He stated that it would be a small precautionary measure, instead of taking a chance of someone getting injured. He concluded by encouraging the location of speed bumps on Linden Drive.

Keith Griep, 120 South Highland Avenue, addressed the Council regarding the speed bumps. He stated that speed bumps can be safely located on Linden Drive and that enough space is available on the street.

Scott Howard, 512 West Racine Street, addressed the Council regarding the City Hall reconstruction. The Council should start look at ways to saving money instead of spending money. He urged the Council to start watching the costs and stated that taxes are high enough now. He asked the Council to consider the possibility of industries leaving the area and the economic impact that this would have on the City's taxing ability.

Janet Werner, representing the Chamber of Commerce, addressed the Council regarding the Chamber. She noted that the Chamber in partner with the Jaycees had held the July 3rd Celebration; she stated that the event was well attended. Werner then thanked the Council for their participation and support with the event. Janet noted that another Concert in the Park had been held and that the Summer Sommerschlussverkauf was coming up and that many outside vendors were expected to help fill the downtown.

Robert Mercer, 216 South Whitewater Avenue, addressed the economic condition of Jefferson and Tyson. He stated that over the last twenty years, Jefferson has lost over 1,400 good skilled jobs. He added that the businesses downtown are practically out of businesses. He stated that the Council has to cut down on costs and encourage businesses to come into Jefferson and offer skilled jobs. He stated that he felt the Jefferson City Officials are not sympathetic to the striking Tyson workers. He stated that the Police Officers could check the incoming and exiting trucks (from the Tyson Plant) for violations. He stated that they can check logs and vehicle and trailer registrations legally—and can delay the driver for up to 8 minutes. He stated that beef and poultry haulers are notorious for violations. He stated that the City should cut out the beautification of alleys that are not travelable by trucks. They alley width makes deliveries almost impossible because frieght costs are too high. Mr. Mercer concluded by stating that we can have the best schools, parks and equipment, but if we don't have places to work, then the City has no future.

David Lorbecki, 714 Windsor Terrace, addressed the Council regarding the requested traffic study review. Mr. Lorbecki stated that he wanted to make sure that the City did not bear any costs for the review of the study.

Elizabeth Spangler, 221 North Marion Avenue, addressed the Council regarding Walmart. She stated that she feels that the land (where Walmart could potentially locate) is beautiful, and questioned what we are "planting". Ms. Spangler likened Walmart to "Creeping Charlie". A plant (weed) that feeds upon itself, does not bear goods and chokes everything else out. She added that if it rains, it (the plant) can be easily picked up. She then continued to make the parallel between the plant and Walmart. She stated that if we don't fill their till, they will just pick up and leave. Ms. Spangler concluded by stating that the land is ready to produce something profitable and she encouraged the City to "plant a sustainable crop".

Bill Koehler, Highway K Jefferson, addressed the Council regarding Walmart and Tyson. Mr. Koehler provided the Council with articles that have been in the Janesville Gazette this past week regarding Walmart. Mr. Koehler then stated that the Tyson workers need speed bumps. He encouraged the City to buy the plastic speed bumps, which are easily removable, not difficult to install or expensive.

Michael Barkley, Merrill WI, addressed the Council regarding Tyson. He encouraged the Council to vote for the speed bumps. Mr. Barkely stated that not everyone speeds but we feel that speed bumps will help. He stated that they could be put across the street so that people do not swerve to avoid them. Mr. Barkely concluded by encouraging the Council to vote in favor of the speed bumps and make it safer for the Union to picket.

Janet Twist, 663 North Dewey Avenue, addressed the Council on several issues. Ms. Twist thanked City Administrator Schornack for his 6+ years of dedicated service to the City and all of the hard work he has put in. Ms. Twist then spoke on Walmart. She stated that she had recently spoke to someone who had taken a leave of absence from their employment from Walmart. And even though he doesn't know if he will ever return to his employment, Walmart has allowed him to maintain his employee status so that he can continue to use his employee discount. She stated that Walmart is given a black eye often and that this points out that Walmart is not all bad.

Nancy Haberman, 536 East North Street, addressed the Council. She stated that she wanted to wish Administrator Schornack well in his new position in Newton Iowa. She then asked what the Council was planning to do to fill the Administrator position.

David Lorbecki, 714 Windsor Terrace, addressed the Council. Mr. Lorbecki also wished Administrator Schornack well and questioned if he would still be a "Packer Backer".

Mayor Brawdgers then read a letter of response from Governor Doyle regarding a letter he had sent to the Governor regarding the Tyson strike. The Governor stated that he is a strong supporter of unions and is considering the potential boycotting of Tyson product purchases for the State. He requested that the Mayor keep him apprised of the situation.

Ald. Wagner stated that he also wished Dave well in his new position. Wagner then outlined the projects that were accomplished during Dave's tenure at the City.

MAYORAL PROCLAMATION

Mayor Brawdgers then read a Buddy Poppy Proclamation.

AN ORDINANCE CREATING SECTION 12.18 OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO THE SERVICE/CONSUMPTION OF ALCOHOL OR FERMENTED BEVERAGES IN OUTDOOR AREAS

Ald. McGrath introduced Proposed Ordinance #11-03 for its second reading.

CITY OF JEFFERSON ORDINANCE #11-03

An ordinance to create Section 12.18 of the Municipal Code of the City of Jefferson related to Service/Consumption of Alcohol or Fermented Beverages in Outdoor Areas.

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

Section 1. Section 12.18 is hereby created to read as follows:

SERVICE/CONSUMPTION OF ALCOHOL OR FERMENTED BEVERAGES IN OUTDOOR AREAS.

- (1) The City Council may approve the issuance of or amendment to the “Class B” alcohol and fermented malt beverage licenses for the purpose of permitting service and consumption of alcohol or fermented beverages in outdoor areas only with the following conditions:
 - (a) Food, alcohol and fermented malt beverages shall only be served or consumed in areas delineated by suitable barricades, i.e. decorative chain and posts, that cordons the area off from the remainder of the outside area. Such barriers may be placed to allow the public to enter from the outside as well as from the building of the license holder.
 - (b) Alcohol or fermented malt beverages may only be served in the outdoor area by the license holder or an employee holding a valid City of Jefferson operator’s license.
 - (c) There shall be no loud music or dancing in the outdoor area.
 - (d) The outdoor area shall be supervised at all times by the license holder or an authorized (operator) licensed employee.
 - (e) Any other condition the City Council deems appropriate taking into account the surrounding neighborhood and the nature of the licensed premises.
 - (f) If the service and consumption of alcohol beverages is in an outdoor area extending onto the public sidewalk, the following additional conditions shall also apply:
 1. The public sidewalk utilized for this purpose shall be abutting the license holder’s property and said use shall not encroach on the sidewalk of neighboring property.
 2. The sidewalk utilized for this purpose shall have an unobstructed width of 60-inches shall be maintained on public sidewalks for use by the general public.
 3. No alcohol or fermented malt beverages or food shall be served after 10:00 p.m.
 4. The entire outdoor area utilized for service and consumption shall be visible from the establishment.
 5. Any public improvements necessary to accommodate the outdoor service area shall be approved by the Building/Zoning Inspector, and the costs thereof shall be paid by the license holder.
 6. Service of food and/or alcoholic beverages in all sidewalk cafes shall be limited to persons seated at tables in the sidewalk café site. Food service shall be required to be available at all times the sidewalk café is open.
 7. Public liability insurance covering the City of Jefferson as well as the sidewalk café owner shall be required, the terms of which must be approved by the City Clerk. Proof of

- comprehensive general liability insurance in a minimum amount of \$500,000 for bodily injury or death and \$100,000 for property damage are also be required.
8. Each sidewalk café shall be responsible for policing the area of the sidewalk café to ensure that alcoholic beverages are not removed from the premises. All debris and unused food shall be removed by the owner before the close of business from the sidewalk café area.
 - (g) For purposes of this Ordinance, the term “sidewalk café” shall mean that portion of a restaurant/tavern that is immediately adjacent to and extends out onto a public sidewalk café within the legal limits of the City of Jefferson without strict compliance with the terms and conditions of this Ordinance.
 - (h) No food, fermented malt or other alcoholic beverages may be served in a sidewalk café within the legal limits of the City of Jefferson without strict compliance with the terms and conditions of this Ordinance.
 - (i) This Ordinance does not limit the City Council’s authority to refuse/permit outdoor areas for service and consumption of alcohol or fermented malt beverages in individual cases even if the license holder meets the above-mentioned conditions. This policy is not intended to create a vested right for the benefit of “Class B” license holders.
 - (j) Failure to abide by the terms and conditions may result in the termination of the right to serve food, fermented malt or other alcoholic beverages in a sidewalk café. The City reserves the right to take further steps in case of repeated violations including termination of a violator’s “Class B” alcohol and fermented malt beverage license. The City may also impose a forfeiture not to exceed \$200.00 per violation of this Ordinance.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Ald. Wagner stated that this ordinance was unanimously approved at Regulatory Committee.

City Attorney Brantmeier then gave an overview of the proposed ordinance. He noted that the goal of the ordinance was to help the downtown businesses of Jefferson by allowing consumption of alcohol within in designated areas.

Ald. Coffman the addressed the “noise issue”. Attorney Brantmeier stated that this ordinance would be enforced similarly to the “one day” permits which are currently granted for use of City right-of-way.

Ald. Bare and City Attorney Brantmeier then discussed the use of public sidewalk as it pertains to this ordinance.

Ald. McGrath, seconded by Ald. Wagner moved to recommend Proposed Ordinance #11-03. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND SECTION 17.04(2)(B) OF THE CITY OF JEFFERSON MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO REZONING

Ald. Carnes introduced Ordinance #12-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #12-03**

An ordinance to amend Section 17.04(2)(b) of the Municipal Code of the City of Jefferson related to rezoning.

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

Section 1. Section 17.04(2)(b) of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by deleting the following area from BC (Central Commercial) to R-M (Multi-family Residential):

Description: Masonic Lodge, 316 North Main Street, Jefferson, WI, Lot 10, N 16FT of Lot 9, N 82FT of W ½ of Lot 5, Blk 7.
Parcel #: 06-14-02-43-024
Address: 316 North Main Street

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

This is a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 35.

**CITY OF JEFFERSON
RESOLUTION NO. 35**

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

The consent agenda for tonight includes:

- ❖ Vouchers Payable for June & July 2003 in the amount of \$440.00 and \$127,747.59, Payroll Summary for June 27, 2003 in the amount of \$110,420.50.
- ❖ Council Minutes from the July 1 2003 Regular & Closed Session Meetings of the Common Council.

- ❖ Licenses as Approved by the Regulatory Committee
 - Operator's Licenses
 - Special Class B Licenses
 - Combination Class B License – Fairview Sports Bar

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 35. On call of the roll, motion carried unanimously.

AUTHORIZATION TO PROCEED WITH AN INDEPENDENT TRAFFIC STUDY ON SOUTH HIGHWAY 26 AT NO COST TO THE CITY

Ald. Carnes introduced Resolution No. 36.

**CITY OF JEFFERSON
RESOLUTION NO. 36**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to retain a traffic engineering consultant for the review of a traffic study which was submitted to the Wisconsin Department of Transportation by McClure Engineering (on behalf of Wal-mart), not to exceed \$2,000. (Per Sec 17.05(6)(m) 8 of the City of Jefferson Municipal Code.)

BE IT FURTHER RESOLVED, that City funds will not be expended for the review of the study.

BE IT FURTHER RESOLVED, that Walmart will reimburse the City within 30 days of issuance of the invoice from the vendor for the completed services. (Per Sec 17.05(6)(m) 1 and 18.04(3)(d) of the City of Jefferson Municipal Code.)

City Administrator Schornack stated that Walmart had rewrote the resolution in a more favorable format for themselves. However, their wording suggestions had not been incorporated into the ordinance. Schornack indicated that a copy of Walmart's recommendations had been provided to the Mayor.

Ald. McGrath encouraged that the Wisconsin Department of Transportation do the review of the study since they are unbiased. He also encouraged the bill to be sent directly to McClure Engineering, to eliminate any potential liability on the City's part. He also encouraged an independent economic impact study as a companion to this resolution.

Mayor Brawders suggested that Ald. McGrath make an amendment.

Ald. McGrath stated that he would like to make his recommendations into a motion form.

City Engineer Ludwig stated that the DOT has reviewed the traffic study. Ludwig stated the DOT does has an investment in this issue, they do not want Highway 26 broken into. The DOT has went on record saying that Walmart will not get a break in access on Highway 26.

A discussion was then held regarding the potential revisions to the resolution.

City Engineer Ludwig stated that Walmart needs a break in access to locate in the Jefferson area. Since the DOT has went on record saying that they will not allow a break in access, Walmart wants the City to lobby on their behalf. Ludwig continued by stated that if this is an entity that the Council feels is good for the City and that we want in we want in our community, then we need to fight for this.

Ald. Carnes suggested that the City send a copy of the DOT correspondence to McClure.

Atty. Brantmeier stated that at this point, this should be voted down and broke into a new resolution for action at the next Council meeting. He stated that the amendment is significant enough that the notification given on the agenda does not cover the scope of the proposed amendment to the resolution. Attorney Brantmeier indicated that there may be some problem with "openness" if this amendment was acted upon..

Ald. Wagner asked what Streets Committee recommendation was.

Ald. Gang stated that no recommendation was made by the Committee. As City Administrator Schornack had stated, Walmart wanted us to take sides. Ald. Gang stated that he did not feel that a review of the plan was necessary if the DOT had already denied access in the Highway.

Ald. McGrath withdrew his amendment.

Ald. Bare, seconded by Ald. Carnes made a motion to remove the \$2,000 limit on the resolution.

Ald. McGrath favored the removal of the \$2,000 cap and favored that Walmart be billed directly.

City Attorney Brantmeier stated that the direct billing to Walmart presents several problems. The largest being that there would be no enforceability of agreement because the contract would not be between the two entities that are billing each other.

Ald. Coffman, also stated that if money is being received directly from Walmart. They are no longer "unbiased".

City Administrator Schornack stated that the City could ask for an irrevocable letter of credit (to cover the cost of the study) at a local financial institution.

Ald. Bare questioned why we would not have a developers agreement.

City Attorney Brantmeier indicated that a developers agreement could only be entered into after the property had been annexed into the City limits.

Ald. McGrath stated that he is skeptical and leery of a company that comes to the City and states that they want us to do this without a formal presentation. McGrath stated that if they want everything above board then why haven't they come to us in an open and above board way.

Roll was then called on the Amendment to Resolution No. 36. On call of the roll, motion carried by a vote of 7 to 1. Ald. Coffman cast the dissenting vote.

Ald. Carnes, seconded by Ald. McGrath moved to recommend Amended Resolution No. 36. On call of the roll, motion was ~~defeated by a vote of 5 to 4~~ tied 4-4. Mayor Brawdres broke the tie to defeat the resolution. Ald. Gang, Ald. McGrath, Ald. Stewart and Ald. Bare cast the other four dissenting votes.

AUTHORIZATION OF THE PLACEMENT OF SPEED BUMPS ALONG WEST LINDEN DRIVE

Ald. Bare introduced Resolution No. 37.

CITY OF JEFFERSON RESOLUTION NO. 37

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to place temporary speed bumps on the 100 block of West Linden Street. To help promote the safety of all parties involved, the speed bumps should be placed at locations that do not impede the intersections or railroad tracks involved.

Ald. Bare, seconded by Ald. Stevens moved to recommend Resolution No. 37 for discussion.

Ald. Gang stated that the Union had spoke to the Streets Committee, he stated that the Police Department had also stated their opinion. Ald. Gang stated that the Committee did not have a clear recommendation for the Council. He stated that he did not feel that the bumps were a bad idea. As long as we can get them close enough to make a difference and it doesn't affect safety in a negative manner.

City Attorney Brantmeier stated that he had done a great deal of investigation into the legality of speed bumps on Linden Drive. He indicated that the proximity to the railroad tracks has always been a problem to him. Brantmeier indicated that first off, the railroad has an 80' easement from the railroad tracks.

City Attorney Brantmeier indicated that he had spoke with Mr. Mark Morrison, a grade crossing safety engineer with the State of Wisconsin. He stated that he had discussed "traffic controlled devices" at length with Mr. Morrison. Brantmeier stated that Morrison indicated that the manual on uniform traffic control devices (federal manual) prohibits putting speed bumps within 150' of the actual railroad tracks. Attorney Brantmeier summarized by stating that you cannot interfere with railroad right-of-way or ignore the safety concern of having traffic stop on the railroad tracks.

Ald. Coffman suggested that the Council go down to the site to determine where 150' would fall.

City Attorney Brantmeier stated that this would be a problem because the agenda was not properly noted to allow this action and may be a conflict with Open Meetings Laws.

Attorney Brantmeier stated that the State indicates that any speed bump would need to be located at least 150' from railroad tracks. He noted that in addition to this information, he had asked the Police Department to do an informal survey on the speeds being traveled on the street to help support the location of bumps on the road. (Brantmeier indicated that the City did not contact the Union or Tyson Foods about the informal study.) Attorney Brantmeier indicated that the study involved 365 cars and was conducted twice, once at shift change and once at an "off time". Brantmeier commented that the results indicated that 89% of the cars were going below the posted speed limit of 15 MPH. He stated that of the roughly 10% that were "speeding", 9% were going between 16-18 MPH.

Ald. Bare then made an amendment to the resolution to remove the reference to speed bumps and replace with stop signs. Ald. Gang seconded by motion.

City Attorney Brantmeier stated that the municipality cannot put stop sign on railroad tracks as long as there are already flashing red lights. Brantmeier stated that he had not researched the legality of stop signs in the area because that was not an item listed for discussion or action on the agenda. Atty. Brantmeier indicated that once again this amendment was straying from what was publicly noted and should most likely be reworded and placed on the next agenda for Council recommendation. Brantmeier also indicated that the Regulatory Committee recommendation should make a recommendation on signage.

Ald. Bare stated that the Corporation must not be in disagreement with the speed bumps because there was no one here at the Council meeting representing Tyson.

City Engineer Ludwig stated that Dev Traver had contacted him and had indicated that they were not in favor of speed bumps.

Ald. Bare questioned how far away the stop sign would have to be from the signalized tracks

City Attorney Brantmeier stated that he did not know that this issue would be discussed, so he had not done conclusive fact finding on the issue. He stated that he would review the law regarding the location of stop and yield signs.

City Engineer Ludwig stated that his main concern with a stop sign is the potential for traffic backups onto Highway 26 during shift changes or other busy times.

Ald. Bare stated that in Waukesha the picketers have a public crosswalk. He questioned if a crosswalk could be located in the area and what legalities may be involved.

City Attorney Brantmeier stated that he would need to research these possibilities so that he could adequately inform the Council.

Ald. Bare, seconded by Ald. Gang made a motion to table Resolution No. 37. On call of the roll, motion carried by a vote of 5 to 3. Ald. Carnes, Ald. Wagner and Ald. Coffman cast the dissenting votes.

**RESOLUTION ENCOURAGING RENEWED CONTRACT NEGOTIATIONS
BETWEEN THE LOCAL 538 AND TYSON PREPARED FOODS**

Ald. Gang introduced Resolution No. 38.

**CITY OF JEFFERSON
RESOLUTION NO. 38**

BE IT RESOLVED by the Common Council of the City of Jefferson that Council does hereby support and encourage ~~“immediate and meaningful”~~ renewed contract negotiations between the Local 538 and Tyson Prepared Foods.

Ald. Bare, seconded by Ald. Gang moved to add the language “immediate and meaningful” into the resolution. Motion to amend carried on a voice vote

Ald. Gang, seconded by Ald. Bare moved to recommend Amended Resolution No. 38. On call of the roll, motion carried unanimously.

**AUTHORIZATION TO SIGN A CONTRACT WITH TRI-NORTH BUILDERS FOR
THE RECONSTRUCTION OF THE CITY HALL OFFICES**

Ald. Stevens introduced Resolution No. 39.

**CITY OF JEFFERSON
RESOLUTION NO. 39**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to sign a contract with Tri-North Builders for the City Hall renovation in an amount not to exceed \$657,774.00.

Ald. Bare stated that he had asked for additional figures to make the City Hall Office more user friendly by removing counter space.

Ald. Stevens encouraged that a presentation be given by Darren Noak from Tri North Builders (on the facility) be given prior to Mr. Bare’s recommendations for reducing the City Hall remodeling project.

Mr. Darren Noak then went over the \$289,000+ reductions in the City Hall project with the Council.

Ald. Bare then asked Mr. Noak about the potential changes. Mr. Noak stated that he anticipated that approximately \$30,000 to \$50,000 could be saved by changing the outside City Hall Office area. Mr. Noak stated that more specifics would be needed before an exact figure could be given.

Ald. Coffman questioned item no 5 on the bid addendum that dealt with the potential of tying into an "abandoned" storm sewer. Coffman stated that he was concerned that the outcome of this item could cause a substantial change order to the project. Coffman also noted his concern over the next item on the agenda and that the roof project change order had come in at 5% of the original project costs.

Discussion was then held regarding the potential increase in Bray's fees. It was indicated that the additional costs would be to redraw the plans per the changes approved by the Council and the re-submittal of the plans to the State of Wisconsin for approval. It was also indicated that the contract between Bray Associates is separate from the construction contract with Tri-North Builders.

Ald. Stevens added that when the Council redesigned the Police Department to save funds, we had additional design costs for the very same reasons.

Ald. Bare made an amendment to the resolution to redesign the City Hall Office and reconfigure the counter area.

A discussion was then held regarding potential asbestos in the City Hall Facility. It was noted that the City had contracted with a firm to look at the asbestos issue. It was noted that the lower level has a fairly significant level of contamination and that the upper level is fairly clean and the area of contamination is not scheduled for remodel.

Ald. Gang stated that he had been a part of this process since January. At first, he agreed that we were talking about too much money and too large of a project scope. He stated that the plan to be approved this evening is a good plan and that the waste downstairs has been removed. Ald. Gang continued by stating that Staff opinions were taken into account when the plans were drawn up for the upstairs. He concluded by stating that the office is no longer adequate and it needs to be changed/updated.

Mayor Brawders questioned Ald. Bare as to why he was bringing up these changes now and not at the Committee level.

Ald. Bare stated that he had brought the amendment up at the Committee level, but it had died for a lack of a second. Mayor Brawders state that that may say something.

Ald. Wagner wanted to say thanks to the Committee for their hard work and that he was pleased that they cut \$300,000 off of the original plan. Ald. Wagner stated that this is the last major project that we need to do in the City.

Ald. Bare called the Council's attention to the potential \$16,650 in additional fees from Bray Associates.

Ald. Stevens, seconded by Ald. McGrath moved to recommend Resolution No. 39. On call of the roll, motion carried by a vote of 6 to 2. Ald. Bare and Ald. Coffman cast the dissenting votes.

CHANGE ORDER NO. 1 TO WALSDORF ROOFING COMPANY AGREEMENT

Ald. Bare introduced Resolution No. 40.

**CITY OF JEFFERSON
RESOLUTION NO. 40**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is authorized to sign Change Order No. 1 to the Walsdorf Roofing Company agreement for a net increase of \$7,210.00.

Ald. Gang stated that he will approve the resolution however; change orders should be very rare.

Jim Willmas stated that Bray Associates typically have less change orders than other architectural firms.

City Administrator Schornack stated that of this \$7,210 approximately \$5,000, for the roof vents, would have been included in the construction contract if not approved in the roofing contract.

Ald. Bare, seconded by Ald. Stevens moved to recommend Resolution No. 40. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. Stewart moved to adjourn to Closed Session of the Wisconsin State Statutes Pursuant to Section 19.85(1)(c), 19.85(e), 19.85(1)(g) to Discuss Employment, Compensation, Bargaining and Litigation. On call of the roll, motion carried unanimously.

Ald. Stevens, seconded by Ald. McGrath moved to reconvene to Open Session. On call of the roll, motion carried unanimously.

**RESOLUTION ACCEPTING THE POSITION DESCRIPTIONS FOR THE
EMERGENCY MEDICAL SERVICES DEPARTMENT**

Ald. McGrath introduced Resolution No. 41.

**CITY OF JEFFERSON
RESOLUTION NO. 41**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the position descriptions for the EMS Director, Emergency Medical Technician/Training Officer and Emergency Medical Technician be approved.

BE IT FURTHER RESOLVED that the position of Emergency Medical Technician/Training Officer be classified to Range 4 on the Non-Union Compensation Plan.

Ald. McGrath noted that as a condition of approval, the descriptions are to be reviewed by the City Attorney and pay ranges should be added.

Ald. McGrath, seconded by Ald. Stevens moved to recommend Resolution No. 41. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING 2003 WAGE RATE FOR AUXILIARY EMS EMPLOYEES

Ald. Wagner introduced Resolution No. 42.

**CITY OF JEFFERSON
RESOLUTION NO. 42**

BE IT FURTHER RESOLVED, that the auxiliary emergency medical technicians be paid an “on call rate” of \$1.00 per hour and an hourly rate in accordance with the following schedule:

	Wage
Basic EMT	\$7.00
Intermediate EMT	\$8.00

Ald. Wagner, seconded by Ald. moved to recommend Resolution No. 42. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE HIRE OF NANCY RIESS FOR FULL-TIME EMT POSITION

Ald. Coffman introduced Resolution No. 43.

**CITY OF JEFFERSON
RESOLUTION NO. 43**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that Nancy Riess be hired as full-time EMT at a starting salary of \$17,500.

BE IT FURTHER RESOLVED, that Ms. Riess will receive the performance increase steps as outlined in the City of Jefferson Personnel Handbook (adopted 6/20/2000).

Ald. Coffman, seconded by Ald. moved to recommend Resolution No. 43. On call of the roll, motion carried unanimously.

Ald. Stevens, seconded by Ald. Bare moved to adjourn the July 15, 2003 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the July 15, 2003, meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.

**Please Publish: ASAP
need an affidavit
not in the legal section**