

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
SEPTEMBER 2, 2003**

The Tuesday, September 2, 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 Attorney Brantmeier, Police Chief Besel, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICIPATION**

Ald. David Carnes then addressed the Council regarding the delivery of Council packets. Carnes indicated that he felt the Police Officers have better things to do than deliver mail to the Council persons. He stated that he felt the Police Department's time could be better spent on the streets rather than delivering the Council packets.

Ald. Tim Bare stated that he rather have his packet delivered by the Police Department

Ald. Chris Gang stated that with his work schedule, he also liked it to be delivered. He added that it works well for him.

Mayor Brawders suggested that the Councilmembers tell the Clerk which method they prefer.

A discussion was then held regarding the 2004 Proposed Budget.

Dev Traver General Manager of Tyson Prepared Foods, asked the Council to carefully consider Resolution No. 73. Mr. Traver stated that he opposed any type of method that would slow traffic on Linden Street. He stated that the traffic study only offered one recommendation. He reiterated that he does not want to see anything that limits access. He stated that Tyson has worked with the Police Department when there is a reported speeding incident and will continue to do so. Mr. Traver stated that he is afraid that the recommendation may cause a greater safety risk. He stated that he felt that the potential may be to fall forward with a median. He stated that he hoped that the strike is still temporary and therefore the funds spent would be wasted in the future.

Janet Werner, Chamber of Commerce Director, gave an update on Gemuetlichkeit activities. She also noted that the Chamber would be hosting its food booth at the car show and during Gemuetlichkeit Days.

Dale Oppermann, 1117 Hillebrand Drive, addressed the Council regarding the Cable Access Commission. He questioned what the Council is looking for and what they wanted the commission to come up with. He questioned what would give the Council the comfort level they need to proceed with televising. He asked for further clarification as to what exactly is the Committee's task and what they are to produce? Ald. Carnes also added that the Committee

does need some Council direction. Mayor Brawdors asked the Council members to contact Mr. Oppermann with direction for the Committee's first meeting.

Will Larson, 135 South Fisher Avenue, addressed the Council regarding the Senior Center. He stated that he hoped that the Council could accomplish at least some improvements for the Senior Center even if they needed to be slightly cut back.

**APPOINTMENTS: JEFFERSON DEVELOPMENT COMMISSION**

Ald. Wagner, seconded by Ald. Stevens moved to recommend the following appointments to the Jefferson Development Commission:

**Cheryl Hanson  
Kathleen Groskopf**

Motion carried on a voice vote.

**AN ORDINANCE TO AMEND SECTION 1.04(13)(A) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE JEFFERSON DEVELOPMENT COMMISSION**

Ald. McGrath introduced Proposed Ordinance #13-03 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #13-03**

An ordinance to amend Section 1.04(13) (a) Related to the Composition of the Jefferson Development Commission. The Common Council of the City of Jefferson, Wisconsin, does ordain as follows:

**Section 1:** Section 1.04 (13)(a) is hereby amended as follows:

**Section 1.04 (13). JEFFERSON DEVELOPMENT COMMISSION.**

- a) Composition; The Jefferson Development Commission shall be comprised of thirteen (13) members. Two members shall be from financial institutions, two members shall be from business community, ~~One member shall be from County City Credit Union, one member shall be from Fort Credit Union, one member shall be from F & M Bank, one member shall be from Premier Bank,~~ one member shall be from the Utility Commission, one member shall be from the Common Council, one member shall be from the County Board of Supervisors, and one member shall be the president of the Chamber of Commerce. The City Administrator and City Engineer 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.

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

This was a first reading.

### **CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 60.

#### **CITY OF JEFFERSON RESOLUTION NO. 60**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for September 2, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ❖ Vouchers Payable for September 2003 in the amount of \$177,463.27 and Payroll Summary for August 22, 2003 in the amount of \$105,268.72.
- ❖ Council Minutes from the August 19, 2003 Regular and Closed Session Meetings of the Common Council.
- ❖ 2003 Chamber of Commerce Subsidy - \$5,000.
- ❖ Licenses as Approved by the Regulatory Committee
  - Operator's Licenses
  - Special Class B Licenses

Ald. Wagner, seconded by Ald. McGrath introduced Resolution No. 60. On call of the roll, motion carried unanimously.

### **AUTHORIZATION TO SIGN A CONTRACT WITH STIER CONSTRUCTION FOR THE RECONSTRUCTION OF THE SENIOR CENTER**

Ald. Stevens introduced Resolution No. 61.

#### **CITY OF JEFFERSON RESOLUTION NO. 61**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Clerk/Treasurer is authorized to sign a contract with Stier Construction for alterations to the Jefferson Senior Citizen's Center in the amount of \$288,930.00.

Architect Craig Ellsworth of The Architectural Firm then gave the Council a presentation regarding the Senior Center reconstruction bids. Mr. Ellsworth stated that he recommended accepting the base bid from Stier Construction without any deducts. He stated that an asbestos inspection would need to be completed to satisfy DNR requirements and estimated that this cost would not exceed \$1,000. He added that he did not anticipate any asbestos problems because the building had been constructed in 1990. He noted that if asbestos was found anywhere it would

be in the mastic used to glue down the tile flooring. Ellsworth stated that there may also be asbestos in the roof materials, but that the bid for the roof work included asbestos abatement. Mr. Ellsworth then concluded by outlining the next steps the Committee and Council need to take.

Mayor Brawders then questioned Director Keller how much needs to be moved out of the Senior Center Facility. Park, Recreation and Forestry Director Keller stated that everything must be moved. She then outlined the plan that is currently "in place" for the removal of furnishings and other items from the Center.

Ald. Bare questioned if the roof was in the base bid. Architect Ellsworth indicated that the roof was in the base bid of \$288,000. Bare then questioned the budget for the stainless countertops and the flooring. Ellsworth indicated that his numbers represented a range, which would not exceed \$30,000. Bare asked what the penalties were for non-completion in 90 days. Architect Ellsworth stated that the fee would be \$250 for every 8-hour period after the 90 days.

Ald. Bare made a motion to remove the acoustical tile and the alternate lighting system from the base bid. Motion died for lack of a second.

Ald. Bare made a motion to leave the existing kitchen as is, except for the necessary exhaust work. Motion died for lack of a second.

Ald. Bare questioned how we would pay for this. City Clerk/Treasurer stated that there would be enough money for both of the base bids for the City Hall and Senior Center Facility. Ald. Bare asked if there would be enough money for all of the costs for the City Hall, Senior Center and the credit union. City Clerk/Treasurer Stewart stated that she could not promise that there would be enough money in the note fund for all of the expenses slated for the projects. She stated that she could only estimate what the future would hold, but if no additional costs came in and if we were able to save funds on some change orders that we may only have a deficit somewhere in the \$10,000 range. She concluded by stating that it was impossible to say whether or not there would be adequate funds.

Ald. Wagner stated that we need to get something done with these buildings. He commented that the Facility Committee had worked diligently and had cut the City Hall project by over \$300,000. Wagner stated that we may need \$30 or \$40,000 more to complete the projects, but we need to get these things done.

Ald. Carnes stated that he had also hoped the bids would come in below the \$300,000 mark, but would still support the projects because the costs had come in so close to the goals the Council had set.

Ald. Stevens, seconded by Ald. Gang moved to recommend Resolution No. 61. On call of the roll, motion carried by a vote of 7 to 1. Ald. Bare cast the dissenting vote.

**AUTHORIZATION THE PAYMENT OF A FACADE GRANT TO ROBERT NIEBLER AND DESIGNATION OF A FUNDING SOURCE**

Ald. Carnes introduced Resolution No. 62.

**CITY OF JEFFERSON  
RESOLUTION NO. 62**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that Administrative Staff is authorized to disburse \$2,500 in a Façade Grant to Mr. Robert Niebler DBA: The Drug Store (aka: Mueller Drugs, Inc.).

**BE IT FURTHER RESOLVED** that the Council hereby authorizes a \$7,500 budget adjustment to the following account for the 2003 façade grants to Mr. Robert Niebler and SDU, LLC (two grants which were approved earlier this year):

Economic Development Fund	20-50000-70-700	\$7,500
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Ald. Carnes, seconded by Ald. Stewart moved to recommend Resolution No. 62. On call of the roll, motion carried by a vote of 5 to 0, Ald. Gang, Ald. McGrath and Ald. Coffman abstained from the vote.

**RESOLUTION AUTHORIZING THE REFUND OF A LIQUOR LICENSE AND  
CIGARETTE LICENSE FEE**

Ald. Wagner, introduced Resolution No. 63.

**CITY OF JEFFERSON  
RESOLUTION NO. 63**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that Administrative Staff is hereby authorized to issue a refund to Mike and Judy Bolger in the amount of \$435.94 for the 2003-2004 Class A Liquor and Beer License Fee and a refund in the amount of \$57.35 for the 2003-2004 Cigarette License Fee.

Ald. Coffman questioned if offering the refund was precedent setting. He asked if the Council was just opening up a can of worms. He also added that the City was losing out on revenue.

Ald. McGrath stated that he did not think the City was losing out on revenue, because the new owners had also paid the license fee.

Ald. Carnes stated that he shared Ald. Coffman's concerns and noted that he was also worried about setting a precedent.

City Clerk/Treasurer Stewart stated that she also was not against issuing the refund. But with shrinking revenues in coming years, the Council may want to review the refunding of licenses in general. Stewart suggested that the Council issue the refund now and put a policy in place beginning in 2004.

Ald. Coffman stated that he also felt that we should put a policy in place and start fresh at a new year. Ald. Carnes concurred.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 63. On call of the roll, motion carried by a vote of 7 to 1. Ald. Coffman cast the dissenting vote.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT FOR LIGHTING ON THE NORTH STREET BRIDGE AND DESIGNATION OF A FUNDING SOURCE**

Ald. Stewart introduced Resolution No. 64.

**CITY OF JEFFERSON  
RESOLUTION NO. 64**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the City Engineer is hereby authorized to contract with Jefferson Current Electric for the installation of lights on the North Street Bridge in an amount not to exceed \$3,900.

**BE IT FURTHER RESOLVED** that funds shall be taken out the Bridge Fund and that the following budget adjustment be hereby adopted:

42-50000-40-447	North Street Bridge	\$3,900
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Ald. McGrath questioned if the Utility would do this for free. City Engineer Ludwig stated that Jefferson Utilities would not give us a quote. He stated that these type of poles and this type of installation is not their area of expertise.

Ald. Stewart, seconded by Ald. Stevens moved to recommend Resolution No. 64. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE PROPOSAL FROM B.R. AMON AND SONS FOR THE PAVING OF THE CITY HALL PARKING LOT**

Ald. Gang introduced Resolution No. 65.

**CITY OF JEFFERSON  
AMENDED RESOLUTION NO. 65**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the City Engineer is hereby authorized to contract with B. R. Amon for the preparation and paving of the City Hall Parking lot in an amount not to exceed ~~\$6,217~~ \$6,002.

Ald. Gang stated that this had been brought up in Facilities Committee. He stated that this would be a cost savings of approximately \$8,000 over the Tri-North Contract.

Ald. Wagner made a motion to remove striping from the bid, seconded by Ald. McGrath. Ald. Carnes questioned what the cost would be for staff to do it. Ald. Coffman stated that we will never see the costs if our crews do it. On call of the roll, motion carried by a vote of 5 to 3, Ald. Stevens, Ald. Gang and Ald. Carnes cast the dissenting votes.

Ald. Bare asked about the base of the parking lot. City Engineer Ludwig indicated that over 12” of gravel was located in several spots in the lot.

Ald. Gang, seconded by Ald. McGrath moved to recommend Amended Resolution No. 65. On call of the roll, motion carried unanimously.

**RESOLUTION ACCEPTING A KEY POLICY AND AUTHORIZING THE POLICY'S INCLUSION IN THE CITY OF JEFFERSON PERSONNEL HANDBOOK**

Ald. Coffman introduced Resolution No. 66.

**CITY OF JEFFERSON  
RESOLUTION NO. 66**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson the City of Jefferson Key Policy is hereby adopted.

**BE IT FURTHER RESOLVED**, that the Common Council hereby authorizes that the Key Policy be included as “Addendum C” to the City of Jefferson Personnel Policy Manual.

Ald. Coffman, seconded by Ald. Wagner moved to recommend Resolution No. 66. On call of the roll, motion carried unanimously.

**RESOLUTION ADOPTING A REVISED BLOODBORNE PATHOGEN CONTROL PLAN**

Ald. Stewart introduced Resolution No. 67.

**CITY OF JEFFERSON  
RESOLUTION NO. 67**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Revised Bloodborne Pathogen Control Plan is hereby adopted.

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution No. 67. On call of the roll, motion carried unanimously.

**RESOLUTION DESIGNATING AN AUTHORIZED REPRESENTATIVE TO FILE RECYCLING GRANTS APPLICATIONS**

Ald. Carnes introduced Resolution No. 68.

**CITY OF JEFFERSON  
RESOLUTION NO. 68**

**WHEREAS**, the City of Jefferson hereby requests financial assistance under s287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.,

**THEREFORE, BE IT RESOLVED**, that the City of Jefferson HEREBY AUTHORIZES the City Clerk/Treasurer, an official or employee of the responsible unit, to act on its behalf to: Submit an application to the Department of Natural Resources for financial assistance under s287.23, Wis. Stats., Chapter NR 542, 544 and 549, Wis. Admin. Code; Sign necessary documents; and Submit a final report.

Ald. Carnes, seconded by Ald. Gang moved to recommend Resolution No. 68. On call of the roll, motion carried unanimously.

**CAPITAL IMPROVEMENT PLAN 2004-2008**

Ald. Stevens introduced Resolution No. 69.

**CITY OF JEFFERSON  
RESOLUTION NO. 69**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the Capital Improvement Plan for 2004-2008 is hereby approved.

Ald. Stevens, seconded by Ald. McGrath moved to recommend Resolution No. 69 for discussion.

Ald. Coffman stated that he was not comfortable with this plan at all and that we needed to take more than just minutes to look at it. He stated that he felt that this was one of the most important things we do and special consideration should be given to it. Ald. Coffman suggested that this resolution be tabled and discussed at a subsequent Council meeting or Committee of the Whole Meeting.

Ald. Coffman, seconded Ald. Wagner moved to table Resolution No. 69. Motion carried by a voice vote.

**TEMPORARY CLOSURE AND LEASE OF A PORTION OF SOUTH CENTER AVENUE**

Ald. Bare introduced Resolution No. 70.

**CITY OF JEFFERSON  
RESOLUTION NO. 70**

**BE IT RESOLVED** by the Common Council of City of Jefferson that a portion of Walworth Street (as indicated on the attached map) is hereby temporarily closed on September 14, 2003 from after the Gemuetlichkeit Day parade to 9:00 p.m., to have a block party, and

**BE IT FURTHER RESOLVED** that said right-of-way is hereby leased to Dean and Peg Beyer and Jerry and Gwen King in the sum of \$1.00 for said time-frame.

Ald. Bare, seconded by Ald. Stevens moved to recommend Resolution No. 70. Motion carried on a voice vote.

**RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FOR NON-PECFA ELIGIBLE COSTS AND DESIGNATION OF A FUNDING SOURCE**

Ald. Carnes introduced Resolution No. 71.

**CITY OF JEFFERSON  
RESOLUTION NO. 71**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that Administrative Staff is hereby authorized to pay the Bank of Chilton \$13,362.94, in funds which were formerly considered PECFA eligible.

**BE IT FURTHER RESOLVED**, that the funds be taken from the Contingency line item in the General Fund Budget.

Ald. Carnes indicated that this Resolution was unanimous at Finance Committee.

City Engineer Ludwig then gave the Council background of Resolution No. 71.

Ald. Carnes, seconded by Ald. Stewart moved to recommend Resolution No. 71. On call of the roll, motion carried unanimously.

**AMENDING ECONOMIC DEVELOPMENT FUND BUDGET FOR BUSINESS RECRUITMENT/RETENTION EXPENSES**

Ald. Stevens introduced Resolution No. 72.

**CITY OF JEFFERSON  
RESOLUTION NO. 72**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the following budget adjustment is hereby adopted:

<b>ECONOMIC DEVELOPMENT FUND (Fund 20)</b>		
20-50000-70-700	Miscellaneous Expense	\$400

Ald. Stevens, seconded by Ald. Carnes moved to recommend Resolution No. 72. On call of the roll, motion carried unanimously.

**RESOLUTION DIRECTING PUBLIC WORKS STAFF TO INSTALL TRAFFIC CALMING DEVICES ON WEST LINDEN DRIVE**

Ald. Gang introduced Resolution No. 73.

**CITY OF JEFFERSON  
RESOLUTION NO. 73**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that Public Works Department is hereby directed to install traffic calming devices for West Linden Dr, as suggested by the traffic study prepared by Strand and Assoc.

Ald. Wagner made an amendment to make one temporary speed bump between South Highway 26 and the railroad tracks, going both directions. Motion died for lack of a second.

City Attorney Brantmeier clarified for Ald. Wagner that the speed bump was not being recommended through the traffic engineering study.

Attorney Brantmeier then discussed the liability that the City would be open to if one of the traffic calming devices that was not recommended were chosen by the Council. He stated that the road narrowing option offered in the traffic study would be OK from a liability standpoint. The City would not incur liability if they did or didn't install the road narrowing measures. However, he cautioned the Council that he would not advise them to go against the recommendations outlined in the traffic engineering study. He then addressed Ald. Wagner and stated that if an accident occurred as a result of the installation of speed bumps, the City would not be immune from liability.

Ald. Bare stated that he will support the road narrowing, as the legal profession will not allow anything else done. He added that he felt the road narrowing would not hamper Tyson's operations. Ald. Bare also stated that if the strikers are in the roadway, then they can be hit. He stated that the road narrowing measures, however will not solve the problem.

Ald. Gang stated that it is not just as simple as putting up curbing. He stated that it could create drainage problems and that this is not the answer that we were looking for. He stated that we already have painted lines that create these areas similar to those "approved" in the traffic engineering study.

Ald. McGrath stated that he could not see a permanent narrowing. He stated that he preferred something temporary like barricades that could be spiked into the road.

Ald. Carnes stated that he could sympathize with both sides. He said that the Council is charged with bringing business into (and keeping it) town and also to keep its residents employed.

Carnes continued by stating that the Council took a step to garner and unbiased opinion as to what traffic calming measures should be installed in the area and they (the Council) did not get the answers we were looking for. He stated that he felt the recommended alternative would cause other problems. He stated that this is just not a good solution.

Ald. Bare asked the Police Chief if the Police would allow someone to stand in the median. Chief Steinhorst stated that he was hesitant to answer the question because he did not know the dimensions of the proposed island. He stated that it could be extremely dangerous depending upon the size.

Mayor Brawders then asked about the potential cost of installation of the road narrowing measures. City Engineer Ludwig indicated that he had thrown some numbers together and came up with a cost in the \$4,000 (estimated). Upon request, Engineer Ludwig added that this cost does not take into account drainage or any other issues. He stated that drainage onto railroad property and the creation of ice puddles are two potential concerns.

Attorney Brantmeier also indicated that proximity to the railroad right-of-way was also a concern.

Ald. Gang, seconded by Ald. Bare moved to recommend Resolution No. 73. On call of the roll, motion was defeated by a vote of 6 to 2. Ald. Bare and Ald. Gang voted in favor of the resolution.

#### **RESOLUTION ADOPTING A SENIOR CENTER VOLUNTEER TRAINING POLICY**

Ald. Coffman introduced Resolution No. 74.

#### **CITY OF JEFFERSON RESOLUTION NO. 74**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Senior Center Volunteer Training Policy is hereby adopted.

Ald. Coffman, seconded by Ald. Gang moved to recommend Resolution No. 74. On call of the roll, motion carried unanimously.

Ald. Gang, seconded by Ald. Stevens moved to adjourn to Closed Session of the Wisconsin State Statutes Pursuant to Section 19.85(1)(c) to Discuss Employment. 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.

#### **HIRE OF FULL-TIME POLICE OFFICER**

Ald. Bare introduced Resolution No. 75.

**CITY OF JEFFERSON  
RESOLUTION NO. 75**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Police Chief is hereby authorized to hire Dan Johnson as a Full-time Police Officer for a starting pay rate of \$17.48 in accordance with the WPPA/JPPA Union Contract.

The resolution was originally read with the City Administrator in place of the Police Chief. Ald. Bare, seconded by Ald. Gang moved to include the Police Chief in place of the Administrator. Motion carried on a voice vote.

Ald. Bare, seconded by Ald. Gang moved to recommend Amended Resolution No. 75. On call of the roll, motion carried by a vote of 7 to 1. Ald. McGrath cast the dissenting vote.

Ald. Stevens, seconded by Ald. Coffman moved to adjourn the September 2, 2003 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the September 2, 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.