

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
SEPTEMBER 16, 2003

The Tuesday, September 16, 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 and Ald. Stevens. Absent was Ald. Stewart. Also present were: City Attorney Brantmeier, Police Chief Steinhorst, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Catherine Tackman, N3449 Regelein Lane, addressed the Council in letter form regarding Walmart. Ms. Tackman stated that Walmart would devastate Jefferson and would promise more empty storefronts. She encouraged the Council to follow Fort Atkinson's lead and turn Walmart away. She stated that she was afraid that Walmart would ruin the small town feel of Jefferson.

Bill Koehler, Highway K, addressed the Council regarding Walmart. Mr. Koehler stated that he agreed with everything that Ms. Tackman stated.

DISCUSSION: CITY ADMINISTRATOR POSITION

Attorney Brantmeier informed the Council on the legalities of possibility amending the term of the City Administrator. He stated that a change would require approval by a 2/3 vote of the Council. Brantmeier noted that after passage, publication would take place and then the public would have 60 days to object to the Council action. During these 60 days, the public would have a chance to circulate a petition in opposition to the action. If they received enough signatures to equal or exceed 7% of voters from the last gubernatorial election, this would force a referendum on the action

Ald. Gang stated that if a change was made, the "lack of City Administrator" could potentially drag out into spring. Atty. Brantmeier stated that the spring elections are still within shot. He encouraged the Council to look at taking action at the next meeting.

Atty. Brantmeier reiterated that the City is supposed to be operating under the City Administrator form of government and we have a "reasonable" amount of time to decide what we are going to do.

Ald. Coffman asked (Atty. Brantmeier) if we wanted to make a change involving existing employees then should it/could it be done in closed session? Atty. Brantmeier noted that general discussion involving a change in the form of government should be in open session. However, if the discussions involved specific employees that it could be safely discussed in closed. Coffman noted that their had been some talk about changing existing positions and encompassing some into others, utilizing current employees. He stated that he would like to see this discussed in closed session at the next Council meeting.

After discussion, it was the consensus that this matter should be discussed further in closed session at the next Council meeting.

Ald. McGrath questioned if an administrator must be hired as an indefinite term. City Attorney Brantmeier stated that usually City Administrator's positions are not limited to terms. He stated that the presumption is that an individual would be moving their life and family to the community and therefore making a significant commitment. Many applicants may be reluctant to apply with a term limit in place.

Ald. Bare stated that he did not remember a referendum for #6-98. It was explained that the ordinance did not specifically refer to the City Administrator position; it referred to the separation of and the creation of City Clerk/Treasurer and Deputy Clerk/Treasurer positions. It was noted that the ordinance was a charter ordinance and that it was noticed as such. It was also indicated that no one filed a petition in objection to the ordinance, so no referendum was held.

PUBLIC HEARING AND RESOLUTION ON THE PROPOSED VACATION OF A PORTION OF SOUTH SIEFERT AVENUE (FORMERLY WATER STREET AND FORMERLY MILL STREET)

Mayor Brawders called the public hearing to order.

City Clerk/Treasurer Stewart read the Notice of Public Hearing.

City Engineer Dan Ludwig gave an explanation of the proposed vacation.

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.

Atty. David Westrick, then addressed the Council. He stated that he was representing Mr. Soleska in the proposed vacation. Atty. Westrick indicated that the proposed vacation is approximately the same footage as was deeded to the City in a land swap. He stated that they had appeared before the Plan Commission and the Park & Recreation Commission. Atty. Westrick then went over the reasons for encouraging the vacation.

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

Ald. Bare introduced Resolution No. 76 for its second reading.

**CITY OF JEFFERSON
RESOLUTION NO. 76**

RESOLUTION VACATING AND DISCONTINUING A PUBLIC STREET – A PORTION OF SOUTH SIEFERT AVENUE (FORMERLY WATER STREET AND FORMERLY MILL STREET)

WHEREAS, the City Council of the City of Jefferson at their meeting on August 5, 2003, adopted a Resolution setting the time and date to consider vacating a public street (portion of South Siefert Avenue), and directing that notice thereof be published in the DAILY JEFFERSON COUNTY UNION;

AND WHEREAS, a portion of South Siefert Avenue (formerly Water Street and formerly Mill Street) located Block 3, of West Jefferson, situated in the NE ¼ of the NW ¼ of Section 11, Township 6 North, Range 14 East, City of Jefferson, Jefferson County, Wisconsin.

AND WHEREAS, the Notice of a Public Hearing to be held on this date; namely September 16, 2003 at 7:30 p.m. at the City Hall in the City of Jefferson was published in the DAILY JEFFERSON COUNTY UNION;

AND WHEREAS, a public hearing on said petition was held on September 16, 2003

AND WHEREAS, the alley will be altered to the west by approximately 14.57 feet.

AND WHEREAS, the owners of property abutting on the portion of said street proposed to be vacated are hereby notified and have been allotted the opportunity to appear at a public hearing.

AND WHEREAS, all provisions of Section 66.1003 Wisconsin Statutes have been satisfied and complied with for the vacating or discontinuance of said public street – a portion of Siefert Street;

Ald. Bare, seconded by Ald. Gang moved to recommend Resolution No. 76. On call of the roll, motion carried unanimously.

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.

**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.

Ald. McGrath, seconded by Ald. Stevens moved to recommend Proposed Ordinance #13-03. On call of the roll, motion carried unanimously.

APPOINTMENTS: JEFFERSON DEVELOPMENT COMMISSION

Mayor Brawders has asked that the following appointment be made to the Jefferson Development Commission.

Ald. Wagner, seconded by Ald. Stevens moved to recommend **Chris Nash** for the vacant position on the Jefferson Development Commission. Motion carried on a voice vote.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 77.

CITY OF JEFFERSON RESOLUTION NO. 77

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for September 16, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for August and September 2003 in the amounts of \$2,579.70 and \$196,526.38 and Payroll Summary for September 5, 2003 and in the amount of \$107,374.74.
- ◆ Council Minutes from the September 2, 2003 Regular and Closed Session Meetings of the Common Council.
- ◆ Acceptance of Salt Bid from Cargill Salt, Inc. for \$33.49/ton.
- ◆ Approval of Joint Powers Agreement for the 911 Emergency System.
- ◆ Joint Facility Agreement between the City and the School District.
- ◆ 2003 Legion Band Subsidy - \$6,000
- ◆ Licenses as Approved by the Regulatory Committee
 - ▣ Operator's Licenses
 - ▣ Special Class B Licenses

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 77. On call of the roll, motion carried unanimously.

RESOLUTION ACCEPTING 2002 GENERAL PURPOSE FINANCIAL STATEMENTS AND AUDIT REPORT

Ald. Stevens introduced Resolution No. 78.

**CITY OF JEFFERSON
RESOLUTION NO. 78**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2002 General Purpose Financial Statements/Audit Report are hereby accepted.

Julie Schwingel of Virchow Krause LLP then gave the Council a presentation regarding the 2002 General Purpose Financial Statements/Audit Report. She stated that a municipality generally wants to have between 2-3 months of expenditures in fund balance. She stated that the City was at 23%, higher than the 8-16% that would be “recommended”. Ms. Schwingel noted that the City is also below the average in general obligation borrowing.

Ms. Schwingel then went over GASB 34 with the Council. She stated that the City would need to comply with GASB for the 2003 audit. She stated that the new financial statements will have a lot more information than the audit that was in front of them this evening. She stated that a major component of the new statements will be a Management Discussion and Analysis. She stated that City Personnel is required to put this together. She stated that this document will tell the readers what all of the numbers mean. She noted that the document is typically in the area of 8 to 13 pages and is drafted by City Personnel. Ms. Schwingel then noted that depreciation on assets would now be required. She noted that once again City personnel would be required to put together the assets together and formulate and implement a depreciation schedule for the various assets of the City. She then noted that because the City is a Phase II implementer, that retroactive reporting of infrastructure would be required. She stated that City personnel would need to retroactively report infrastructure back to 1980, but that this portion of the project would not be required until 2007. She stated that the addition of the infrastructure would increase the “worth of city”. Ms. Schwingel stated that GASB will record the City’s position on an accrual basis, not modified accrual as it is now. She noted that the City’s financials in the future will look more like a business statement. She indicated that City personnel would also be responsible for gathering the information needed for this area of the new financials.

Ald. Bare then questioned Ms. Schwingel about the employee retirement system unfunded liability. He stated that he needed clarification. He questioned why the financial statement would state that the “best estimate is \$550,000”. He questioned why we would not know a concrete number. Ms. Schwingel stated that the wording is as such because the information in the audit is based on information from the State and correspondingly their actuarial assumptions. She stated that if different assumptions/factors were considered, this information could change. She stated that the City of Jefferson’s liability is recorded the same way as every one else is doing.

Ald. Bare questioned if the City paid off their liability and if there is an adjustment bill, would it incur another unfunded liability. Ms. Schwingel stated that this is a possibility depending upon what type of adjustment bill it was and whom it applies to. She stated that other public sector entities have paid off their unfunded liability because the interest rate is 8% and generally municipalities can borrow money for considerably less. Most of these municipalities bank upon the thought that an adjustment bill is unlikely.

Ald. Bare then questioned why the 2002 financial statements were being presented at such a late date.

City Clerk/Treasurer Stewart indicated that as a part of the City's financial statements, component units such as the Housing Authority are included. Stewart indicated that the Housing Authority Audit was not done until much later in the year and that we needed to wait for the inclusion of their audited statements. This had caused the late presentation. She stated that this has been the case for the last several years.

Ald. Stevens, seconded by Ald. Carnes moved to recommend Resolution No. 78. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Gang moved to adjourn to Closed Session of the Wisconsin State Statutes Pursuant to Section 19.85(1)(g) to confer with Legal Counsel. On call of the roll, motion carried unanimously.

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

Ald. Carnes, seconded by Ald. McGrath moved to adjourn the September 16, 2003 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the September 16, 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.