

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
NOVEMBER 18, 2003

The Tuesday, November 18, 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. Gang, Ald. McGrath, Ald. Stewart, Ald. Carnes and Ald. Stevens. Also present were: City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Mayor Brawders then drew the crowd's attention to an advertisement in the Monday issue of the Daily Union. Mayor Brawders stated that he would like to address several inaccuracies in the advertisement. He stated that this evening's agenda did not have anything pertaining to big box development or Walmart. He also noted that the Jefferson Development Commission had met this morning and that it was the Jefferson COUNTY Development CONSORTIUM that was meeting tomorrow at the Workforce Development Center on Collins Road, not at the County building.

Janet Werner, N4108 Highway Y, addressed the Council regarding Chamber activities. Ms. Werner stated that the final activity of the Chamber for this year will be the Lights Parade on December 6th. She stated that the Council is invited to ride in parade and the Chamber welcomes their attendance.

Bill Hughes, 302 North Jackson Avenue, addressed the Council regarding several Senior Center issues. Mr. Hughes encouraged the Council to table action on senior center income resolution until they have moved into the new center. Mr. Hughes stated that the director was given a short and unrealistic time frame to provide information to the Council regarding potential revenues sources. Due to the short time frame, the Advisory Board was not able to give the Coordinator their input and he asked the Council for time to look over the proposal and come up with ideas. He also stated that he was concerned about legal implications on some of the proposed charges.

Bob Mau, 207 East Racine Street, addressed the Council regarding revenue enhancements. Mr. Mau stated that revenues at the Senior Center are counterproductive and mean-spirited and they don't even raise enough money to make a bother. He then addressed the potential of charging for garbage collection. He stated that he felt he was paying his City taxes for this service and added that the quality of garbage collection has gone down. Mr. Mau stated that this is a small town and he is opposed to any type of increase or additional fees. He stated that costs for programs, etc should be paid thru property taxes. He stated that property taxes are somewhat progressive. Typically meaning that an individual with a larger home has a larger income and a greater capacity to pay more taxes. He stated that those that should pay the most typically can pay. Mr. Mau concluded by stating that this way you know how much you are paying—all these little charges would just be nickel and diming people to death. He encouraged the Council to do it the right way--get (the funds) it thru the property tax.

Cyndi Keller, Park, Recreation and Forestry Department Director, then presented the Council with WPRA award for the Milwaukee Street Bridge Project.

Glenn Niederwerfer, 745 Lucas Lane, passed a letter out regarding traffic issues on Lucas Lane and Puerner Street. He stated that his concerns were the kind and amount of traffic, including construction traffic. Mr. Niederwerfer stated his displeasure that the developer at the end of Lucas Lane was allowing his construction traffic to use Lucas Lane and not use the construction road which connects to Watertown Road. He added that the developer had made a promise to the Council that he would have his contractors use the Watertown Road access. Niederwerfer noted his displeasure that the only park in the area is only for the use of residents of the new subdivision. He stated that he was concerned that there is no safe area in the neighborhood, outside of the exclusive park, that children can safely play in—especially in light of the increased traffic in the area. He noted his concerns over the abuse that the road is enduring from the types of vehicles using the street and stated that he did not feel that he or his neighbors should be responsible for the reconstruction work on the street that will need to be done as a result of construction traffic. He encouraged the Council to take action to alleviate the traffic problems and safety concerns occurring in the Lucas Lane neighborhood.

Bob Giblin, N3725 Highway K, then addressed the Council. He stated that he was concerned regarding the standards of ethics as adopted by the Council. He stated that Chapter 19 of State Statutes spells out appropriate or inappropriate behavior for elected officials. He stated that he was concerned that the City Municipal Code did not address a code of ethics. He stated that his primary concern this evening was potential conflicts of interest. He stated that he wondered if the City Attorney had been approached by anyone about potential conflicts of interest of any of the parties involved in the creation of the Big Box Ordinance. He stated that he was not trying to be accusatory, because he is speaking of people he knows, likes and respects. However, he stated that he had identified at least three individuals who were potentially involved in areas where there may be a conflict. He stated that he knows that these individuals work hard for the community, but he felt that this issue must be addressed. He questioned the ability of Chris Nash to serve on Planning Commission and on the Jefferson Development Commission. He questioned if the City had an incompatibility doctrine and hoped that those involved would recuse themselves from the process. He encouraged the Council to consider if their actions comply with or are in the spirit of the Wisconsin Code of Ethics.

Gary Martinson, 235 South Taft Avenue, stated that he was here to advocate for the seniors. He stated that many seniors have expressed to him that they feel they are being buried and stepped on. So, he stated that he was coming to the council on behalf of them. Mr. Martinson stated that he understands that the City is suffering financially from the State and Federal Government cutbacks. However, he stated that with a \$10 fee, a lot of people may not be able to come to the Center. He stated that the institution of these fees hurts those who are on fixed incomes. He stated that he felt the proposed fees may be a little bit steep. Mr. Martinson concluded by stating that he just can't see having a fee to play cards or just to be in the building.

Gary Thompsen, 1135 Beyer Court, addressed the Council regarding the skateboard park and several other issues. Thompsen stated the skate park is an admirable project; a great place for kids to go. However, he indicated his concern that the City has two parks that are not being developed at this time. He stated that a park is scheduled off of Watertown Avenue, but has not been developed. He stated that the cost to develop the park would only be in the \$50-100K range. He stated that the City is also talking about building a pavilion at Tensfeldt Park. He questioned if the City is going to help build the pavilion, since they have pledged funds toward the skateboard park? Thompsen stated that the City is in the bind it is because all sorts of needs were identified and the Council listened to all the needs and have not said no. He then stated that his assessment on his home had gone up 25% and that his business had went up approximately 65%. He stated that he didn't understand how similar homes values could be less than his, he stated that similar homes should be valued the same. He stated that in his opinion someone on the east side of town should be paying the same amount of taxes as he will be. He then addressed a potential refuse collection charge. He encouraged the Council to decrease the mill rate by 25 to 40%. Thompsen stated that the City should be reducing the mill rate by a great number. He stated that the City should postpone projects for 2004.

Bill Koehler, Highway K, addressed the Council regarding Walmart. Mr. Koehler then handed out information to the Council members regarding Walmart. He stated that he is opposed to Walmart coming to the community.

David Lorbecki, 714 Windsor Terrace, addressed the Council regarding Walmart. Mr. Lorbecki then handed out information to the Council regarding Walmart. He noted the effects of Walmart on the community. Mr. Lorbecki stated that he has a lot more information coming for the Council.

Patty Lorbecki, 714 Windsor Terrace, addressed the Council regarding Walmart. Ms. Lorbecki then stated that it is rumored that Walmart was going to be on the Plan Commission Agenda for the Wednesday meeting before Thanksgiving. She questioned why, if this was true, was his issue being done before the holidays when so many people would be gone. She stated that she wanted to reiterate, that Walmart is not a good addition to Jefferson. Ms. Lorbecki then gave statistics regarding Walmart and the financial impact that they have on the surrounding community.

Cheryl Higgins, 776 North Jackson Avenue, addressed the Council regarding Walmart. Ms. Higgins stated that she was sick of this trash (referring to the No Walmart advertisement in the Monday Union) and she is sick of the lies. She stated she did not understand the argument that stores will close due to a lack of traffic. When opponents also state that traffic will increase. She stated that she had spoke to several employees of local retailers who stated that Walmart's wages are not 2-3 dollars less that what is being paid locally. She also stated that they would most likely apply at Walmart if it came to town. Ms. Higgins stated that according to the Mayor of Watertown, Walmart has been very generous in supporting the community. Ms. Higgins then gave an outline of the businesses that were listed in the flyer and why and when they went out of business (attributing the majority of them to factors other than Walmart locating in their communities). She concluded by stating that Walmart is a good neighbor and pays a lot of taxes

to other communities. She also stated that she felt the advertisement showed no credibility because no one takes credit for it.

Ald. Bare, 217 Meadow Court, addressed the Council regarding the reassessment the County and School District taxes. He stated that he wanted a presentation at the next meeting, from someone who knows, how the levy is set upon equalized value. Ald. Bare stated that if the School District and the County established their mills rates upon 100% of value, then the residents of the City should she a credit this year on their tax bill. He asked for further explanation.

City Clerk/Treasurer Stewart stated that she did not know all of the ins and outs of establishing a levy for the School or the County. She stated that she felt should she could explain the process in theory. Stewart indicated that the County and School utilizes equalized values, not assessed values, they set their taxes in terms of levy—not mill rate.

Ald. Bare questioned how the School could say that the taxpayer would pay \$11 per \$1,000 of value.

Stewart stated that that is an estimated number based upon the equalized value—not the assessed value. She added that she was certain that the Council had never read anything which stated that the \$11 was per \$1,000 of assessed value.

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

Ald. Coffman introduced Ordinance #14-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #14-03**

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 R-M (Multi-Family Residential) to BHN (Highway Commercial):

Description:

1144 N Watertown Avenue, Lot 2, CSM 3358-15-27

1116 N Watertown Avenue, BEG W/ROW/L STH26, 1014.10FT N or S/S/L,
S89DG57'W328. 16FT, S4DG34'W 72FT, N88DG42'W 179.88FT TO
C/L OLD STH 25 S on SD C/L 81.18FT, E TO W/ROW/L STH 26, N to
POB SUBJ to 33FT ROW OVER WLYEND

1104 N Watertown Avenue, Lot 1, CSM 4003-19-194

1040 N Watertown Avenue, BEG 596FT N OF S1/4/P, W TO OLD HWY 26, N FT, E to 1.4 LINE, S120FT TO POB. EX LD IN STH 26 IN 302-494
 1032 N Watertown Avenue, BEG 556FT N OF S1/4/P, W TO OLD HWY 26, N40FT, E TO ¼ LINE, S40FT TO POB. EX LD IN STH 26 IN 301-465
 LOT , CSM 3358-15-27
 BEG 716 FT N OF S 1/4/P), W TO OLD HWY 26, N149 FT, E TO ¼ LINE, 149 FT TO POB. EX LD IN STH 26 IN 301-048. EX CSM 4003-19-194

Parcel #: 241-07-14-35-34-000
 241-07-14-35-34-003
 241-07-14-35-34-004
 241-07-14-35-34-005
 241-07-14-35-34-006
 241-07-14-35-34-017
 241-07-14-35-34-059

Address: 1144/1146 N. Watertown Avenue
 1116 N. Watertown Avenue
 1104 N. Watertown Avenue
 1040 N. Watertown Avenue
 1032 N. Watertown Avenue
 Lot 3, CSM 3358-15-27
 Beg 716 ft N of S 1/4/P), W to Old Hwy 26, N149 ft, E to ¼ Line, S149 ft to POB. Ex Ld in STH 26 in 301-048. Ex CSM 4003-19-194

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 was a first reading.

AN ORDINANCE TO AMEND SECTION 12.07(2) AND 12.12(1)(B) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE LICENSING OF CATS & DOGS

Ald. Stevens introduced Proposed Ordinance #15-03 for its first reading.

**CITY OF JEFFERSON
 ORDINANCE #15-03**

An ordinance to amend Section 12.07(2) and 12.12(1)(b) of the Municipal Code of the City of Jefferson related to License Fees.

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

Section 1. The Common Council of the City of Jefferson do ordain as follows:

Section 2. Chapter 12.07 is hereby amended as follows:

- (2) FEES. The license fee for each neutered male dog and spayed female dog shall be \$9/yr. The license fee for all other dogs shall be \$14/yr., or 1/2 of these amounts if the dog became 5 mos. of age after July 1 of the license year. The license fee for any dog licensed after April 1, or after 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license before the dog reaches licensable age shall be increased by \$10.

Section 3. Chapter 12.12(1) is hereby amended as follows:

- (b) Fees. (Am. #20-91) The license fee for each neutered male cat or spayed female cat shall be \$9 per year. The license fee for all other cats shall be \$14 per year. The license fee for each cat licensed after April 1 or each license year shall be increased by \$10.

Section 4. This ordinance shall take effect and be in full force after passage and publication as provided by law.

This is a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 95.

**CITY OF JEFFERSON
RESOLUTION NO. 95**

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for November 18, 2003 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for October and November 2003 in the amount of \$185,917.45 and \$386,730.78 and Payroll Summary for October 31, 2003 in the amount of \$94,348.10.
- ◆ Council Minutes from the November 4, 2003 Regular and Closed Session Meetings of the Common Council.
- ◆ Licenses as Approved by the Regulatory Committee
 - ▣ Operator's Licenses
 - ▣ Special Class B Licenses

Ald. Bare questioned the payment to National Appraisal. City Clerk/Treasurer Stewart indicated that the City had been paying National Appraisal monthly for the reassessment services.

Ald. Wagner stated that he felt that they had done a bad job and that we shouldn't pay them.

City Clerk/Treasurer Stewart then provided the Council with information regarding the reassessment contract.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 95. On call of the roll, motion carried unanimously.

2004 SMALL ANIMAL COLLECTION

Removed from agenda.

INCREASE REGULAR TAXI CAB FEE

Ald. Stewart introduced Resolution No. 97.

**CITY OF JEFFERSON
RESOLUTION NO. 97**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Clerk is hereby authorized to increase the Regular Taxi Cab Fee to \$2.50.

Nancy Haberman asked for an explanation of this resolution.

City Clerk/Treasurer stated that this resolution acted to increase the Regular Taxi Cab Fee from \$2.25 to \$2.50. She stated that this resolution did not increase the Elderly/Handicap Fee. Stewart stated that this increase was being pursued because the City is subsidizing more and more of the taxi program each year. She stated that the \$2.50 rate for regular ridership is in line with surrounding communities and the communities for which Brown Cab Service serves.

Ald. Bare asked how much this will reduce the subsidy by. Stewart stated that at this point she was unsure, because the entire taxi application would need to be refigured based upon these numbers.

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution No. 97. On call of the roll, motion carried unanimously.

INCREASE IN SENIOR CENTER REVENUES

Ald. McGrath introduced Resolution No. 98.

**CITY OF JEFFERSON
RESOLUTION NO. 98**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Council hereby adopts the following fees:

Senior Center	
Cards	\$2/event
Computer Classes	\$7/semester
Craft Projects	\$7/semester
Holiday Parties	\$3/event
Member fee	\$10/year
Newsletter Subscription	\$3/year

Photography Classes	\$7/semester
Senior Exercise	\$1/week
Trip Registration	\$2/trip
Water Aerobics	\$35/semester

Ald. McGrath, seconded by Ald. Bare moved to recommend Resolution No. 98.

Ald. Bare asked Park, Recreation and Forestry Director Keller to list all recreation programs which do not require a fee. Keller responded with the following: ice skating, indoor walking, open gym and swim, and lap swim.

Chair of Park, Recreation and Forestry Commission Adams stated that he wished the Council would table the Resolution. Adams stated that it may be a good idea to give the Seniors a chance to fund raise.

Ald. Carnes stated that due to the letter from the Senior Board that was in the Council packet, he would not support this resolution. He stated that he would like to give the seniors a chance to get into building. He stated that he could not support this resolution at this time.

Ald. Wagner stated that we should table this resolution. He stated that a small fee would not be minded. He stated that Council should let them fund raise and stated that he would help. He stated we should table the resolution 60 days.

Ald. Coffman then questioned Atty. Brantmeier on the legality of charging for cards.

Atty. Brantmeier stated that Section 945 prohibits the charging for a card game. He then cited case law that prohibits the charging for the games.

Ald. Gang stated that the Senior Center is a hot topic. He stated that the Center is fully funded by taxpayer and there is a need for fundraising.

Ald. Wagner, seconded by Ald. Stevens moved to table Resolution No. 98. Motion carried on a voice vote.

INCREASE IN PARK & RECREATION REVENUES

Ald. Gang introduced Resolution No. 99.

CITY OF JEFFERSON RESOLUTION NO. 99

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Council hereby adopts the following fees:

Park, Recreation, Forestry & Aquatic Center Revenues

Pool-Family Season Pass	Increase of \$5/pass
Pool-Non-Resident Season Pass	Increase of \$10/pass
Pool-Indvl Season Pass	Increase of \$5/pass
Pool-Non-Resident Indvl Season Pass	Increase of \$10/pass
Little League/Major League fees	Increase of \$5/season
Pony League Fees	Increase of \$5/season
Shelter Reservations	Increase of \$8/day—week
Shelter Reservations	Increase of \$15/day—weekend
Tree Planting Fee	\$200/tree

Ald. Carnes stated that Finance Committee approved these revenues by 2 to 1. However, he stated that after further consideration he would not be supporting the resolution until it comes from the Park and Recreation Commission.

Ald. Gang stated that some of these increases had been discussed at the Park, Recreation and Forestry Committee.

A discussion regarding the potential tabling of the resolution was then discussed.

Ald. Gang, seconded by Ald. McGrath moved to recommend Resolution No. 99. On call of the roll, motion carried 5 to 3. Ald. Coffman, Ald. Carnes and Ald. Stevens voted against the resolution.

INCREASE IN GENERAL ADMINISTRATION REVENUES

Ald. Bare introduced Resolution No. 100.

**CITY OF JEFFERSON
RESOLUTION NO. 100**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Council hereby adopts the following fees:

General Administration	
Special Assessment Letters	\$20/letter (\$10 increase)
Property Information Request	\$10/request
NSF/Stop Payment Fee	\$50/check
Final CSM Review (In Town)	\$250/review
Final CSM Review (Extraterritorial)	\$500/review

Ald. Stewart stated that this resolution was unanimous at Finance Committee.

A discussion regarding the charging for CSM Review was then held. The word FINAL was added to the charge.

Ald. Bare, seconded by Ald. Gang moved to recommend Resolution No. 100. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE REFINANCING OF CITY GENERAL OBLIGATION DEBT

Ald. Carnes introduced Resolution No. 101.

**CITY OF JEFFERSON
RESOLUTION NO. 101**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Clerk is hereby authorized to accept \$355,000 in General Obligation Notes, to refinance a portion of the City's General Obligation Debt, from Premier Bank, at an interest rate of 2.88% with no additional fees.

BE IT FURTHER RESOLVED, that the City Clerk/Treasurer and the Mayor are hereby authorized to sign any necessary documents to execute this agreement.

City Clerk/Treasurer Stewart stated that over the course of four years the City would save \$20,000.

Ald. Carnes, seconded by Ald. Stevens moved to recommend Resolution No. 101. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING CITY HALL CHANGE ORDERS

Ald. Stevens introduced Resolution No. 102.

**CITY OF JEFFERSON
RESOLUTION NO. 102**

BE IT RESOLVED, by the Common Council of the City of Jefferson that Change Orders 1-7 & 9 for the City Hall Remodeling Project, which result in a net reduction of \$22,745.52, are hereby approved.

Ald. Coffman asked why change order #8 was not listed to be approved.

City Clerk/Treasurer Stewart stated that change order #8 was for additional carpeting and ceiling tiles and that the change order was not ready yet.

Ald. Stevens, seconded by Ald. McGrath moved to recommend Resolution 102. On call of the roll, motion carried unanimously.

PURCHASE OF A PHONE SYSTEM FOR CITY HALL

Ald. Coffman introduced Resolution No. 103.

**CITY OF JEFFERSON
RESOLUTION NO. 103**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Clerk is hereby authorized to purchase the NEC Elite IPK digital telephone system as specified in Equipment List Schedule (A) from Allied Technologies LLC in an amount not to exceed \$11,655.

Ald. Coffman, seconded by Ald. Stevens moved to recommend Resolution No. 103. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Stewart moved to adjourn the November 18, 2003 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the November 18, 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.