

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

The Tuesday, December 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. 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 read correspondence from the CPA announcing their impending move and thanking the City for the use of the Carnegie Building since 1984.

Mayor Brawders then announced an Open House for T & S Enterprises.

Janet Werner, N4018 Highway Y, addressed the Council regarding Chamber activities. She stated that Fort Community Credit Union would be having a ribbon cutting ceremony on December 11 at 5:00 p.m, she noted that the Council is welcome. Werner noted that the Parade of Lights is Saturday night. She stated that she had not heard from anyone and questioned who would be available to ride in the parade.

Bill Koehler, Highway K, addressed the Council regarding the Walmart flyer in the paper. He acknowledged that there were mistakes in the anti-Walmart advertisement and noted that he had nothing to do with it. He stated that the insert from Walmart was “typical Walmart” clarifying that the ad had lots of misinformation in it. He stated that Walmart does not compete on fair terms, because they undercut their competition. He stated that it is estimated that for every Walmart Supercenter, two grocery stores go out of business. Koehler stated that Walmart would not generate more tax revenues; revenues would just be shifted from the businesses that will close. He stated that Walmart receives \$11M in revenues from Jefferson residents. He stated that the City would not gain anything by having Walmart, just lose money. He added that Walmart does not pay very well. He noted that this would put families in poverty increasing the need for public aid. He stated that these employees would then look to the County for health care, etc and we will have to subsidize this.

Betty Spangler, 221 North Marion Avenue, addressed the Council regarding Walmart. Ms. Spangler stated that a new innovation in merchandising is a “radio frequency identification tag”. Ms. Spangler indicated that this is a way to eliminate employees and the technology is thought to be employed in 10 years. However, Walmart will employ it by 2004. She stated that this technology will eliminate the middle management jobs, the people who made better wages. She stated that Walmart will corner the market on this technology, essentially eliminating access to its competitors—making other unable to compete.

DISCUSSION: INTERIM COMPENSATION FOR CLERK/TREASURER FOR ADMINISTRATIVE DUTIES

Ald. Stewart stated that this item was put on the agenda at the request of the Finance Committee. Ald. Stewart stated that he felt that a lot of extra burden had been placed on the Clerk/Treasurer and therefore it was discussed that she should possibly be compensated for this. Ald. Stewart stated that the Finance Committee had discussed a possibility of \$500/month in compensation.

Ald. Carnes stated that he has no problem with \$500 of compensation a month.

It was noted that the \$500 was the consensus of the Committee.

Atty. Brantmeier pointed out that the City Attorney had been appointed interim Administration back in 1997 and had been paid \$500 a month at that time.

Ald. Wagner then talked about the number of months of back pay and the number of months in the future that compensation would be required. It was noted that the Administrator had left in July and that it was unlikely that we would have anyone hired before the summer months this year.

Atty. Brantmeier then reminded the Council that the City's Charter Ordinances require the City to have an Administrator and that the authority for the position has not been formally delegated. Brantmeier encouraged the Council to take action to comply with the City's Charter.

Ald. Gang stated that it is not equitable to compensate at 1997 rate of \$500 or the 1998 rate of \$650. He stated that the compensation should be adjusted.

Ald. Wagner asked what the Finance Committee was recommending.

Ald. Stewart stated that the Committee threw up \$500 for discussion purposes.

Ald. Gang asked how much the City was saving by not having an administrator.

City Clerk/Treasurer Stewart stated that the City saves about \$7,900 a month.

Ald. Coffman stated that he felt this discussion should be in closed session and asked legal counsel if this was possible.

Atty. Brantmeier stated that discussion can take place in closed session; however the resolution would have to be in open session.

Ald. Wagner questioned if this item would go back to Committee.

Mayor Brawders stated that this item is more of a full Council discussion.

It was determined that discussion on this item would be handled in closed session and that a resolution would be placed on the next agenda for action.

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 Ordinance #15-03 for its second 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.

Ald. Wagner indicated that this Ordinance was unanimously approved by the Regulatory Committee.

Ald. Stewart stated that he would like to amend the Ordinance to read a "\$100 late fee rather than \$10".

Atty. Brantmeier stated that the State Statutes which governs the licensing has certain parameters and more so, the fee must be reasonable. Brantmeier stated that if the Council wished to pursue this, we would need to review the Statutes.

City Clerk/Treasurer Stewart asked if it was Ald. Stewart's intention to attach the fee to all late licenses or for those animals that are not licensed and then picked up by the Humane Society. Stewart stated that she felt that it would difficult to charge someone who is three days late to

license their pet a \$100 fee. However, she stated that charging \$100 for a running at large fee may not be excessive.

Ald. Stewart stated that he felt all late licenses, because it is a health issue.

Mayor Brawders stated that it would be an incentive for residents to license their dogs and cats.

City Clerk/Treasurer Stewart stated that she felt uncomfortable with the proposal.

Ald. Gang suggested that the Council amend the ordinance to read the “maximum allowed by Statute”.

After further discussion, Atty. Brantmeier stated that he would like some time to research the proposed amendment.

Clerk/Treasurer Stewart stated that postponement of the Ordinance would mean that the new dog and cat license fees would not become effective until after the new license year had begun. She stated that she would feel uncomfortable implementing the increase halfway thru the license season. She encouraged that the Council to approve the ordinance as written and then have the Attorney Brantmeier investigate the possibility of increasing the late fee or the running at large fee.

Ald. Stewart then retracted his amendment.

Ald. Stevens, seconded by Ald. Gang moved to recommend Proposed Ordinance #15-03. On call of the roll, motion carried unanimously.

AN ORDINANCE TO CREATE SECTION 12.15(1)(G) RELATED TO TEMPORARY CLOSURE OF PUBLIC RIGHT-OF-WAY

Ald. Gang introduced Ordinance #16-03 for its first reading.

CITY OF JEFFERSON ORDINANCE #16-03

An ordinance to create Section 12.15(1)(g) of the Municipal Code of the City of Jefferson related to Temporary Closure of Public Right-of-Way.

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 12.15(1)(g) is hereby created as follows:

FEE: \$50/day.

Section 3. This ordinance shall take effect and be in full force after passage and publication as provided by law.

This is a first reading.

AN ORDINANCE TO AMEND SECTION 12.02(4)(C) RELATED TO TRANSIENT MERCHANT APPLICATION FEES

Ald. McGrath introduced Ordinance #17-03 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #17-03**

An ordinance to amend Section 12.02(4)(c) of the Municipal Code of the City of Jefferson related to Transient Merchant Application 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 12.02(4)(c) is hereby amended as follows:

- (c) At the time the registration is returned a fee of \$50 shall be paid to the Clerk to cover the cost of processing the registration. The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant in the event the applicant cannot after reasonable effort be served personally.

Section 3. This ordinance shall take effect and be in full force after passage and publication as provided by law.

This was a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 104.

**CITY OF JEFFERSON
RESOLUTION NO. 104**

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

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2003 in the amount of \$116,114.66 and Payroll Summary for December 2, 2003 in the amount of \$97,156.80
- ◆ Council Minutes from the November 18, 2003 Regular Meeting of the Common Council.

- ◆ 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. 104. On call of the roll, motion carried unanimously.

2004 SMALL ANIMAL COLLECTION

Ald. Bare introduced Resolution No. 96.

CITY OF JEFFERSON RESOLUTION NO. 96

BE IT RESOLVED, by the Common Council of the City of Jefferson that the 2004 Small Animal Collection Contract by and between the Humane Society of Jefferson County and the City of Jefferson is hereby adopted.

Ald. Bare stated that he saw that the Director had come and left.

Ald. Bare asked for the explanation of the contract that was given to the Finance Committee.

Ald. Stewart stated that the City has the second lowest contribution rate of the 17 municipalities that the Humane Society currently serves. He stated that the Finance Committee felt comfortable with the agreement after the explanation they had received.

Ald. Bare questioned if the City received an itemized listing from the Humane Society as specified in the contract.

City Clerk/Treasurer Stewart stated that we receive the reports monthly.

Ald. Carnes stated that the Humane Society is looking to equalize the rates charged to all of the municipalities they serve. Carnes noted that we are having a 5% increase this year because our rate is comparatively low. He stated that other municipalities that have been paying more than the City may see less of an increase this year and in future years that the City of Jefferson may see. He indicated that the increases the City may see in coming years will be in the ballpark of 5%.

Ald. Bare, seconded by Ald. Coffman moved to recommend Resolution No. 96 for discussion. On call of the roll, motion carried unanimously.

**APPROVAL OF 2004 COMMITTEE OF THE WHOLE BUDGET WORKSHOP
MINUTES**

Ald. Carnes introduced Resolution No. 105.

**CITY OF JEFFERSON
RESOLUTION NO. 105**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the 2004 Committee of the Whole Budget Workshop Minutes are hereby approved.

Ald. Bare stated that he had a few changes that need to be made. He stated that televising would more accurately portray what actually happened at the meeting.

Mayor Brawders stated that Ald. Bare should identify what his objections were to the minutes.

Ald. Bare stated the following objections:

***Page #4 – Bare stated that he did not bring up that the property on the northside of town should be sold. He stated that he felt Ald. Carnes or Engineer Ludwig brought that up.

Ald. Carnes clarified that he brought up the potential sale of out of state property.

Engineer Ludwig stated that he had not brought up the potential sale either. However, he stated that he had cautioned the Council to contact the property owners before any action was taken. He also noted that the City had put in a large storm sewer in the area. Ludwig stated that he did not bring up the potential sale.

Ald. Bare noted his displeasure that the minutes were not provided for approval closer to the date of the meeting. He stated that minutes should be brought to the next meeting

***Page #6 – Ald. Bare stated that he suggested a 3% decrease by 5 hours a month, not 5 hours a week. (He added that this had been clarified later in the minutes.) He stated that he was speaking of wages line items in general and not reductions in specific individual's salaries/wages. He added that individual wage cuts for specific people were never discussed.

***Page #7 – Ald. Bare stated that he did not ask why uniformed officers could not man the crosswalks.

***In the Police Department discussion with regards to the Wisconsin Retirement System, he stated that his memory is too vague to ensure accuracy.

Mayor Brawders stated that it was his recollection that Ald. Bare made a lot of comments. He added that not everyone remembers them all. Mayor Brawders stated that the minutes were taken down by the Clerk as the Committee spoke

Mayor Brawders then asked if any of the other Council members had objections to the minutes.

Clerk/Treasurer Stewart indicated that she supported the use of the tape recorder to verify the discussions of the Council. She stated that then there would be no questions as to who said what and what was said.

Mayor Brawders stated that it was his understanding that if we tape the meetings we need to transcribe them.

City Clerk/Treasurer Stewart stated that that was not her understanding. She stated that she would need to make the tapes available to anyone who wished to listen to them. She also noted that she would continue to provide a summary of the meeting in the "minutes form" as always.

Atty. Brantmeier stated that he is aware that many municipalities tape all of their meetings. He also stated that these tapes have been used against municipalities in lawsuits.

Mayor Brawders stated that video taping and tape recording are a discussion for another day.

Ald. Bare, seconded by Ald. Coffman moved to amend the minutes with Ald. Bare's noted objections. Motion carried on a voice vote.

Ald. Carnes, seconded by Ald. Gang moved to recommend Amended Resolution No. 105. On call of the roll, motion carried unanimously (with noted abstention by Ald. Gang on the October 14th minutes).

AUTHORIZATION TO SIGN UNION ELECTION FORMS

Ald. Coffman introduced Resolution No. 106.

CITY OF JEFFERSON RESOLUTION NO. 106

BE IT RESOLVED, by the Common Council of the City of Jefferson authorizes the Mayor to sign the union election forms for the regular part-time and regular full-time clerical employees of the City of Jefferson, excluding supervisory and confidential, managerial and executive employees. The individuals listed on the attached, constitute all of the employees in the collective bargaining unit who are eligible to participate in the election, unless any of those employees quit or are discharged for cause prior to the election. It is suggested that the employee election be conducted on mail ballot.

Ald. Wagner stated that he voted no in personnel on this resolution. He stated that he called other municipalities and their clerical employees are not in unions.

Atty. Brantmeier indicated that staff has the right to unionize. He then provided the Council with information regarding the unionization and an explanation of the list of eligible and ineligible employees.

Ald. Coffman, seconded by Ald. Bare moved to recommend Resolution No. 106. On call of the roll, motion carried 7 to 1. Ald. Wagner cast the dissenting vote.

AUTHORIZATION THE PAYMENT OF A FAÇADE GRANT TO ROBIN & JAMES STELSE (DBA: HOUSE OF DOG GROOMING LLC) AND DESIGNATION OF A FUNDING SOURCE

Ald. Stewart introduced Resolution No. 107.

**CITY OF JEFFERSON
RESOLUTION NO. 107**

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 James and Robin Stelse DBA: House of Dog Grooming LLC.

BE IT FURTHER RESOLVED that the Council hereby authorizes a \$2,500 budget adjustment to the following account for the façade grant:

Economic Development Fund	20-50000-70-700	\$2,500
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Ald. Gang stated that the Stelse's had done a nice job.

Ald. Stevens stated that he felt this grant was City money used wisely.

Ald. Bare clarified the amount of the budget transfer.

Ald. Stewart, seconded by Ald. Stevens moved to recommend Resolution No. 107. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$355,000 GENERAL OBLIGATION NOTES

Ald. Carnes introduced Resolution No. 108.

**CITY OF JEFFERSON
RESOLUTION NO. 108**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the attached borrowing resolution, known as Exhibit A, is hereby accepted.

City Clerk/Treasurer Stewart gave an explanation of the borrowing resolution.

Ald. McGrath added that this action will save the City money.

Ald. Carnes, seconded by Ald. McGrath moved to recommend Resolution No. 108. On call of the roll, motion carried unanimously.

RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF DONALD “CHOC” WEGNER

Ald. Wagner introduced Resolution No. 109.

**CITY OF JEFFERSON
RESOLUTION NO. 109**

WHEREAS, God in his infinite wisdom and mercy, has chosen to call from his life, Donald “Choc” Wegner, and

WHEREAS, Choc was a trusted and loyal citizen of the City of Jefferson.

WHEREAS, Choc served the City of Jefferson as a Volunteer Fire Fighter for 50 years, serving 12 years as Fire Chief.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson, by this Resolution extends its sympathy to the family of the late Donald “Choc” Wegner and that a copy of this resolution be sent to the bereaved family.

Ald. Wagner, seconded by Ald. Stevens moved to recommend Resolution No. 109. The Council stood in silence to show their unanimous approval of the resolution.

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

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

HIRE OF LTE FIRE DEPARTMENT SECRETARY

Ald. Gang introduced Resolution No. 110.

**CITY OF JEFFERSON
RESOLUTION NO. 110**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Clerk is hereby authorized to hire Karrie Quigley as Fire Department LTE Secretary at an hourly rate of \$10.00, not to exceed 11 hours per week.

BE IT FURTHER RESOLVED, that the employment will be reviewed on a yearly basis by the Personnel Committee.

Ald. Bare questioned how long the inventory project would take the Department to complete.

Fire Chief Powell stated that the department was able to get 1/3 of the project done in two years. He stated that there would be a need for ongoing updates on a yearly basis.

Ald. Gang, seconded by Ald. Coffman moved to recommend Resolution No. 110. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Stewart moved to adjourn the December 2, 2003 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the December 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.