

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
MAY 4, 2004

The Tuesday, May 4, 2004, meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Stevens. Members present were: Ald. Wagner, Ald. Coffman, Ald. Bare, Ald. Gang, Ald. Benka, Ald. McGrath, Ald. Olsen and Ald. Stewart. Also present were: City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart

PUBLIC PARTICIPATION

Jim Van Lieshout, 229 Meadow Court, addressed the Council regarding opposition to Resolution No. 13. He stated that he felt at stop and go light is not necessary and is would be in a poor location. He stated that the new light would only be two tenths of a mile from the existing stop light. He added that it is also on an inclined plane, difficult also for 18 wheel vehicles. VanLieshout added that not one of the area businesses are in support of the stop light. He stated that he did not feel that the proposed location for Walmart is a good one and believed that this issue needs to be brought to a head. He stated that he wanted to see the Council employ intelligent planning.

Bill Koehler, Highway K, addressed the Council regarding Walmart. He stated that he was also opposed to the stop-light. He reiterated that he did not want Walmart to dictate the City's actions.

Mr. Koehler then read a letter from Tom & Pam Rockstroh opposing a proposed signal light.

Mike Rewey, Wisconsin Department of Transportation, then addressed the proposed access break on Highway 26. He stated that he was a little puzzled with the resolution, because the current Walmart plan is designed without a signal. He noted that the intersection is full access now; he stated that any break in access to the Highway would need to be purchased. He stated that he was bothered by the wording of the resolution and urged the Council to consider rewriting the resolution to ask for the official position of the DOT. He stated that the DOT would like to know what the City's position is on the land use; he added that the DOT has no idea what the City's position is. He stated that the DOT must keep Highway 26 a good highway and protect the movement. He concluded by stating it is the DOT's mission to protect the highway for the traveling public.

Bob Giblin, N3727 Highway K, addressed the Council regarding Resolution No. 13. Giblin questioned if the Township had been consulted. He stated that this type of development will also impact Highway K and will have a significant impact on traffic patterns on this highway. He urged the Council to delay action or vote the resolution down. He asked them to look at the impact on other areas/townships other than just the City.

Patty Lorbecki, 714 Windsor Terrace, addressed the Council regarding Resolution No. 13. Lorbecki urged the Council to vote no to the resolution. She stated that the traffic impact study that was done at the site stated that a signal would deteriorate the Highway 26 corridor. Lorbecki stated that the signal would all be for Walmart and that they always get what they want. She stated that Walmart even got to make recommendations to the Big Box Ordinance. She stated

that she should have had the same rights as Walmart. Lorbecki added that several months ago a petition was submitted to the Council; the Council stated that it was indicated that the petitioner was premature in presenting the petition. She then questioned why it is necessary to ask for a light before we have a plan for Walmart. She stated that she has heard that four other stores will only locate in Jefferson if Walmart comes. Lorbecki stated that she questioned their loyalty if they would only locate here if Walmart was here.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding Resolution No. 13. Ms. Twist stated that the Council should think about other businesses that may also want to locate in the area. She stated that they should think of it as a growing business issue—down the road. She also stated that she would like to see the Council get microphones so that everyone in the room can hear, especially in the back of the room.

Bob Mau, 207 East Racine Street, addressed the Council regarding Resolution No. 13. Mr. Mau stated that the governor would need to sign off on this recommendation. He questioned why the governor should he do this if the community is so divided. He stated that he has a big problem with the two largest (potential) employers in Jefferson being from Arkansas. He stated that Arkansas is 48 out of 49 states for medium income. He questioned what kind of social services would need to be provided if the employees of these businesses do not have a living wage. He concluded by stating “If the City Council is going to get in bed with Walmart, the City is going to get more than a good nights sleep”.

John Rhiel, 134 South Dewey Avenue, addressed the Council regarding Resolution No. 13. He stated that he opposes the resolution for the many reasons that had already been stated. He stated that he works in that area and already deals with a lot of congestion. He stated that the addition of the stop light would create a real bottleneck. He stated that he is anti-Walmart, because he is pro-union. Mr. Rhiel then stated other reasons why Walmart is not a good match for the community. He stated that he does not want to see sprawl.

Chad Stelse, N5043 Thrush Lane, addressed the Council regarding the Chamber of Commerce recent and upcoming activities. Mr. Stelse stated that last weekend the Chamber held the Spring Fling. He stated that the golf outing and City-wide rummage sale are also coming up quickly.

Tom Dowling, 310 East Dodge Street, addressed the Council regarding Resolution No. 13. Mr. Dowling stated that he is against the resolution and against Walmart. He stated that with everything that the community has gone thru with Tyson it would not be fair to bring Walmart into the community. He stated that Walmart has questionable ethics and he questions the motives of some of the Council members. He encouraged the Council to say no to the Resolution and to Walmart.

Chuck Moehling, Felson Ridge Court, Johnson Creek, addressed the Council regarding Resolution No. 13. Mr. Moehling stated that the resolution should be turned down. He stated that the location is wrong for the area. He stated that the opinion of the DOT is that a signal is not a good choice at this time, for safety reasons. He stated that the Council should treat existing businesses the way they treat Walmart.

Jim Van Lieshout 229 Meadow Court questioned who would purchase the ROW for the extra lane in each direction?

PROCLAMATION – TRAFFIC SAFETY

Mayor Stevens then read a proclamation naming May 24 through May 41, 2004 Buckle Up America Week.

Ald. Olsen, seconded by Ald. Gang then made a motion to reconsider the appointments made at the Council Meeting on April 20.

Ald. Olsen stated that his candidacy was about change. He stated that he felt people expected some change and a new direction for the City. He stated that he was happy to see a letter to the editor that echoed his feelings. He stated that he felt it was a very difficult circumstance to oppose the Mayor because they are personal friends. He stated that the commitment that so many individuals have made is appreciated, but the involvement of different people is important.

Ald. Gang stated that he had been elected twice and appointed once and only wants to see things change. He stated that he felt it was important for the public to hear more about other the workings of the City. He stated that this is a hard vote, but believes we can do better.

Ald. Wagner stated that these people have given time, their talents and their experience. He stated that it is hard to find people who want to be on committees. He stated that the people that have been appointed are good people and can't see taking them off of the appointed Committees.

Ald. Bare asked about the procedure.

Atty. Brantmeier then provided an explanation for the Council. Brantmeier indicated that according to Roberts Rules, the appointment is not subject to public notice and that a simple majority vote would reinstate the action. However, he requested that for public records/open meetings requirements the Council vote to table action until the next meeting so that it can be properly noticed.

Mayor Stevens stated that he would also like change. However, due to the recount there was a very short window in which the appointments needed to be made. He stated that in the coming months, he would like to introduced an ordinance which would limit the term of any committee to two years and then one year off. He stated that this would eliminate some of the longevity issues that had been raised.

Ald. Gang stated that it is not about disrespect or taking away from anyone who has worked or helped in the past. He stated that he would ask the Mayor to reconsider, however he realizes that it is his choice. He concluded by stating that it is not about disrespect.

Ald. Olsen stated that he was not picking on any specific person. He urged the public to contact the Mayor, a Council member or City Hall if you would like to serve on the Committee. He urged the Mayor to do better.

On call of the roll, motion carried by a vote of 6 to 2. Ald. Wagner and Ald. Coffman cast the dissenting votes.

Ald. Olsen, seconded by Ald. Gang made a motion to table further action until the May 18, 2004 Council Meeting. Motion carried on a voice vote.

AN ORDINANCE TO AMEND SECTION 7.03(4)(E) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO NO PARKING ZONES ON TAFT AVENUE AND WEST LINDEN DRIVE

Ald. Benka introduced Proposed Ordinance #10-04 for its second reading.

**CITY OF JEFFERSON
ORDINANCE # 10-04**

An Ordinance to Amend Section 7.03(4)(e) of the Municipal Code Related to No Parking Zones.

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

Section 1. Section 7.03(4)(e) is hereby amended to add the following “No Parking on School Days” 7:30 a.m. to 4:30 p.m.:

- South Taft Street, Along South Taft Street from the centerline of West Linden Drive 795’ north to the south driveway, east side only
- West Linden Drive, Along West Linden Drive, from the centerline of South Taft Street 335’ east, north side only

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

Ald. Wagner stated that the Regulatory Committee unanimously approved ordinance #10-04.

Ald. Coffman stated that he watched the traffic patterns for a couple of afternoons over at the middle school. He stated that he would like to make a suggestion to the school that the south parking lot be for pick up of students and that north lot be used for staff parking. It was indicated that he would speak to the school.

Ald. Gang concurred with Ald. Coffman.

Ald. Benka, seconded by Ald. Wagner moved to recommend Proposed Ordinance #10-04. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 6.

**CITY OF JEFFERSON
RESOLUTION NO. 6**

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for May 4, 2004 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April 2004 in the amount of \$37,485.65 and Payroll Summary for April 16, 2004 in the amount of \$97,711.42.
- ◆ Council Minutes from the April 20, 2004 Regular, Organizational and Closed Session Meetings of the Common Council.
- ◆ Licenses as Approved by the Regulatory Committee
 - ▣ Operator’s Licenses
 - ▣ Special Class B Licenses
 - ▣ Temporary Lease of Right-of-Way – Jefferson Area Business Center.

Ald. Gang, seconded by Ald. Benka moved to waive the fee for the Temporary Lease of Right-of-Way to the Jefferson Area Business Center because it was a charitable event. Motion carried on a voice vote.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Amended Resolution No. 6. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT

Ald. Stewart introduced Resolution No. 7.

**CITY OF JEFFERSON
RESOLUTION NO. 7**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Council hereby authorizes the following budget adjustment:

BUDGET ITEM	ACCOUNT #	BUDGET	ADJUSTMENT	AMOUNT
FUND 01				
Revenue -Other Misc. Revenues	01-00000-48-810	\$0.00	\$12,500.00	\$12,500.00
Expense -City Program & Assistance	01-55310-50-516	\$6,000.00	\$12,500.00	\$18,500.00

Ald. Stewart stated that Resolution No. 7 was unanimous at Finance Committee.

Ald. Bare asked for a clarification of the resolution.

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution No. 7. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN ADDENDUM TO THE TOWN OF JEFFERSON AND SULLIVAN EMS CONTRACTS

Ald. Bare introduced Resolution No. 8.

**CITY OF JEFFERSON
RESOLUTION NO. 8**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby authorizes the City Attorney to draft amendments to the EMS contracts with the Town of Jefferson and Town of Sullivan, releasing sections within the townships from the contract with the City to allow the Sullivan EMS, who is projected to be in place by Nov 1, 2004, to cover the areas through their new EMS service.

WHEREAS, the Oconomowoc EMS as of December 31, 2004 (or sooner if Sullivan EMS is up and running) will no longer be providing EMS service to Jefferson County.

WHEREAS, the Sullivan EMS is establishing an EMS service to cover the portions within Waukesha county and will be available to service the most easterly sections of Jefferson County lying within the Town of Jefferson and Town of Sullivan.

WHEREAS, Wisconsin law requires municipalities to work together to provide prompt EMS services.

THEREFORE, the public interest and safety is better served by amending the contracts to allow the Sullivan EMS to service the selected areas when they are certified by the state and able to provide the level of service required.

Atty. Brantmeier provided the Council with more information regarding the proposed addendums.

Ald. Wagner asked how much revenue we would be losing. EMS Director Fisher stated that we would lose about \$6,000 in revenues.

Ald. Bare, seconded by Ald. McGrath moved to recommend Resolution No. 8. On call of the roll, motion carried unanimously.

RESOLUTION SETTING TIME FOR HEARING TO VACATE A PORTION OF SOUTH WHITEWATER AVENUE

Ald. Coffman introduced Resolution No. 9.

CITY OF JEFFERSON

RESOLUTION NO. 9

RESOLUTION SETTING TIME FOR HEARING TO VACATE A PORTION OF SOUTH WHITEWATER AVENUE

WHEREAS, South Whitewater Avenue between Lot 1 of Certified Survey Map No. 3204 and Lot 1 of Certified Survey Map No. 3146, which runs southwest to northerly right-of-way of Rockview Lane.

AND WHEREAS, the procedures for vacating this alley will proceed under Section 66.1003 Wisconsin Statutes, and this Board will consider whether the public interest is best served and requires the discontinuance of said street.

NOW THEREFORE, BE IT RESOLVED, that a public hearing will be held on June 15, 2004 at the Jefferson City Hall to consider passing a resolution vacating a portion of South Whitewater Avenue as described above and as shown on the attached diagram.

BE IT FURTHER RESOLVED, that notice of said hearing be published in the DAILY JEFFERSON COUNTY UNION.

City Engineer Ludwig then provided the public and the Council with a small presentation outlining the area to be vacated.

Ald. Gang asked what the point of the vacation is. Engineer Ludwig stated that the vacation would allow the developer to use the area for parking and set back requirements.

It was noted that it is essentially a street to nowhere since it must dead end at the high water mark.

Ald. Coffman, seconded by Ald. Olsen moved to recommend Resolution No. 9. On call of the roll, motion carried 7 to 1. Ald. Stewart cast the dissenting vote.

RESOLUTION APPROVING THE CITY ATTORNEY CONTRACT

Ald. Coffman introduced Resolution No. 10.

**CITY OF JEFFERSON
RESOLUTION NO. 10**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that a two-year City Attorney's contract be approved setting the monthly fee at \$4,150 for the first year of the contract and \$4,300 for the second year of the contract for general legal services and the hourly fee at \$100 for specialized legal services.

Ald. Bare asked for clarification on the monthly legal service cost.

Ald. Wagner stated that he thought the attorney does a real good job.

Ald. Gang added that it is money well spent.

Ald. Coffman, seconded by Ald. Stewart moved to recommend Resolution No. 10. On call of the roll, motion carried 7 to 1. Ald. Bare cast the dissenting vote.

**RESOLUTION AUTHORIZING A CONTRACT FOR THE JACKSON AVENUE
SANITARY SEWER RELAY**

Ald. McGrath introduced Resolution No. 11.

**CITY OF JEFFERSON
RESOLUTION NO. 11**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Acting City Administrator is hereby authorized to sign a contract with GMS Excavators, Inc. for \$88,062.50 for the 2004 South Jackson Avenue Sanitary Sewer Relay.

Ald. McGrath stated that it is about \$20,000 under budget. He added that the project would enlarge the sewer capacity for new developments.

Ald. McGrath stated that approval of Resolution No.11 was unanimous at Streets Committee.

Ald. McGrath, seconded by Ald. Bare moved to recommend Resolution No. 11. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A ONE TON DUMP TRUCK

Ald. Olsen introduced Resolution No. 12.

**CITY OF JEFFERSON
RESOLUTION NO. 12**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin the Acting City Administrator is hereby authorized to purchase a 2005 Chevrolet 1 Ton Dump Truck from Smith Motors of Fort Atkinson in an amount not to exceed \$22,780.

Ald. Olsen, seconded by Ald. Benka moved to recommend Resolution No. 12. On call of the roll, motion carried 7 to 1. Ald. Bare cast the dissenting vote.

**RESOLUTION REQUESTING A FULLY ACCESSIBLE INTERSECTION FROM THE
WISCONSIN DEPARTMENT OF TRANSPORTATION – AT HIGHWAY 26 AND
RYAN ROAD**

Ald. Coffman introduced Resolution No. 13.

**CITY OF JEFFERSON
RESOLUTION NO. 13**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin does hereby request the Wisconsin Department of Transportation to allow a fully accessible intersection (right and left turn lanes and thru) with signal lights at the intersection of Highway 26 and Ryan Road.

Ald. Coffman, seconded by Ald. Wagner moved on Resolution No. 13 for discussion.

Ald. Wagner stated that we want to keep good relations with the DOT.

Ald. Coffman stated that at this stretch of time it (a portion of South Highway 26) is considered a rural type of highway. He stated that at this time he agrees that a stoplight is not necessary. However, he went on to state, "I remember when we had one stop and go light". He said that over the years people complained about intersections and we had to beg and beg and beg to get them at three other locations in the City. He stated that once we get them no one dislikes them. He stated that this is an opportunity for us to think ahead. He added that the land across from County Market is slated for commercial development; this is an opportunity to think ahead. He stated that the lights could be at no cost to the taxpayer and the City. He stated that the City has an opportunity to be proactive and not reactive.

Ald. Olsen stated that as a new Council member he sees this as an opportunity to look at issues with an open mind. He stated that he did not think that asking for a stop light is the right solution. He added that the DOT has made their position fairly clear and felt that a written response is all that is needed from the DOT.

Ald. Coffman stated that we already have written position from the DOT, we have gotten it several times.

Ald. Olsen stated that we need to start working with the people.

Ald. Gang asked DOT Representative Rewey that if we pass this, are you going to write us? Mr. Rewey stated that the DOT will write back with a position. He once again stated that until the bypass ribbon is cut the integrity of STH 26 will be protected.

Ald. Bare stated that this is putting the cart before the horse, removing a bargaining chip, something which is left better under a developers agreement.

Ald. Benka agreed that this was putting the cart before the horse.

On call of the roll, the motion was defeated by a vote of 6 to 2. Ald. Coffman and Ald. Gang voted in favor of Resolution No. 13.

Ald. Wagner, seconded by Ald. Benka moved to adjourn to closed session pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to discuss employment. 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 SENIOR CENTER COORDINATOR

Ald. Benka introduced Resolution No. 14.

CITY OF JEFFERSON RESOLUTION NO. 14

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Acting City Administrator is hereby authorized to hire Dea Creanza at an hourly rate of \$15.75, 30 hours per week.

BE IT FURTHER RESOLVED that said employee is eligible for performance adjustments in the amount of: 5% - 6 months, 5% - 18 months, 2 ½% - 30 months, and 2 ½% - 42 months (in accordance with the non-union compensation plan).

Ald. Coffman stated that Resolution No. 14 was unanimously approved at Personnel Committee.

Ald. Wagner, seconded by Ald. Bare moved to revise the step increases to 2 ½% at 6 and 18 months.

Ald. Wagner stated that he was recommending this because she has less experience.

City Clerk/Treasurer Stewart stated that we have amended the steps in the past, but never for someone who was started under the midpoint.

Park, Recreation and Forestry Director Keller then provided the Council with Ms. Creanza's job history.

Ald. Bare asked if the steps were guaranteed. Keller stated no.

On call of the roll, motion was defeated by a vote of 5 to 3. Ald. McGrath, Ald. Wagner and Ald. Bare voted in favor of the amendment.

Ald. Benka, seconded by Ald. Gang moved to recommend Resolution No. 14. On call of the roll, motion carried unanimously.

Ald. Gang, seconded by Ald. McGrath moved to adjourn the May 4, 2004 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the May 4, 2004, meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.