

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
FEBRUARY 17, 2004**

The Tuesday, February 17, 2004, meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Brawders. Members present were: Ald. Carnes, Ald. Wagner, Ald. Coffman, Ald. Gang, Ald. McGrath Ald. Bare, Ald. Stevens and Ald. Stewart. Also present were: City Attorney Brantmeier, City Engineer Ludwig and Parks/Recreation Director Keller

PUBLIC PARTICIPATION

Jim Van Lieshout, 229 Meadow Court. Spoke against the Wal-Mart referendum. He felt that this was premature of the council to act upon this resolution. He also stated that the referendum was worded in such a way that it offered too much leeway for the City. He then referred to the Puerner Street Bridge advisory referendum. This cost the city a lot of money and then the city fathers chose not to follow the results of the referendum. He also stated that he felt it was a good idea for the city to annex in the Countryside property.

Kathleen Groskopf, 431 E. North. She stated that she is the Jefferson County Board Supervisor for District 19 and that she concurs with the comments made by Mr. Van Lieshout.

John Rehil, 134 S. Dewey. Spoke against the Wal-Mart referendum. He stated that this contained broad meaningless wordage. He questioned if the city had changed the big box ordinance. He felt that it needed to be updated with architectural and lighting details and controls on big box stores. He stated that the council should have a large say on the impact that big box stores will have on development.

Steve Lewis, 1157 Hillebrand, As president of the Jefferson Development Commission he asked that a letter written to the Council be read as part of the record. He also stated that he approved the annexation of the Countryside property.

Mayor Brawders read the letter from Steve Lewis at this time.

Bill Koehler, Hwy K, turned over a petition objecting to any zoning change or zoning permission being granted to allow the construction of a Wal-Mart store.

Patti Lorbecki, 714 Windsor Terrace. She stated that many communities are now facing possible Wal-Mart stores or have recently defeated them. A distribution center in Beaver Dam is now in questions. Stoughton didn't allow Wal-Mart to dictate to them, so Wal-Mart threatened to move to Oregon. Jefferson has been fighting this issue for 2 years and the Plan Commission designed a big box ordinance. She has asked that the council "Look at the big picture, look at our future and make Jefferson a place to be proud to live."

Dave Lorbecki, 714 Windsor Terrace. He stated that in the "Progressive Grocer Magazine", Wal-Mart has forced grocers to layoff many employees. It also stated that Wal-Mart has

redesigned their stores to fall under the 100,000 sq. footage requirements for many big box ordinances.

Peg Beyer, 623 S. Center. She encouraged the passing of Resolution 140 and to accept the planning from the DOT for the Countryside site. This will help increase our tax base. She also encouraged the turning down of Resolution 137. She stated that she felt the wordage on this resolution was not good for Jefferson. She further stated that this was like putting the cart before the horse. She then asked the Mayor if we passed the big box ordinance that was developed.

Mayor replied that the big box ordinance was passed.

Charlotte Goers-Nevins, 122 N. Pleasant Ave. She addressed the council and stated that she opposed Resolution 137. She also stated that on 1/13/03 a petition against a Wal-Mart of 1000 signatures was presented to the council and then on 2/19/03 a petition in support of a Wal-Mart with 2128 signatures was presented. She stated that the residents of Jefferson have elected the council to make decisions. She then asked the council to consider three questions: 1. Does Jefferson need over \$200,000 in additional tax dollars? 2. Does Jefferson need another 200-300 jobs? 3. Does Jefferson need any additional retail shopping?

Joe Sanfilippo, 940 Parkridge, owner of County Market, addressed the council by stating that the advisory referendum is a no-win situation. He asked that this referendum be tabled because no proposal has been presented from Wal-Mart. He quoted Abraham Lincoln "...fool some of the people some of the time, but you can't fool all the people all the time..." Mr. Sanfilippo then asked the council to "quit fooling the people of Jefferson."

Tom Pinnow, County-City Credit Union thanked the Council for approving the no parking at the CCCU. He echoed Steve Lewis's comments and stated that this issue was controversial at the least.

Don Jaeger, 611 Collins Road, addressed the council and asked that the City keep some residential area in the Countryside project. He asked that the Development Commission look at other industries and give some thought to bringing other industries to town.

PRESENTATION: WISCONSIN DNR—FISH PASSAGE (DON BUSH)

Mr. Bush from the Wisconsin DNR addressed the Council concerning the status of the fish passage on the Rock River. He stated that game fish are capable and desire moving to new reaches of the river. This fish passage connects the upper and lower reaches of the river, which happens to abide by the oldest Natural Resources law, Title 9, where a fish way is necessary component of the dams along the river and that the DNR will come up with the funding. He stated that cost range is somewhere between \$200,000 - \$350,000. He estimated that the funding has been secured from the Wildlife Habitat Incentives Program, Environmental Damage Account and the EPA Section 319. He stated that additional funding might come from the National Fish Passage Grant, National Fish and Wildlife Foundation, Fish & Wildlife Service Challenge Grant,

River Protection Grant and possibly private donations. He stated that the funding should be adequate and shouldn't affect the taxes for the County of Jefferson.

Ald. Bare asked how this would affect fishing in the area. Bush stated it will affect the fishing but they are looking at the biology of the fish and that the DNR will make an appeal to local organizations for support.

Ald. Gang asked about the snowmobile traffic. He felt that the fish passage would eliminate that area from snowmobiling. He asked Bush to look at all the uses on the river before going ahead with this project. Bush stated that there are no sanctioned trails on water so this issue would not be looked into.

Bush continued going over the handout presented to the council and stated that he would return in a couple of months to present the progress of this project.

Mayor Brawders asked that Resolution 142 be moved up on the agenda.

RESOLUTION OPPOSING SENATE BILL 272/ASSEMBLY BILL 588

Ald. Carnes introduced Resolution 142

CITY OF JEFFERSON RESOLUTION NO. 142

WHEREAS, under current Wisconsin Law (1993 Act 496) and Federal Law (1996 Federal Telecommunications Act 1996) local units of government are allowed to supply competitive telecommunications services to their communities; and

WHEREAS, to date 24 Wisconsin communities have applied for and been granted Competitive Local Exchange Carrier (CLEC) status from the Public Service Commission of Wisconsin; and

WHEREAS, most major telecommunications companies are investing their resources primarily in urban markets while rural, non-urban, smaller communities are not receiving the advanced telecom services needed to sustain economic viability; and

WHEREAS, local governmental leaders are primarily responsible for the economic development well-being of their respective communities; and

WHEREAS, Senate Bill 272 and Assembly Bill 588 place unnecessary restrictions and barriers to local governments that desire to offer advanced telecom services to their businesses and residents, thus hinder the deployment of broadband services in Wisconsin.

NOW, THEREFORE BE IT RESOLVED that Jefferson Utilities strongly opposes SB 272/AB 588 and urges the State Legislature to defeat these efforts by incumbent cable television and telecommunications companies to limit the deployment of competitive advanced telecom

services including cable television, broadband and local telephone services by local units of government; and

BE IT FURTHER RESOLVED that Jefferson Utilities joins the League of Wisconsin Municipalities, the Wisconsin Alliance of Cities, the Wisconsin Counties Association, the Municipal Electric Utilities of Wisconsin, the City of Milwaukee, the Wisconsin Towns Association, the Citizens Utility Board, the Wisconsin Association of School Boards, the Regional Telecommunications Commission and the North Shore Cable Commission in opposition to any efforts to limit, inhibit, or prohibit local governments from providing competitive advanced telecommunications services.

Utility Superintendent Folbrecht summarized this resolution stating this is proposed legislation, which would take away the options for municipalities, if we chose to, provide, broadband and other like services. He further stated that in 2001, the Utility Commission did a study, which concluded that providing broadband services was not feasible at that time. This did not rule out the City providing these services in the future. He stated that we should look at other communities such as Sun Prairie and Reedsburg who offer high speed internet and cable television. Folbrecht stated that the current law allows municipalities to make these decisions, and it is his opinion that the state should not make decisions for local communities and that we should be able to keep these decisions local.

Ald. Carnes stated that this was unanimous at the Utility Commission.

Ald. Bare asked what the startup costs were and if this was a market decision. Sup. Folbrecht stated that various communities have asked for these services and that the costs are less than private companies offering limited DSL services and wireless for customers.

Ald. Bare asked if it is possible to install cables in new construction. Sup. Folbrecht responded that he did not know. Ald. McGrath stated that the resolution states rural communities and he questioned if we were rural. Sup. Folbrecht stated again that it is not our intent to provide these services right now just that we would like to have the opportunity to make that decision, should we chose to provide them in the future. He also stated that the utility commission is a self-sustaining not taxpayer subsidized program.

Ald. Carnes stated that he agreed with Sup. Folbrecht in letting the local communities keep control.

Ald. Carnes, seconded by Ald. Stevens moved to recommend Resolution 142. On call of the roll, motion carried 7-1 with one abstention from Ald. McGrath.

PERMANENT ZONING DESIGNATION OF THE RECENTLY ANNEXED GAUGERT PROPERTY

Ald. Stewart introduced Proposed Ordinance #2-04 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #2-04**

**PERMANENT ZONING DESIGNATION OF THE RECENTLY ANNEXED GAUGERT
PROPERTY**

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 designate the following permanent zoning designation, R-1 (Single-Family Residential) to the recently annexed property described below:

Part of the SE ¼ of the SE ¼ of Section 34 and SW ¼ of the SW ¼ of Section 35, T7N, R14E, Town of Aztalan, Jefferson County, Wisconsin, to wit: Beginning at the SE corner of said Section 34; thence Westerly along the South line of said SE ¼ to the centerline of CTH "N"; thence Northly along said centerline 100 feet more or less to the SW corner of the parcel described in Vol. 319 of Deeds on Page 327; thence Easterly along the South line of said parcel to the Rock River; thence Southerly along the West line of said Rock River 100 feet more or less to the South line of said SW ¼; thence Westerly along said South line to the point of beginning, subject to a road right of way across the Westerly 33 feet.

Parcel #: 0714-3444-009

Address: Immediately North of 960 North Jackson Avenue

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.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 136.

**CITY OF JEFFERSON
RESOLUTION NO. 136**

BE IT RESOLVED by the Common Council of the City of Jefferson that the consent agenda for February 17, 2004 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for January and February 2004 in the amounts of \$522,073.19 and \$194,789.57 and Payroll Summary for February 6, 2004 in the amounts of \$99,907.25.
- ◆ Council Minutes from the February 3, 2004 Regular Session Meetings 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. 136. Ald. Stewart, seconded by Ald. Coffman to remove the invoice from Bray & Associates in the amount of \$36,000. On call of the roll, the amended motion carried unanimously, with 2 abstentions on the February 3 Council minutes from Aldpersons Bare and Stevens.

RESOLUTION AUTHORIZING AN ADVISORY REFERENDUM REGARDING WAL-MART TO BE PLACED ON THE APRIL 6, 2004 BALLOT

Ald. Wagner introduced Resolution No. 137.

**CITY OF JEFFERSON
RESOLUTION NO. 137**

Shall the following advisory question be submitted to a vote of the citizens of the City of Jefferson at the April 6, 2004 Election:

ADVISORY REFERENDUM

“Shall the Common Council of the City of Jefferson take whatever steps necessary for the construction of a Wal-Mart Super Center?”

YES
NO

Ald. Wagner moved to recommend Resolution 137. Ald. Wagner stated that the Council has been arguing on this issue for 1-½ years and he felt it was time to take it to the voters, which is why he asked that it be placed on the agenda. Motion died for a lack of a second.

RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR THE SENIOR CENTER RECONSTRUCTION

Ald. Stevens introduced Resolution 138

**CITY OF JEFFERSON
RESOLUTION NO. 138**

BE IT RESOLVED, by the Common Council of the City of Jefferson that Change Order 1, for the Senior Center Project, which result in a net increase of \$2,048.00 are hereby approved.

Ald. Bare asked if he missed any committee meetings where this was discussed. Ald. Stevens stated that they knew about these change orders but that the architect did not bring them forward

until the entire project was complete. He then stated that the stainless is ordered and the entire project was still under budget based on the projected budget from the architect.

Ald. Stevens, seconded by Ald. Gang moved to recommend Resolution 138. On call of the roll, motion passed unanimously.

RESOLUTION ACCEPTING THE FINAL PLAT FOR BONVENTURE HEIGHTS

Ald. Gang introduced Resolution 139

CITY OF JEFFERSON RESOLUTION NO. 139

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Clerk is authorized to sign the final plat for Bonventure Estates contingent upon receiving the park dedication fee.

Ald. Gang stated that the park fee was \$500. Ald. Wagner stated this would be a CBRF, adult family home.

Ald. Gang, seconded by Ald. Wagner moved to recommend Resolution 139. On call of the roll, motion carried 7-1, with Stewart casting the dissenting vote.

RESOLUTION ACCEPTING ADDITIONAL PLANNING SERVICES FROM THE DEPARTMENT OF TRANSPORTATION

Ald. Bare introduced Resolution 140.

CITY OF JEFFERSON RESOLUTION NO. 140

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Council hereby supports the Wisconsin Department of Transportation's offer to provide additional planning services for the City at the three interchanges along the STH 26 bypass around Jefferson.

Ald. Wagner asked if there were any costs to the City.

Mayor Brawders stated that there would be no costs to the city for this portion of the planning.

Ald. Bare stated that there are 3 interchanges along the route, and it does include the whole county property.

Eng. Ludwig said the DOT is offering planning services for the areas of influenced at the three interchanges. Eng. Ludwig stated that the County proposes to annex land to the city and asked that all council members attend the March 24 meeting at 6 p.m. at the UW Extension office to find out what the County's Master Plan is all about.

Barb Feeney from the DOT stated that the interchange on the Countryside Home property has immediate planning need.

Ald. Bare, seconded by Ald. Stevens moved to recommend Resolution 140. On call of the roll, motion unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A SNOW BLOWER

Ald. Stewart introduced Resolution 141.

CITY OF JEFFERSON RESOLUTION NO. 141

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to purchase a snow blower from Roland Machine Co. of DeForest in an amount not to exceed \$56,272.

Ald. Stewart stated that this was unanimous in Finance Committee and is budgeted for.

Ald. Bare asked how much time and money have been spent this year to fix the old snow blower. Superintendent Haffelder stated that it has been cleaned 4 times this year at approximately 2-3 hours in length. Ald. Bare asked that we postpone this purchase until December to see if we can purchase it then and pay for it in 2005 budget.

Sup. Haffelder stated that the current machine was purchased in 1981 and the city has spent many hours and money to maintain it. This is a critical piece of equipment for snow removal and if our current equipment were to break down, we would not only lose time but money. Our staff would be ready for snow removal but would have the equipment to complete the job.

Ald. Bare motioned to table this issue. Motion died for a lack of a second.

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution 141. On call of the roll, motion passed 7-1 with Ald. Bare casting the dissenting vote.

AUTHORIZATION TO WRITE OFF DELINQUENT PERSONAL PROPERTY BILLS

Ald. Coffman introduced Resolution 143

CITY OF JEFFERSON

RESOLUTION NO. 143

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to delete the following Personal Property bills from the accounts receivable:

<u>YEAR</u>	<u>PERSONAL PROPERTY</u>	<u>TOTAL DELINQUENT PRINCIPAL</u>
2002	Bronze Bean	730.00
	Cable Competitors	84.23
	CIT Communications	398.69
	Cyber Cafe	84.23
	DMX Music Inc.	8.42
	Foerstes LLC	575.58
	Hanks Painting	22.46
	Jefferson Amoco	1,010.77
	Marlin Leasing	241.46
	P & R Production Machining	544.70
	Randy's Salvage	224.62
	Tennyson Garage	238.66
	Subtotal	4,163.82
	TOTAL	<u>\$ 4,163.82</u>

Ald. McGrath asked if we work to get this money back once we delete it from the accounts receivable?

Attorney Brantmeier stated that he does work with Clerk/Treasurer Stewart to retrieve this money and that this was merely a housekeeping issue to clean up the books with the auditors. He further stated that he actively pursues them with a letter and then possible court proceedings.

Ald. Wagner stated that the previous owner of Jefferson Amoco now lives in Milwaukee.

Ald. Coffman, seconded by Ald. Gang moved to recommend Resolution 143. On call of the roll, motion unanimously.

AUTHORIZATION TO WRITE OFF DELINQUENT ACCOUNTS RECEIVABLE

Ald. McGrath introduced Resolution 144

**CITY OF JEFFERSON
RESOLUTION NO. 144**

BE IT RESOLVED by the Common Council of the City of Jefferson that the Acting City Administrator is hereby authorized to delete the following delinquent Accounts Receivable:

98051	Pat Enright	394.43
20010129	Luedtke Plumbing	394.20
		\$788.63

Ald. McGrath, seconded by Ald. Carnes moved to recommend Resolution 144. On call of the roll, motion unanimously.

RESOLUTION AUTHORIZING THE RENTAL OF THE OLD WATER & ELECTRIC FACILITY

Ald. Coffman introduced Resolution 145.

**CITY OF JEFFERSON
RESOLUTION NO. 145**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City Attorney is hereby authorized to draft a rental agreement by and between the City of Jefferson and Yellow Book for the two month rental of the office portion of the old Water and Electric Facility.

BE IT FURTHER RESOLVED, that Yellow Book shall pay the City of Jefferson \$3,000 for the two month rental period.

Ald. Coffman stated that Yellow Book was looking for an area about the size of the Council chambers for 20 employees and 20 phone lines. He stated that we would be moving the Historical Society items into the back room of the garage during this time. He also stated that we would be estimating how much square footage they would use along with requiring a security deposit and certificate of insurance.

Ald. Carnes asked if this was a one-time use. Ald. Coffman stated that they would be interested in using the building for only two months and that the City would be paying for the utilities.

Ald. Coffman, seconded by Ald. McGrath moved to recommend Resolution 145. On call of the roll, motion unanimously.

Ald. Stewart, seconded by Ald. McGrath moved to adjourn the February 17, 2004 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

