

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**MARCH 16, 2004**

The Tuesday, March 16, 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. Wagner, Ald. Coffman, Ald. Bare, Ald. Gang, Ald. Stevens, Ald. McGrath, Ald. Carnes and Ald. Stewart. Also present were: City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart

**PUBLIC PARTICIPATION**

Mayor Brawders read several letters of correspondence. One letter dealt with the closing of the Schweiger Plant. The next letter dealt with the resolution for the Helen Weisensel property. And the final correspondence was from the Department of Transportation relating to a potential access to a Wal-Mart store.

Nancy Haberman, 536 East North Street, asked the Council for an update on the Administrator position. *Ald. Coffman stated that the Committee had narrowed the applicants down to 11 candidates. However, the Committee felt that interviews should be postponed until the new Council was elected.*

Bill Koehler, Highway K, addressed the Council regarding Wal-Mart. Mr. Koehler spoke of the presentation at the JDC meeting this morning. He stated that the Wal-Mart representatives that that Watertown store is over shopped. Mr. Koehler questioned this since Madison has two Wal-Marts they are not over shopped. Mr. Koehler encouraged the Council to read articles and books that talk about Wal-Mart and to get the whole story. Not just the story that Wal-Mart tells. He ended by stating that the Council should do the research.

Janet Twist, 663 North Dewey, addressed the Council regarding Wal-Mart. Mrs. Twist stated that she felt the Wal-Mart representative gave an excellent presentation. She stated that despite what the opponents of Wal-Mart state, everything is not negative about Wal-Mart. She stated that there are many positive benefits to Wal-Mart, one of them being how they give back to communities. She stated that she believed that the Wal-Mart representative stated that when a store is starting to be over shopped they start to look for another location. Twist believed that opponents were reading into what was said. She stated that all of the jobs are not low paying, she stated that she had been told that some get paid in the \$15/hour range—some up to \$22 an hour. She stated that people shop where prices are the best. She stated that Piggly Wiggly went out of business in Fort Atkinson and they don't have a Wal-Mart. Twist added that many people go out of town to shop for groceries now and even noted that she saw one of the coalition members shopping at Wal-Mart. She stated that if one member of the coalition is changing their mind...are others?

Kathy Zimmerman, 425 West Stevens, addressed the Council regarding Wal-Mart an the direction of the City. Ms. Zimmerman stated that she was speaking to the Council for personal reasons. She stated that an 80 year old relative evens knows that Wal-Mart is not good for Jefferson. Ms. Zimmerman stated that she has grown up in Jefferson and has raised her children here. She stated that both of them had received college educations, but want nothing to do with Jefferson now. She stated that they don't want to raise their families in Jefferson. She added

that what is happening in Jefferson is not good. Ms. Zimmerman stated that after a Council meeting that her son recently attended he decided to build elsewhere. She stated that what is happening is not good for Jefferson, we need good paying jobs.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding Wal-Mart. Ms. Lorbecki stated that the DOT has gone on record that they would not support stop and go lights for a potential Wal-Mart development. Yet, Wal-Mart representatives are still pursuing this possibility. Ms. Lorbecki stated that no is no and questioned what part of that Wal-Mart did not understand. She then questioned why Jefferson approved a big box ordinance if we are not going to follow it. She stated that representatives stated that Jefferson residents pump \$11 million annually into Wal-Mart—she questioned how the addition of another Wal-Mart would then affect the sales of other Wal-Marts. Lorbecki concluded by stating that duplication of services is not efficient.

Cheryl Higgins, 776 North Jackson Avenue, addressed the Council regarding Proposed Ordinance #6-04. Ms. Higgins stated that she did not think it was a good idea to take a pay cut. She stated that the impact to the taxpayer is minimal and the elected officials put a lot of time and effort into what you are doing. She encouraged the Council to keep the pay as is or no one is going to want the job.

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding Wal-Mart. Mr. Lorbecki stated that a small business reform bill was just passed as law yesterday—something that he had personally worked on. He then stated that he next comments would be regarding the Wal-Mart presentation at the JDC meeting this morning. Mr. Lorbecki stated that the DOT has went on record stating that no stop lights would be allowed, at least until the bypass goes around Jefferson (potentially 2010). Mr. Lorbecki stated that Wal-Mart indicates that each one of there stores must generate \$38-40M in sales. He questioned that if only \$11 million is coming from Jefferson residents where is the other money going to come from—isn't the area already saturated with this type of retail. Mr. Lorbecki stated that you can only draw so much in sales from an area. He added that this amounts to \$735,000 in sales per week. Mr. Lorbecki then stated that he had spoken with a Piggly Wiggly operator from Plymouth, WI. He stated that his store has lost about 15-20% of there business and that the Pick N Save had lost around 38%. The operator stated that the grocery retail lost the draw from the surrounding communities. He added that in Plymouth, Wal-Mart stated that they would pay for stoplights, they didn't and the taxpayer ended up footing the bill. Wal-Mart said they didn't want a TIF District and then they changed their mind on that too. Mr. Lorbecki added that Wal-Mart donations are done thru employees—not the company. He stated that in Plymouth a larger Police Department and Fire Department were then needed—more taxpayer money. He noted that in addition, other City services had to expand. He stated that (in Plymouth) regardless of the addition to the tax base, the taxes still went up. He added that no one has yet built by the new Wal-Mart. And that due to “dealings” with Wal-Mart, a local cheese company went out of business. He stated that he did not feel there would be a great tax benefit to the location of Wal-Mart in Jefferson or even in Jefferson County. He concluded by questioning “what cost to our community is this project”.

Glenn Niederwerfer, 745 Lucas Lane, addressed the potential development of Star Road. Mr. Niederwerfer stated that he was concerned that the road was not in, but that lots were being

offered for sale (with a fire pit, access to boat launch and park, etc.). He stated that when the development was discussed he stated that development would take place in two years...it is now four years later. Mr. Niederwerfer then stated his concerns over construction vehicles parking on Puerner Street.

**PROCLAMATION - COMMUNITY WALK TO SCHOOL WEEK APRIL 26-30, 2004**

Mayor Brawders then read a proclamation naming April 26-30 "Community Walk to School Week".

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF APPROXIMATELY \$3,795,000 SEWERAGE, WATER AND ELECTRIC SYSTEM REVENUE REFUNDING BONDS, SERIES 2004 OF THE CITY OF JEFFERSON, JEFFERSON COUNTY, WISCONSIN, AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH RESPECT TO THE BONDS**

Ald. Carnes introduced Resolution No. 157.

**CITY OF JEFFERSON  
RESOLUTION NO. 157**

***(IN LIEU OF PRINTING THE ENTIRE TEXT OF THIS RESOLUTION A COMPLETE COPY IS ON FILE AT THE OFFICE OF THE CITY CLERK AND IS AVAILABLE FOR PUBLIC INSPECTION.)***

Dave Wagner of Ehlers and Associates gave a presentation regarding the refinancing of the Water & Electric Utility debt. Mr. Wagner then reviewed the bid results with the Council. He stated that the Utility will be saving \$400,000 over the course of the debt repayment.

Ald. Bare asked questions regarding the official statement.

Ald. Wagner thanked the Utility for saving the utility users money.

Ald. Carnes, seconded by Ald. Stevens moved to recommend Resolution No. 157. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO AMEND SECTION 7.03(4)(H) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO NO PARKING ZONES ON WISCONSIN DRIVE**

Ald. McGrath introduced Proposed Ordinance #3-04 for its second reading.

**CITY OF JEFFERSON  
ORDINANCE # 3-04**

An Ordinance to Amend Section 7.03(4)(h) 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)(h) is hereby amended to add the following no parking zone:

- Wisconsin Drive, 305' south of Hickory Drive, west side, 20' north and south of the employee/delivery entrance to Countryside Home, beginning at the end of radius.

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

Ald. Wagner noted that Ordinance#3-04 was unanimously approved at Regulatory Committee. Wagner stated that Countryside had expressed some safety concerns regarding the access onto Wisconsin Drive and therefore the ordinance was drafted.

Ald. McGrath, seconded by Ald. Wagner moved to recommend Proposed Ordinance #3-04. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO CREATE SECTION 12.07(12) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO HUMANE AND PROPER TREATMENT OF ANIMALS**

Ald. Wagner introduced Proposed Ordinance #4-04 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #4-04**

An Ordinance to Create Section 12.07(12), 12.07(13), 12.07(14), and 12.07(15) of the City of Jefferson Municipal Code Regulating Humane and Proper Treatment of Animals City of Jefferson

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

**Section 1.** Section 12.07(12), 12.07(13), 12.07(14), and 12.07(15) are hereby created as follows:

**(12) PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.**

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient and suitable to maintain all animals in good health.

- (c) Potable, clean, drinkable water shall be available at all times for all animals to maintain them in good health and well hydrated. When a dog is confined outdoors during winter months fresh water must be given in sufficient quantity and monitored periodically during each twenty-four (24) hours period to prevent the water from freezing. (State Law Reference: Sec. 173 and 951.13, Wis. Stats.)

**(13) PROVIDING PROPER SHELTER.**

- (a) **Proper Shelter:** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards:** Minimum indoor standards of shelter shall include:
  - 1. Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
  - 2. Ventilation: Indoor-housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards:** Minimum outdoor standards of shelter shall include:
  - 1. Shelter from sunlight. For all animals tied or confined unattended outdoors during months of April through October sufficient shade by natural or artificial means shall be provided to protect animals from direct sunlight.
  - 2. Shelter from inclement weather.
    - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. Dogs. If a dog is tied or confined unattended outdoors or in an unheated enclosure, a shelter of suitable size to accommodate the dog shall be provided. The minimum specifications for such shelter shall be as follows:

- (1) The shelter must be a moisture proof, weather tight doghouse maintained in good repair.
- (2) The shelter must be constructed and maintained so as to provide sufficient space to 1) allow the dog to turn around freely, 2) allow the dog to easily sit, stand and lie in a normal position, 3) keep the dog clean, dry and comfortable, 4) maintain the dog's body heat.
- (3) The shelter must be made of durable materials including, but not limited to, wood or molded plastic.
- (4) The shelter must have an entrance covered by a self-closing, swinging door or covering, or an "L" shaped entrance to prevent the wind and elements from blowing directly into the house.
- (5) The shelter must have clean bedding to provide insulation and protection against cold and dampness and promote the retention of body heat. Acceptable bedding shall include, but not be limited to, blankets, hay, straw, or cedar shavings.
- (6) The shelter site must have suitable drainage, which rapidly eliminates excess water.

(d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:

1. **Structural Strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
2. **Space Requirement:** Enclosures shall be construed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(e) **Sanitation Standards:** All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

(f) **Tying or Tethering Dogs.** A dog or puppy may be restrained by a fix-point chain or tether only under the following conditions:

1. Any tethering system employed shall not allow the dog or puppy to leave the owner's property.
2. No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's body weight.
3. Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.
4. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal. Choker collars shall not be used for dogs restrained and it must be a fix-point chain or tether. (State Law Reference: Sec. 951.13 and 951.14, Wis. Stats.)

**(14) NEGLECTED OR ABANDONED ANIMALS.**

(a) Neglected or Abandoned Animals.

1. No person may abandon any animal.
2. Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned, or otherwise treated in a cruel manner, or otherwise treated in such a manner that the owner would be in violation of Section 12.07(12) or (13) herein and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases, the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice. State Law Reference: Sec. 951.15 and 173.13, Wis. Stats.

**(15) PENALTIES.**

- (a) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this municipal code or \$25.00 for first violation, \$50.00 for second violation and court costs and penalties as specified in Sec. 25.04(3)(b).
- (b) In addition to the penalty provided in sub. (a) above, the City may withhold an animal in custody from an owner. State Law Reference: Sec. 951.18 and

173.21, Wis. Stats.

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

Ald. Bare stated that the Regulatory Committee had offered a verbiage clarification under (6). He stated that the reference was to the shelter site, not the shelter itself.

Ald. Wagner, seconded by Ald. Coffman moved to approve clarified Ordinance #4-04. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO RECREATE SECTION 11.05 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO HEALTH AND SANITATION**

Ald. Gang introduced Ordinance #5-04 for its second reading.

**CITY OF JEFFERSON  
ORDINANCE #5-04**

An Ordinance to Recreate Section 11.05 of the Municipal Code Related to Public Health and Safety.

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

**Section 1.** Section 11.05 is hereby recreated as follows:

**11.05 JEFFERSON RECYCLING ORDINANCE.** (1) AUTHORITY S.159.09(3)(b) Wisconsin Statutes.

(2) FINDINGS. The Common Council of the City of Jefferson hereby finds and determines that: there is an increasing necessity to conserve natural resources and reduce the need for landfill space for the citizens of Jefferson; newspaper, clear, amber and green glass, used oil, aluminum cans, steel and bi-metal cans, scrap metal products, plastics, foam polystyrene packaging, mixed paper, corrugated, tires, lead-acid batteries, and yard waste comprise a substantial portion of residential and business solid waste material; these items can be separated from other solid waste materials and recycled, benefiting residents, taxpayers, and business of the city by reducing the volume of solid waste materials collected by the City and transported to and deposited in available authorized landfill sites.

(3) DEFINITIONS. As used in this section the following terms shall mean:

(a) Contractor. The person or person specifically authorized by the City Council to collect garbage, rubbish and recyclable materials and dispose of the same.

(b) Refuse to be collected by Contractor:

1. All kitchen wastes, household food, accumulations of animal food and vegetable matter attendant on the preparation, use, cooking, and service food.
2. Any items that would normally be recyclable, but is contaminated, such as wet paper, dirty cans or bottles, etc.
3. General household trash suitable for packer-type equipment, including ashes, crates, discarded toys, discarded clothing, stoves, refrigerators, washers, dryers, other kinds of home appliances, and furniture.

(c) Recyclables to be collected by Contractor:

1. Newspaper, magazines, office paper, junk mail, cereal boxes, cardboard, tin, aluminum, glass, plastics, and any other items identified to be recyclable by State Statute and Department of Natural Resources Rules and Regulations shall be collected by the Contractor.

(d) Bulky items to be collected:

1. Bulky items to be collected are items that meet the definitions noted in A and above, but are too large to be collected in the carts provided by the contractor.

(e) Materials not to be collected:

1. Earth, sod, rocks, concrete, and refuse from remodeling or construction of homes.
2. Yard or garden wastes as prohibited by State Law. City will intermittently retrieve from these yards.

(f) "Residence" includes all residential property including structures having four units or less as defined by City zoning laws.

(g) "Commercial-industrial sites" includes all other sites producing refuse or recyclable accumulation other than residences.

(4) Collection From Residential Sites – City Function

(a) The regular collection and removal of refuse and recyclables from residences is designated as a municipal function and enterprise. All such refuse and recyclables shall be gathered and removed by the City, and it is unlawful for any person, unless reemployed or contracted by the City, to

engage in the collection or removal of refuse or recyclables, whether for or without compensation.

- (b) All residential refuse and recyclables shall be collected, removed and disposed of at the general expense of the City.

(5) Collection From Residential Sites – Procedure

- (a) The collection, removal, and disposal of refuse and recyclables from residential sites shall be under the supervision, direction, and control of the City Administrator, who shall cause the same to be done in the following manner:
  - 1. The Administrator, subject to the approval of the City Council, shall have the authority to award to some individual, firm, or corporation a contract for the removal of residential refuse and the specifications for such contract and provisions thereof shall be prepared by the City Administrator and said contract shall be approved by the Common Council
- (b) Such contract shall provide for the removal of residential refuse and recyclables at such times, and with such frequency and from specified pickup sites and to such places as shall be determined by the City Administrator, and shall require the contractor to comply with all the provisions of this chapter which are applicable.
- (c) The contractor shall be required to post a performance bond in the amount of \$10,000 or, in the alternative provide an irrevocable letter of credit in the amount of \$10,000. Said bond or letter shall be required to be filed with the City Clerk upon the signing of this contract.
- (d) The contractor shall be required to maintain and file with the City Clerk policies or certificates for worker's compensation insurance, public insurance, property damage insurance, and motor vehicle insurance. The insurance shall cover the entire contract period and shall be sums as determined by the City Administrator. Such policies or certificates shall be approved as to form and content by the City Attorney.
- (e) The refuse and recyclables collection contract when awarded, shall be subject to all existing regulations covering collection and removal of refuse and recyclables subject also to all other rules and regulations as may thereafter be legally adopted.
- (f) Said contractor shall be paid from the proper fund, and shall be at the expense of the City.

- (g) The contractor shall be required to provide and maintain a local phone number in the City to provide access for consumer complaints and inquires.
- (h) The contractor shall be required to use safe and sanitary equipment at all times; said equipment being subject to the right of the City to inspect and require repair within a reasonable time.
- (i) The contractor shall be required to be an equal opportunity employer and the conduct of said employees while performing collection service for the City shall be subject to reasonable rules and regulation by the City.
- (j) The contractor shall be required to furnish special weekly service to meet all the needs of the City for the removal of the refuse and recyclables from city-owned locations, including all parks, tennis courts, the swimming pool, the Police/Utility, the City Garage, the Sewage Plant, the Senior Center, and all other properties and facilities owned and maintained by the City at no additional cost. This does not include sludge or grit from Waste Water Treatment Plant. Trash containers in the business district and at designated locations, which are owned by the City, shall also be emptied weekly or more often if necessary.

(6) Collection From Commercial – Industrial Sites

- (a) Commercial-industrial properties located within the corporate limits of the City shall be served by private contractors, and are excluded from this ordinance. The City has no responsibility or liability for any damages to property or person, which might occur out of any private arrangements for these types of customers.
- (b) Commercial and industrial refuse removal shall be made at least weekly throughout the entire year.

(7) Collection Schedules

- (a) The contractor will furnish regularly scheduled collection from every residential unit (four units or less) in the City, according to a regular schedule, approved by the City Administrator. Residents shall place their materials suitable for refuse or recyclable collection at the curb or alley of their homes or at such other site designated by the contractor on the day scheduled for collection. Residents shall use carts provided by the contractor for the collection of recyclables and refuse.

1. Refuse collection will be scheduled weekly.
2. Recyclable collection will be scheduled bi-weekly.

3. Bulky collection will be scheduled one monthly.

- (b) All refuse and recyclable containers shall be placed by the customer, at the curb, alley or other site agreed upon by the customer and the contractor by 6:00 a.m. of the day of collection; empty containers shall be removed from the curb by 8:00 p.m. of the same day. Refuse and recyclable containers or bulky materials shall not be placed for collection prior to 4:00 p.m. on the afternoon on the preceding day of collection.

(8) Refuse/Recyclable Containers – Regulation Pertaining to Residential Service

- (a) Contractor shall supply and furnish at its expense, to all residential units, carts for the collection of refuse and recyclables. The contractor will provide the manufacturer's warranty for defects of the carts including broken wheels or lids from regular usage. The contractor is not responsible for damage from negligent use such as being cut by a saw, burned by hot ashes, being hit by a car, etc. The contractor is not responsible for missing carts.

(9) Illegal Dumping and Rummaging

- (a) It is unlawful for any person to dump refuse, recyclables, or bulky materials onto any other person's property or into any other person's refuse or recyclable container, unless acting with proper permission or authority. This subsection does not apply to trash receptacles held out for public use.
- (b) It is unlawful for any person to rummage or scavenge through any public refuse container or any other person's refuse or recyclable container, unless acting with proper permission or authority.

(10) Penalty and Special Charge for Violations

- (a) Any person who violates any provision of this chapter shall be subject to a penalty of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00), together with the cost of prosecution.
- (b) If any such owner, occupant or person in charge refuses or fails to comply with the provisions of this section, the City Administrator or his/her appointed designee, may remove such items and the cost thereof shall be charged at a rate of time and materials as established by the City Clerk's Office, with a minimum charge of twenty-five dollars (\$25.00), or contract with a private contractor to have the items removed. The cost of such removal shall be reported to the City Clerk/Treasurer in writing with a description of the premises, and such charges if unpaid, shall become a lien on the property against which it is imposed. The delinquent charges shall be included in the current or next tax roll and settlement under Chapter 3.

- (c) The owner, occupant, or person in charge of any building or lot in the City of Jefferson, shall be responsible to comply with the time limits set forth in Section 11.05, including, but not limited to removing any empty containers by 8:00 p.m. on the day of collection. If any such owner, occupant, or person in charge refuses or fails to comply with the provisions of Section 11.05, the City Administrator or his appointed or authorized representative, may cause the container an/or refuse to be moved away from the public right-of-way. The cost thereof shall be charged to the owner, occupant, or person in charge, at the discretion of the City in the amount of twenty-five dollars (\$25.00). Notice of the charge shall be given to the person charged by written notice, which can be delivered personally, or by mail, at the best available address. Actual receipt of said notice is not required. The charge shall be reported to the City Clerk or Treasurer in writing, with a description of the premises, and such costs shall become a special tax and lien against the premises, and if not previously paid, shall be inserted by the City Clerk or Treasurer in the current or next ensuing tax roll for collection and settlement under Chapter 3; and such cost may, in the discretion of the Common Council or the City Administrator, be collected by other means, including suit against the owner, occupant, or person in charge of the premises.

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

Ald. Gang indicated that the Streets Committee did not make a recommendation on Ordinance #5-04.

Ald Bare stated that he was representing rental property owners. He asked for a clarification on the penalty provisions of the proposed ordinance. Ald. Bare indicated concern that property owners may get saddled with the citation for the violation.

Atty. Brantmeier then gave an explanation of the ordinance and the penalty provisions. Brantmeier indicated that the actual citation would be issued to the violator. The charge for the collection could be levied to the owner, occupant or violator.

Ald. Bare indicated concern that the property owner may get hung with a charge when the lease is up on the 31<sup>st</sup> and the collection doesn't come until two weeks later. He questioned if the City could designate a site that these items could be taken to in lieu of placing them at the curb until the collection day.

Mayor Brawdgers stated that the landlord could keep a portion of a security deposit to cover any special collection costs.

Ald. Bare stated that he did not feel the ordinance was unworkable. However, under the junk ordinance the landlords are given some type of notice period. He added that he felt the landlord should be notified prior to assessing costs.

Ald. Gang stated that he understood what Ald. Bare was asking, but felt that by the time a “notice” was issued, the garbage may have sat at the curb for a week or two. Ald. Gang stated that he supported this resolution because it would discourage individuals from placing garbage at the curbs for weeks on end.

Atty. Brantmeier suggested that landlords rework leases to address this issue.

Ald. Bare stated that he would like to see some maximums set in the ordinance.

Ald. Bare questioned how the situation would be handled when the garbage is not picked up by 8pm.

City Clerk/Treasurer Stewart stated that there are instances when the collection company misses a block or two or they have a breakdown and of course there would be no tickets issued. However, many of the times when someone calls and states that their garbage was missed it is due to the garbage being put out too late in the day.

Ald. Gang, seconded by Ald. McGrath moved to recommend Ordinance #5-04. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO SALARIES OF ELECTED OFFICIALS**

Ald. Bare introduced Ordinance #6-04 for its first reading.

**CITY OF JEFFERSON  
ORDINANCE #6-04**

An Ordinance to Amend Section 1.02(b) of the Municipal Code Related to Salaries of Elected Officials.

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

**Section 1.** Section 1.02(b) is hereby amended as follows:

- (b) Salaries. (Am. #2-93; Am. #25-95; Am. #6-04) 1. Mayor. The annual salary paid to the Mayor shall be \$3,000 per year. Effective May 1, 1996, the salary of the mayor shall increase to \$4,000 per year. Effective May 1, 2004 the salary of the mayor shall decrease to \$3,200

2. Alderpersons. (Am.#25-95; Am. #6-04) The annual salary to be paid to the alderpersons shall be \$1,400 per year. Effective May 1, 1996 the salary for alderpersons shall be increased to \$2,500 per year. (Inapplicable for midterm incumbents until May 1, 1997.). Effective May 1, 2004 the salary for alderpersons shall be decreased to \$2,000 per year. (Inapplicable for midterm incumbents until May 1, 2005.)

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

Ald. Bare asked for the Council to waive the first reading of Ordinance #6-04, motion died for a lack of a second.

Ald. Bare stated that this is a budgeted item. He stated that money was cut from the budget to pay for this item.

City Clerk/Treasurer then clarified the cuts that were made to the budget. She indicated that approximately \$3,000 had been removed.

This is a first reading.

### **CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 151.

### **CITY OF JEFFERSON RESOLUTION NO. 151**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for March 16, 2004 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for February and March 2004 in the amounts of \$2,885.00 and \$421,016.05 and Payroll Summary for March 5, 2004 in the amount of \$101,892.26.
- ◆ Council Minutes from the March 2, 2004 Regular Session Meeting of the Common Council.
- ◆ 2004 Development Consortium Annual Fee -- \$7,395.
- ◆ Licenses as Approved by the Regulatory Committee
  - ▣ Operator's Licenses
  - ▣ Special Class B Licenses
  - ▣ Temporary Lease of Right-of-Way – St. Marks Lutheran Church.

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 151. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE PARTICIPATION IN THE LOSA PRIOR SERVICE BUYBACK PROPOSAL FOR THE VOLUNTEER FIRE DEPARTMENT**

Ald. Stewart introduced Resolution No. 152.

**CITY OF JEFFERSON  
RESOLUTION NO. 152**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the City Council hereby authorizes the Acting Administrator to enter into the contract for the buyback of prior service as of December 31, 2004 for the volunteers of the City of Jefferson Fire Department.

Ald. Stewart stated that Resolution No. 152 was being brought to the Common Council with no recommendation from Finance Committee.

Ald. Stewart questioned what the financial impact would be for a 10-year buyback.

Fire Chief Powell stated that he did not have this information available at this time. However, Ms. Whiting stated that it would not make too much of a difference.

Powell added that the buyback amounts to \$750 per firefighter per year for ten years. He encouraged the Council to look what other communities are paying for fire protection and then look at what we are paying.

Ald. Carnes stated that this is a budgeted item and he did not feel that \$7,200 a year was too much. He stated that we should be proud of our department, they do heck of a job for us. And their services are worth something.

Ald. Coffman clarified budget that \$31,000 budgeted for 2004 included the \$7,200 for the 10 year plan.

City Clerk/Treasurer stated yes.

Ald. Bare stated that 6% interest at this time is too much. He felt the City should look for cheaper money elsewhere to pay off this liability sooner.

Ald. Stewart, seconded by Ald. Carnes moved to recommend Resolution No. 152. On call of the roll, motion carried unanimously.

**ACKNOWLEDGING REVIEW OF 2003 COMPLIANCE MAINTENANCE ANNUAL REPORT**

Ald. Stevens introduced Resolution No. 153.

**CITY OF JEFFERSON  
RESOLUTION NO. 153**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby informs the Department of Natural Resources that said Council has reviewed the Compliance Maintenance Annual Report for calendar year 2003, which is attached hereto as part of this resolution.

City Engineer Ludwig then provided the Council with an overview of the 2003 CMAR. He stated that the report is based upon the old facility rather than reflective of the new facilities capabilities.

Ald. Wagner asked what percentage of capacity we are at. City Engineer Ludwig stated that we are about 50%. He added that the plant is a 10-year design, and can be possibly stretched to 15.

Ald. Stevens, seconded by Ald. Gang moved to recommend Resolution No. 153. On call of the roll, motion carried unanimously.

**RESOLUTION REQUESTING A SHIFT IN THE SOUTH INTERCHANGE OF STH 26 BYPASS**

Ald. McGrath introduced Resolution No. 154.

**CITY OF JEFFERSON  
RESOLUTION NO. 154**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Wisconsin Department of Transportation is requested to shift the south interchange of the STH 26 Bypass of the City of Jefferson 300 feet to the west from its current location to enable a future intersection to be located along the connecting highway to provide access to the Country Side Farm parcel west of the Union Pacific railroad tracks.

City Engineer Ludwig then explained why the Committee chose to move the bypass 300 feet.

Ald. McGrath, seconded by Ald. Gang moved to recommend Resolution No. 154. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING A PROPOSAL WITH TOWN AND COUNTRY ENGINEERING FOR THE DESIGN OF SOUTH JACKSON AVENUE SANITARY SEWER REPLACEMENT**

Ald. Gang introduced Resolution No. 155.

**CITY OF JEFFERSON  
RESOLUTION NO. 155**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Acting City Administrator is hereby authorized to sign a proposal with Town and Country Engineering, Inc. for the design of the South Jackson Avenue sanitary sewer replacement for a fee not to exceed \$8,500.

Ald. Wagner questioned why this cannot be done in-house.

City Engineer Ludwig explained why some of this proposal cannot be done in house. Ludwig stated that a specialized computer program and information previously garnered would be necessary to do the work.

Ald. Stewart stated that action on Resolution No. 155 was unanimous at Finance Committee.

Ald. Bare asked if this was budgeted? City Engineer Ludwig stated yes.

The scope of the contract was then discussed.

Ald. Gang, seconded by Ald. Carnes moved to recommend Resolution No. 155. On call of the roll, motion carried by a vote of 6 to 2. Ald. Bare and Ald. McGrath cast the dissenting.

### **CANCELLATION COMMON COUNCIL MEETING**

Ald. Gang introduced Resolution No. 156.

### **CITY OF JEFFERSON RESOLUTION NO. 156**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the regular Common Council meeting night of April 6<sup>th</sup>, 2004, is hereby cancelled.

Ald. Bare questioned if we could change polling hours.

City Clerk/Treasurer Stewart stated that we could not.

It was then discussed that April 13 is the Firemen's Dinner.

Ald. Bare stated that he wanted to clarify that the new pay rates could still take effect if acted upon by the old Council on April 20<sup>th</sup>. Atty. Brantmeier and City Clerk/Treasurer Stewart stated that that was the understanding.

Ald. Gang, seconded by Ald. Coffman moved to approve Resolution No. 156. On call of the roll, motion carried on a voice vote.

Ald. Stevens seconded by Ald. Stewart moved to adjourn to closed session Pursuant to Section 19.85(1)(g) to Discuss Litigation. On call of the roll, motion carried unanimously.

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

Ald. Carnes, seconded by Ald. Stevens moved to adjourn the March 16, 2004 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the March 16, 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.