

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**MARCH 15, 2005**

The Tuesday March 15, 2005, 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. Olsen, Ald. Benka, Ald. McGrath and Ald. Stewart. Absent was: Ald. Gang. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

**PUBLIC PARTICIPATION**

Mayor Stevens started the meeting by congratulating the members of the Women's High School Basketball team on their tremendous accomplishment. He stated that there will be a formal proclamation on the next meeting and that the team members will be given an invitation to the meeting.

City Clerk/Treasurer Stewart then gave a brief rundown of the City's anticipated course of action on the two recent annexation petitions. Stewart stated that she did not anticipate a recommendation from the State prior to March 28. Therefore, the first time Plan Commission could meet on this issue would be April 13. She stated that if this held true; the public could anticipate a second reading and action on the ordinance on the May 3 Common Council Meeting. She stated that this was the City's best guess at this point as to how the process would progress.

Glenn Niederwerfer, 745 Lucas Lane, addressed the Council regarding Proposed Ordinance #7-05. Mr. Niederwerfer stated that he feels that the wording in the ordinance is too vague and could be construed as a prohibition on fire pits and smoky grills. He encouraged the Council to clarify the language in the ordinance and if they wanted to prohibit outdoor wood burners, then this should be spelled out. He stated that he was also concerned that the Council's focus was being wasted on issues such of this and that the real issues facing Jefferson were not being addressed.

Janet Werner, N4018 Highway Y, addressed the Council regarding the upcoming candidates forum. Ms. Werner stated that the Candidate Forum will be held next Wednesday, March 23 at 6:30pm in the Puerner Room at FCCU. She encouraged everyone to attend.

David Nevin, 122 North Pleasant Avenue, addressed the Council regarding Proposed Ordinance #7-05. Mr. Nevin noted that this country has been born and raised on wood heat and now the Common Council is looking to supersede the EPA by employing this ordinance. He added that he felt that it was shortsighted that the Council should be targeting the 10% of woodburners which actually meet the EPA standards. He encouraged the Council to forget their personal agendas.

John Powell, (Fire Chief) 111 North High Avenue, addressed the Council regarding Proposed Ordinance #7-05. Chief Powell questioned the proposed ordinance and stated that he felt that the City already has ordinances in place that can address these problems. He questioned who would

be responsible for the enforcement of the ordinance. He concluded by stating that he did not feel an additional ordinance was necessary and that the issues raised by these types of burners could be addressed with the City's existing ordinances.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding community pride. Ms. Lorbecki stated how wonderful it was to see all of the community support, pride and outpouring for the recent successes of the Girls Basketball Team. She stated that it was nice to see something so positive about Jefferson in the media. She asked that the Council choose to support the uniqueness of a small town just as its citizen's have. Lorbecki concluded by stating that the Council should pursue planning which fits its size.

Bill Koehler, Highway K, addressed the Council regarding an additional traffic study in relation to the potential location of a Wal-Mart in Jefferson. Mr. Koehler stated that the current proposed intersection at Ryan Road would cause many additional traffic problems, adding to an already stretched intersection at Collins Road. He then stated his opposition to the JDC Research Committee's assertion that the Committee did not receive information or participation from the Coalition. Mr. Koehler stated that he has given stacks of materials to the members. He stated that the Wal-Mart store is too big for Jefferson.

Alex Brower, N4398 Highway G-Fort Atkinson, addressed the Council regarding the recently passed bicycle ordinance and the proposed location of Wal-Mart in Jefferson. Mr. Brower thanked the Council for the passage of the bicycle resolution and encouraged the Council to keep Wal-Mart out of Jefferson. Mr. Brower stated that he had circulated a small petition at the high school that named students which were not in favor of a Wal-Mart Supercenter in Jefferson. He submitted the petition to the Clerk.

Tim Koehler, Highway K, addressed the Council regarding other potential business sources for Jefferson. Mr. Koehler provided the Council with a copy of a Farm Report that states the benefits of a biodiesel plant. He questioned why something like this could not be looked at for Jefferson.

Tricia Wagner, 521 East South Street, addressed the Council regarding the recently passed dog ordinance. Ms. Wagner questioned why the City was not enforcing the ordinances already in the Code. She stated that to try to get answers and clarification on the ordinance she had visited the Park, Recreation and Forestry Director to receive answers. She stated that she did not appreciate the treatment received from the Director and stated that she was insulted that the Director explained how the governmental process worked. She added that she is finishing her Masters Degree and didn't need to be talked down to. She asked that the Director's attitude be addressed. Ms. Wagner stated that the issue should be revisited because her rights are being taken away and she could not understand why she was being punished. She then added that the ordinance needs to be clarified, because she talked to all of the alderpeople and got multiple answers on whether or not she could have her dog at Fisher Field.

**PROPOSED ORDINANCE REQUESTING THE ANNEXATION OF LAND OWNED BY  
ROGER AND BEVERLY W. SHERMAN AND WILLIAM AND ALICE PINNOW**

Ald. Coffman introduced Proposed Ordinance #6-05 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #6-05**

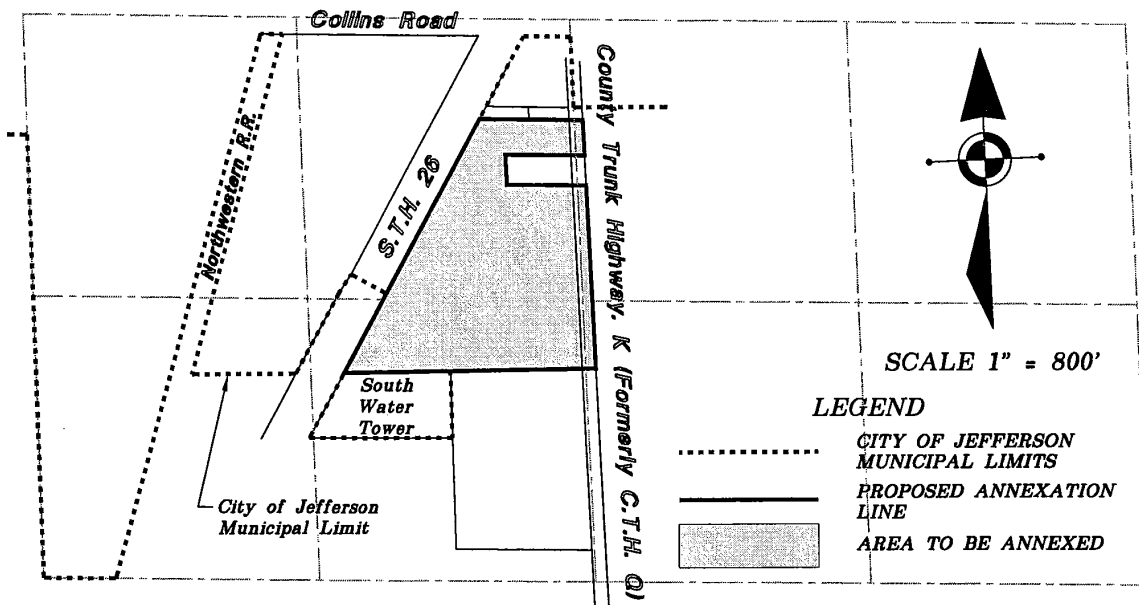
**ANNEXING TERRITORY FROM THE TOWNSHIP OF JEFFERSON**

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

**SECTION 1: Territory Annexed.** In accordance with s. 66.021 of the Wisconsin Statutes of 1989, the unanimous petition for direct annexation filed with the City Clerk on the 4th day of March, 2005, signed by the owners of all of the land in the territory (2 electors reside therein), the following described territory is in the Town of Jefferson, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

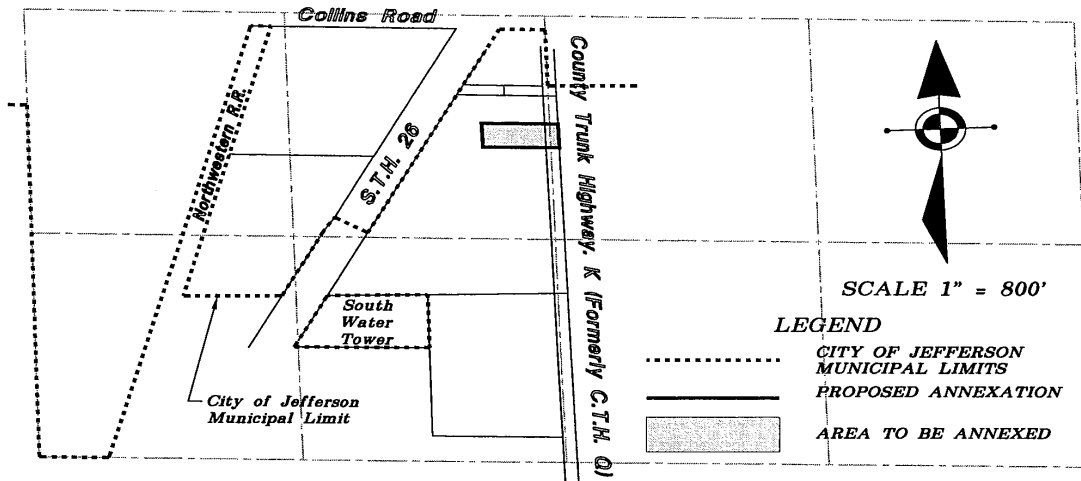
*Part of the North Half of Section 14, Township 6 North, Range 14 East, Town of Jefferson, Jefferson County, Wisconsin, described as follows:*

*Commencing at the Northeast corner of the Northwest Quarter of said Section 14; thence South 89 degrees 18 minutes 21 seconds East, a distance of 5.08 feet to the centerline of County Trunk Highway "K" (Formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the centerline of County Trunk Highway "K", a distance of 472.95 feet to the Point of Beginning; thence South 89 degrees 09 minutes 04 seconds East, a distance of 33.07 feet to the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 165.69 feet; thence North 89 degrees 23 minutes 47 seconds West, a distance of 381.07 feet; thence South 3 degrees 02 minutes 42 seconds East, a distance of 140.49 feet; thence South 89 degrees 29 minutes 30 seconds East, a distance of 380.56 feet to the East Right-of-Way Line of said County Trunk Highway "K" (formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 861.35 feet; thence South 89 degrees 11 minutes 24 seconds West, a distance of 1199.06 feet; thence North 28 degrees 27 minutes 43 seconds East, a distance of 1353.00 feet; thence South 89 degrees 12 minutes 38 seconds East, a distance of 237.54 feet; thence South 89 degrees 09 minutes 04 seconds East, a distance of 225.47 feet to the Point of Beginning, containing 943,176 square feet (21.652 acres), more or less.*



Part of the North Half of Section 14, Township 6 North, Range 14 East, Town of Jefferson, Jefferson County, Wisconsin, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 14; thence South 89 degrees 18 minutes 21 seconds East, a distance of 5.08 feet to the centerline of County Trunk Highway "K" (Formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the centerline of County Trunk Highway "K", a distance of 638.79 feet to the Point of Beginning; thence North 89 degrees 23 minutes 47 seconds West, a distance of 348.01 feet; thence South 3 degrees 02 minutes 42 seconds East, a distance of 140.49 feet; thence South 89 degrees 29 minutes 30 seconds East, a distance of 380.56 feet to the East Right-of-Way Line of said County Trunk Highway "K" (formerly C.T.H. "Q"); thence North 2 degrees 51 minutes 16 seconds West on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 139.83 feet; thence North 89 degrees 23 minutes 47 seconds West, a distance of 33.06 feet to the Point of Beginning, containing 53,274 square feet (1.223 acres), more or less.



**SECTION 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Jefferson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Jefferson.

**SECTION 3. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the 7<sup>th</sup> Ward of the City of Jefferson, subject to the ordinances, rules and regulations of the City governing wards.

**SECTION 4. Zoning Classification.** The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for zoning of the annexed area and submit its recommendations to the council.

**SECTION 5. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 6. Effective Date:** This ordinance shall take effect upon passage and publication as provided by law.

This is a first reading.

**AN ORDINANCE TO CREATE SECTION 10.03(8)(B) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO THE REGULATION OF EMISSIONS FROM THE USE OF OUTDOOR WOOD BURNING STOVES**

Ald. Bare introduced Proposed Ordinance #7-05 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE # 7-05**

An Ordinance to Create Section 10.03(8)(b) of the City of Jefferson Municipal Code Related to Nuisances.

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

**Section 1.** Section 10.03(8)(b) is hereby created as follows:

**10.03(8)(b) EMISSIONS FROM THE USE OF OUTDOOR WOOD BURNING STOVES.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly-ash, dust or other atmospheric pollutants within the City limits in such quantities as to endanger the health of ordinary sensibilities or to threaten or cause substantial injury to property in the City shall constitute a nuisance and will be treated as such.

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

This is a first reading.

**CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 117.

**CITY OF JEFFERSON  
RESOLUTION NO. 117**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for March 15, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for February and March 2005 in the amount of \$2,399.00 and \$158,288.60; Payroll Summary for March 4, 2005 in the amount of \$103,168.30.
- ◆ Council Minutes from March 1, 2005 Regular and Closed Session Meetings of the Common Council.
- ◆ Committee of the Whole Minutes from February 22, 2005.
- ◆ 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. 117. On call of the roll, motion carried unanimously.

**CANCELLATION COMMON COUNCIL MEETING**

Ald. Benka introduced Resolution No. 118.

**CITY OF JEFFERSON  
RESOLUTION NO. 118**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the regular Common Council meeting night of April 5<sup>th</sup>, 2005, is hereby cancelled.

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 118. Motion carried on a voice vote.

**RESOLUTION AUTHORIZING AUDIT AGREEMENTS WITH VIRCHOW KRAUSE AND COMPANY LLP**

Ald. Stewart introduced Resolution No. 119.

**CITY OF JEFFERSON  
RESOLUTION NO. 119**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby authorizes the City Administrator to enter into agreements with Virchow-Krause and Company to provide auditing services for the Single Audit Component and Tax Incremental District #5 status of funds.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 119. On call of the roll, motion carried unanimously.

**RESOLUTION ADJUSTING THE LOCAL PROPERTY INSURANCE FUND DEDUCTIBLE**

Ald. McGrath introduced Resolution No. 120.

**CITY OF JEFFERSON  
RESOLUTION NO. 120**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby leaves the Local Property Insurance Fund deductible at \$25,000 with an aggregate.

Ald. McGrath, seconded by Ald. Benka moved to recommend Resolution No. 120. On call of the roll, motion carried unanimously.

**RESOLUTION TERMINATING CONTRACT WITH COLLECTION EXPERTS AND APPROVE CONTRACT WITH RECOVERY SOLUTIONS**

Ald. Olsen introduced Resolution No. 121.

**CITY OF JEFFERSON  
RESOLUTION NO. 121**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that authorization be given to City Staff to terminate the agreement upon 30 day notice with Collection Experts of Brookfield, Wisconsin for EMS collections and contract with Recovery Solutions Inc. of Wauwatosa, Wisconsin for EMS collections.

Ald. McGrath stated that Resolution No. 121 was unanimously approved at the Ambulance Committee Meeting. McGrath added that the City does not make a cash payment to this agency, but that they take a percentage of anything collected.

Ald. Coffman stated that he didn't want to overburden the Police Department or the City Attorney, but questioned if they could be doing this collection.

City Attorney Brantmeier indicated that this is for collection that has moved past the capabilities of the Police Department and the Attorney. He stated that the EMS has already done a great job with using the Department of Revenue tax intercept program to collect a lot of the outstanding debt.

Ald. Olsen, seconded by Ald. McGrath moved to recommend Resolution No. 121. On call of the roll, motion carried unanimously.

**RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF THE LATE GERALD "JEFF" JEFFERY**

Ald. Wagner introduced Resolution No. 122.

**CITY OF JEFFERSON  
RESOLUTION NO. 122**

**WHEREAS**, God in his infinite wisdom and mercy, has chosen to call from his life, Gerald "Jeff" Jeffery, and

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

**WHEREAS**, Jeff served the City of Jefferson as an Alderperson for twelve years – two years as Council President.

**WHEREAS**, Jeff was a valued business leader and teacher for the community.

**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 Gerald “Jeff” Jeffery and that a copy of this resolution be sent to the bereaved family.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 122. The Council stood in a moment of silence in unanimous support of the resolution.

Ald. McGrath, seconded by Ald. Benka moved to adjourn the March 15, 2005 meeting of the Common Council. Motion carried unanimously on a voice vote.

The minutes of the March 15, 2005, meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.

**Please Publish: ASAP**

Need an affidavit

Not in the legal section