

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
JANUARY 18, 2005

The Tuesday January 18, 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. Bare, Ald. Olsen, Ald. McGrath, Ald. Benka, Ald. Gang, Ald. Coffman and Ald. Stewart. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Engineer Ludwig, and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Patti Lorbecki, 704 Windsor Terrace, addressed the Council regarding Wal-Mart. Ms. Lorbecki submitted three more pages of petitions supporting "No Wal-Mart". She stated that there is continual interest in the petition.

Glenn Niederwerfer, 745 Lucas Lane, addressed the Council regarding the wheel tax. Mr. Niederwerfer questioned all aspects of the wheel tax. He stated that he was not in favor of the tax, but believed that if it instituted everyone should have to pay it. He stated that he was confused by the different revenue projections that had been circulated and questioned which one was correct. He stated that he was concerned that this was going to become another pot of money for which the City is not accountable for, like the room tax.

Dale Oppermann, 1117 Hillebrand Drive, addressed the Council regarding the Cable Commission. Mr. Oppermann stated that he wished to thank all of the Commission members and other officials which have been so instrumental in making the televising a "reality". He recognized their dedication and time commitment to the cause. Mr. Oppermann than asked that the Council approve Resolution No. 96. He closed by thanking the Daily Union for their interest and support.

AN ORDINANCE TO CREATE SECTION OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO NATURAL LANDSCAPING

Ald. McGrath introduced Proposed Ordinance #1-05 for its first reading.

CITY OF JEFFERSON
PROPOSED ORDINANCE #1-05

An Ordinance to Create Section 12.19 of the City of Jefferson Municipal Code Establishing Prairies within the City's Municipal Boundary.

**THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN DO
ORDAIN AS FOLLOWS:**

Section 1. Section 12.19 is hereby created to allow Natural Landscaping within the City of Jefferson City Limits.

12.19 NATURAL LANDSCAPE MANAGEMENT PERMIT.

(1) **Definitions.** Natural landscape as used in this Section shall include common species of grass and wild flowers native to Wisconsin and/or ornamental plantings, which are designed and purposely cultivated to exceed eight (8) inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this ordinance and in the "Public Nuisances Affecting Health, Section 10.03(6)(b) of this ordinance. The growth of natural landscapes in excess of eight (8) inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this Section.

(2) Natural Landscape Management Plan Defined.

(a) Natural Landscape Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a landscape which meets the following requirements:

1. Proposed natural landscape is being requested.
2. A statement of intent and purpose for the landscape.
3. A detailed description of the types of plants and plant succession involved.
4. Specific management and maintenance techniques to be employed.
5. Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's Records.
6. Natural landscaping on any City owned property within any street right of way, is strictly prohibited. This shall include the property between the sidewalk and street and not less than ten (10) feet adjacent to the street where there is no sidewalk.
7. Natural landscapes shall not be permitted within three (3) feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
8. The property owner shall submit to the Planning Commission a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property.
9. In addition to those identified in Section 10.03(6)(b) of this ordinance,

the following noxious grasses or weeds will not be allowed in a natural landscape area:

COMMON NAME(S)	LATIN NAME(S)
Buckthorn	Rhamnus Cathartica Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Purple Loosestrife	Lythrum Salicaria
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifolia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitraba
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

- (b) All Property Owners who currently have natural landscapes must file for a permit and submit a plan as to be covered by this ordinance.
- (c) Natural Landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. Street Department, Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall

be required to cut the natural landscape within three (3) days upon receiving a written letter from the City of Jefferson's Weed Commissioner.

(3) **Landscape Committee.** The Mayor, subject to the approval of the Common Council, shall appoint a landscape committee consisting of three (3) persons who have expertise in the area of natural landscapes. The initial committee members shall be appointed for one, two and three year terms respectively, and thereafter all committee persons shall be selected to serve for a three year term.

(4) **Application for Natural Landscape Permit.** Property Owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Street Department, Attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Landscape Committee for permit approval. The property owner will be notified in writing by the City of Jefferson of approval or denial. If no notification is received within forty-five (45) days of property owners initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Street Department Weed Commissioner's Office for future reference.

(5) **Application for Appeal.** The property owner may appeal a decision to deny or revoke the natural landscape permit request to the Board of Appeals at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the natural landscape management plan. The decision rendered by the Board of Appeals shall be final and binding.

(6) **Penalty.** Enforcement will be upon written complaint by at least one adjoining owner and filed with the Jefferson Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Landscape Committee. If permitted property is determined to be in violation of the Natural Landscape Ordinance, the property owner shall be notified by the Landscape Committee and City of Jefferson Weed Commissioner by written notice to correct specific violations within fifteen (15) days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Jefferson shall order the property mowed and property owner will be billed, at the current rate for every hour worked, and the permit shall be revoked.

(Note: This ordinance is substantially taken from Sec. 9.09(d) of the City of Watertown's Municipal Ordinance.)

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

This is a first reading.

AN ORDINANCE TO RECREATE SECTION 1.04(14) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE COMPOSITION OF THE CABLE TELEVISION LOCAL ACCESS COMMISSION

Ald. Benka introduced Proposed Ordinance #2-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #2-05**

An Ordinance to Recreate Section 1.04(14) of the City of Jefferson Municipal Code Related to the Composition of the Cable Television Local Access Commission.

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

Section 1. Section 1.04(14) is hereby recreated as follows:

1.04 (14) CABLE TELEVISION LOCAL ACCESS COMMISSION. (Cr. #15-01) (Rcr. #2-05) (a) Composition. The Cable Television Local Access Commission shall be comprised of seven (7) members. Two members of the Commission shall be members of the Jefferson School Board or the Board's designee. The Jefferson School District Technology Director and the manager of the local access system shall service as ex-officio members. Two members of the commission will be members of the Common Council. Three members will be appointed by the Mayor and confirmed by the Common Council.

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

This is a first reading.

AN ORDINANCE TO CREATE SECTION 10.03(8)(B) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO PUBLIC NUISANCES – NOXIOUS ODORS

Ald. Bare introduced Proposed Ordinance #3-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #3-05**

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

THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN DO ORDAIN AS FOLLOWS:

Section 1. Section 10.03(8)(b) is hereby created to clarify Noxious Odors, etc.

(8) NOXIOUS ODORS, ETC. (a) Any use of property, substances, or things within the City emitting or causing any foul, offensive, noisome, nauseous or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.

(b) **The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly-ash, industrial dust or other atmospheric pollutants within the City limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the City. All industrial plants shall install smoke eradicators, which shall be in use during the hours of operation.**

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

This was a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 91.

CITY OF JEFFERSON RESOLUTION NO. 91

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for January 18, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2004 and January 2005 in the amounts of \$17,727.36, \$73,779.98 and \$58,267.55; Payroll Summary for January 7, 2005 in the amounts of \$104,756.23.
- ◆ Council Minutes from January 4, 2005 Regular and Closed Session Meetings of the Common Council.
- ◆ 2005 Contract for County Library Services.
- ◆ Licenses as Approved by the Regulatory Committee
 - ▣ Operator's Licenses
 - ▣ Special Class B Licenses

Ald. Coffman, seconded by Ald. Gang moved to remove the payment to the Wisconsin Arborist Association.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Amended Resolution No. 91. On call of the roll, motion carried unanimously.

AUTHORIZATION TO WRITE OFF DELINQUENT PERSONAL PROPERTY BILLS

Ald. Stewart introduced Resolution No. 92.

**CITY OF JEFFERSON
RESOLUTION NO. 92**

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
	Hanks Painting	22.46
	Jefferson Amoco	1,010.77
	Marlin Leasing	241.46
	P&R Production Machinery	544.70
	Randy's Salvage	224.62
	Tennyson Garage	238.66
	Subtotal	3,588.24
	TOTAL	<u>\$ 3,588.24</u>
<u>YEAR</u>	<u>PERSONAL PROPERTY</u>	<u>TOTAL DELINQUENT PRINCIPAL</u>
2003		
	Alpine Capital Corporation	151.58
	Bon Ton Bakery	691.02
	Hanks Painting	22.29
	Subtotal	864.89
	TOTAL	<u>\$ 864.89</u>

Ald. Wagner stated that he had personally contacted Bon Ton and Amoco and they both said they will pay

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution No. 92. On call of the roll, motion carried unanimously.

FISH PASSAGEWAY AT THE JEFFERSON DAM

Ald. Olsen introduced Resolution No. 93.

CITY OF JEFFERSON RESOLUTION NO. 93

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin the City of Jefferson will cooperate with the Wisconsin Department of Natural Resources to develop a fish passageway at the Jefferson Dam to promote the overall health and sport fishery of the Rock River;

BE IT FURTHER RESOLVED, that the Common Council of the City of Jefferson, Wisconsin and the Wisconsin Department of Natural Resources need to agree to a cooperative fish way system development and maintenance agreement; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Jefferson, Wisconsin approves in concept the draft design of a “Eureka” style fish passageway along the east bank upstream of the Jefferson Dam, accepts the responsibility to administer the construction of the project at no cost to the city, and acknowledges that project construction needs to begin in July 2005.

Don Bush and Laura Stremich-Thompson, Fisheries Biologists from the Department of Natural Resources then presented the proposed fish ladder for the City of Jefferson. He provided the Council with a schematic of proposed ladder. He stated that the DNR is specifically interested in the Rock River because it has been studied that species that live down river are not being found upstream. He added that the Rock River has been designated as the number one warm water fishery in Wisconsin. Funding of the project was then discussed, it was noted that it was anticipated that \$183,000 would be received in a Federal Grant, \$35,000 from damage funds and another \$32,000 from Fish segregated funds (fish licenses). After the presentation, the biologists entertained questions from the Council.

Ald. Wagner stated that he wanted a guarantee that the water would not narrow up for those individuals upstream. Mr. Bush stated that could not see how this project would make that happen.

Atty. Brantmeier asked how long the drawdown period would be for the project and what the effect would be on Lake Koshkonong. Mr. Bush stated that the drawdown would be scheduled for August of 2005. He stated that the drawdown could occur fairly quickly, but that the department would not want to see more than a one-foot drop per day. He stated that the river can be raised more quickly, however, if we are in times of low flow, he would estimate the process to take about a week. Discussion was also held on the types of public notification that would be used.

He stated that it is even possible that the successful bidder may be able to do the project wet making a drawdown unnecessary.

He stated that the effect on Lake Koshkonong would be immaterial, as water levels would remain fairly static.

Ald. McGrath stated his concern over the maintenance provision in the resolution. He asked what type of financial requirement the City would have. Mr. Bush stated that the City would be involved to the same extent that they are involved in current dam maintenance, such as log removal, etc. They added that the majority of the adjustments, etc to the ladder would be done by DNR personnel. Ald. McGrath added that his concern stems from the City's tight budget constraints and he did not want to add another burden to the City taxpayers.

Ald. Gang questioned if the Rock River Koshkonong Association had been made aware of the potential ladder and what their thoughts were on the project. Mr. Bush stated that he has been in contact with the group and that they are well aware of the potential project.

Ald. Bare then discussed the differential in water levels between the top of the fixed crest spillway and the inlet to the fish ladder. Mr. Bush indicated the fish ladder inlet was only 0.4' lower than the fixed crest spillway. The reason all the water doesn't flow through the fish ladder is because it is only 15' wide compared to the fixed crest, which is 130' wide. The fish ladder acts like a "straw" compared to the fixed crest spillway when you consider the volume of water flowing from Watertown. There will be enough flow for both areas even during normal low flows.

Ald. Olsen, seconded by Ald. Wagner moved to recommend Resolution No. 93. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A ¾ TON PICKUP TRUCK

Ald. Gang introduced Resolution No. 94.

CITY OF JEFFERSON RESOLUTION NO. 94

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator be authorized to purchase a 2005 ¾ ton pickup from Ewald's Chevrolet, Buick, Inc. of Oconomowoc in an amount not to exceed \$15,917.

Ald. Bare questioned why the disparity in vehicles types and cost.

Park, Recreation and Forestry Director Keller stated that every vendor submitting a bid were provided with the same specifications.

Ald. Gang, seconded by Ald. Benka moved to recommend Resolution No. 94. On call of the roll, motion carried by a vote of 6 to 2. Ald. Bare and Ald. Coffman cast the dissenting votes.

RESOLUTION AUTHORIZING THE PURCHASE OF A MOWER WITH SNOW BROOM ATTACHMENT AND HARD CAB

Resolution No. 95 was removed from the agenda.

RESOLUTION AUTHORIZING A LETTER OF INTENT TO THE SCHOOL DISTRICT OF JEFFERSON

Ald. Bare introduced Resolution No. 96.

**CITY OF JEFFERSON
RESOLUTION NO. 96**

BE IT RESOLVED, the Letter of Intent between the City of Jefferson and the Jefferson School District is approved. It is now time to begin broadcasting for the public good.

Ald. Wagner questioned why we were not just turning on one channel.

It was explained that Charter provides two channels free of charge and that it just makes sense for both of them to go on line at the same time.

Ald. Wagner stated that he was concerned that the cable franchise fee would someday be diverted to cover the costs of the operations of the televising. He stated that he was most concerned at this point to use these funds to offset the tax levy.

Ald. McGrath stated that the diversion of the franchise fee has not been requested by the Committee to this point. He stated that it will be up to future Council's as to what happens to these funds.

Ald. Olsen then questioned how quickly Council meetings could be televised.

It was indicated that the televising of meetings would take some capital input.

Committee Member Foust stated that the Council could request up to \$30,000 for the purchase of the needed equipment. He stated that if the Council chose to make this draw (the entire \$30,000) and if the cost was only amortized over the 6 to 7 years left in the current franchise agreement the cost per subscriber would only increase approximately \$.35 to \$.40 per bill. Foust stated that last year the bills increased by \$2.00 a month and he hadn't heard any criticism regarding this increase.

Ald. Bare asked what would be required to run private video, such as an advertisement. Foust responded that the City would need to purchase a "switcher" as well as several good grade

dvd/vhs players. He stated that little commercial clips would not be a possibility, but that longer programs, such as PBS runs, would be possible.

Ald. Bare stated that he thought the system should go full video. Foust responded that the Committee will take their direction from the Council.

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

Ald. McGrath, seconded by Ald. Gang 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. Stewart, seconded by Ald. McGrath moved to reconvene to Open Session. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn the January 18, 2005 meeting of the Common Council. Motion carried unanimously on a voice vote.

The minutes of the January 18, 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