

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

The Tuesday February 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. Gang, Ald. Benka, Ald. McGrath, Ald. Olsen and Ald. Stewart. Absent was: Ald. Bare. Also present were: City Administrator Bierma, City Attorney Brantmeier and City Engineer Ludwig.

**PUBLIC PARTICIPATION**

Colleen Locke, Chairman of the Police and Fire Commission, of 121 S. Main St, explained to the Council how much thought and consideration went into the hiring of the new Police Chief. They tested and interviewed two candidates. The position was offered to Gary Bleecker and he accepted.

Gary Haag, of 740 Browning Ave, stated to the Council that the Police Department supports Mr. Bleecker.

Roy Johnson, of 1027 N. Watertown Ave, addressed the Council about his support for the proposed No Domestic Animals in the Park ordinance. He wanted to know what was meant by walking areas set by the director and he was informed the area would be set with City approval only. He would like to see signs in Lubahn Park and would be willing to donate towards the signs.

Dale Kelmer, of 315 Center Ave, addressed the Council concerning his opposition to the proposed Domestic Animal in the Park Ordinance. He would like to see enforcement of the leash law and have the dog's owners cleanup after their dogs.

Glen Niederdorfer, of 745 Lucas Ln, addressed the Council suggesting stronger enforcement of the leash law.

Bill Pinnow, of N4043 Cty Trk K, addressed the Council concerning the need for more growth to build a larger tax base to help with taxes. He stated that we cannot have development stop and needed to have all kinds of development occurring.

**AN ORDINANCE TO PROHIBIT DOMESTIC ANIMALS WITHIN CITY PARK BOUNDARIES**

Ald. Gang introduced Proposed Ordinance #4-05 for its second reading.

**CITY OF JEFFERSON**  
**PROPOSED ORDINANCE #4-05**

An Ordinance to Create Section 9.34 of the City of Jefferson Municipal Code Related to Domestic Animals within City Park Boundaries.

**The Common Council of the City of Jefferson, Wisconsin Do Ordain as follows:**

**Section 1.** Section 9.34 is hereby created to allow only service animals under a person's control in City Parks, recreation areas, and any other properties under the jurisdiction of the city

**9.34 CONTROLLED ANIMALS WITHIN PARK BOUNDARIES**

- (1) It shall be unlawful for any person in a park, recreation area or any other properties under the jurisdiction of the City of Jefferson to allow any domestic animal, with the exception of service animals under that person's control to be present within any park or recreation area, other than those areas, which the Parks Director has designated for the purpose of walking animals. Any such animals shall be required to be on leash or under the owner's strict control and supervision. Under no circumstances shall any domestic animals be present at any recreation area, ballparks, skate parks, or other designated recreated areas. This ordinance does not prevent persons from having pets in marked pedestrian walks on public right-of-ways.
- (2) The owner or any person having control of an animal is also responsible for the removal and disposal of any excreta deposited by the animal upon any public or private property. It is unlawful for any person not to have in his/her immediate possession the appropriate means to remove said animal excreta. This section shall not be applicable in cases in which a person is being assisted by a service animal. The owner or persons having immediate control of an animal shall promptly remove, and dispose of, in a sanitary manner, any feces left or deposited by the animal upon public or private property not owned or possessed by such person.
- (3) **PENALTY FOR NON-COMPLIANCE.** (a) For the first violation, a fee in the amount of \$25.00 shall be assessed against the person, which shall be payable to the Police Department of the Notice of Violation. If the fee is not paid within 10 days or it is the person's second violation within one year, the violator shall be issued a municipal Summons with forfeiture to be \$50.00 plus all applicable court costs, fees, and assessments. Any subsequent offense shall subject the violator to the penalties provided in Section 25.04 of this code.
- (4) **PERMITS.** (a) If the City Parks Director or City designee designates parks or areas within City parks for domestic animal use, any user must first obtain a permit for use in such areas and follow the feces removal and other provisions of this section. Such permit shall cost \$10 per animal. Permit year shall be from January-December. Additionally, each animal must be currently licensed with the City of Jefferson per ordinance Section 12.07 of this code.

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

Ald. Wagner could not support it and felt that citizens should be responsible for their dogs.

Ald. Coffman questioned the usage of a Public Right of Way.

Ald. Olsen questioned the enforcement procedures to be used by the Police.

Ald. Benka felt that not all people are responsible for their dogs in the parks.

Ald. Gang felt that dogs did not belong in the City parks.

Ald. Gang, seconded by Benka moved to recommend Proposed Ordinance #4-05. On call of the roll, motion carried on a vote of 4 to 3. Ald. Olsen, Ald. Wagner and Ald. Coffman cast the dissenting votes.

**PUBLIC HEARING ON AN ORDINANCE TO AMEND THE ZONING CODE  
RELATING TO SIDEWALK SIGNS**

Mayor Stevens called the public hearing to order.

City Administrator Bierma read the Notice of Public Hearing.

He then gave an explanation of the proposed amendment to the Zoning Code.

Mayor Stevens then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Hearing from no one, Mayor Stevens closed the public hearing.

Ald. Olsen introduced Proposed Ordinance #5-05 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #5-05**

An Ordinance to Create Section 17.08(6)(g) of the City of Jefferson Municipal Code  
Establishing Sidewalk Signs.

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

**Section 1.** Section 17.08(6)(g) is hereby amended to allow sidewalk signs within the (BC) central commercial district under permit issued by Zoning Administrator

**Section 17.08(6)(g) SIDEWALK SIGNS**

1. Each permitted sidewalk sign shall not exceed 2' in width, or 30% of sidewalk width, whichever is greater, and not exceed 3' in height. No lighting shall be allowed on the sign. The sign shall be transferable and shall not be attached in any way. Signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement to less than 6'.

2. Each sidewalk sign permitted under this section shall be maintained and in good condition, shall be removed each day at the close of business, and be replaced or removed when the appearance of the sign deteriorates through damage, weathering, or other causes. It is also subject to removal at the direction of the Zoning Administrator.
3. As a condition of the sidewalk sign permit, each business owner agrees to indemnify the City of Jefferson from any and all injuries to any person or property directly or indirectly caused by their joint or severable negligence in any and all activities occurring on the paved sidewalk under this ordinance.

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

Ald. Olsen, seconded by Ald. McGrath to amend proposed Ordinance #5-05 to allow “Sandwich Signs in the BH Zoning District. On call of the roll, motion carried with a vote of 6-0. Ald. Coffman abstained from the vote.

Ald. McGrath, seconded by Ald. Benka moved to approve amended Ordinance #5-05. On call of the roll, motion carried with a vote of 6-0. Ald. Coffman abstained from the vote.

#### **AN ORDINANCE ESTABLISHING A FIRE APPARATUS REPLACEMENT FEE**

This item was removed from the agenda.

#### **CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 106.

#### **CITY OF JEFFERSON RESOLUTION NO. 106**

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

The consent agenda for tonight includes:

- ◆ Vouchers Payable for January and February 2005 in the amounts of \$3,111.20 and \$166,357.49; Payroll Summary for February 4, 2005 in the amount of \$105,904.41.
- ◆ Council Minutes from February 1, 2005 Regular and Closed 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. 106. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE PURCHASE OF A 2005 ZERO TURN RADIUS MOWER**

Ald. Benka introduced Resolution No. 107.

**CITY OF JEFFERSON  
RESOLUTION NO. 107**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to purchase a 2005 John Deere 997 from Proven Power for the amount not to exceed \$10,634.

**BE IT FURTHER RESOLVED**, that the following budget adjustment is hereby adopted and that funds will be expended from fund balance to offset this expenditure:

<b>BUDGET ITEM</b>	<b>ACCOUNT #</b>	<b>BUDGET</b>	<b>ADJUSTMENT</b>	<b>AMOUNT</b>
<b>Equipment</b>	01-55510-40-415	\$5,500.00	<b>\$10,634.00</b>	\$16,134.00

Ald. Benka, seconded by Ald. Stewart moved to recommend Resolution No.107. On call of the roll, motion carried on a vote of 6 to 1. Ald. Gang cast the dissenting vote.

**RESOLUTION AUTHORIZING 2005 BUDGET ADJUSTMENT FOR PURCHASE OF SELF DEFENSE EQUIPMENT**

This item was removed from the agenda.

**NARRATIVE FOR STORM WATER UTILITY**

Ald. Coffman introduced Resolution No. 109.

**CITY OF JEFFERSON  
RESOLUTION NO. 109**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that authorization is given to City Staff to apply for grant monies to study and plan for a possible Storm Water Utility and construction monies for repair of portions of our current system. The funds would come from the Targeted Runoff Management Program and Urban Nonpoint Source and Storm Water Management Grant Program.

Ald. Coffman, seconded by Ald. Gang moved to recommend Resolution No. 109. On call of the roll, motion carried unanimously.

**NARRATIVE FOR EHLERS AND TID**

Ald. Wagner introduced Resolution No. 110.

City Engineer Ludwig gave an overhead presentation explaining the proposed new boundaries for TIF 5.

**CITY OF JEFFERSON  
RESOLUTION NO. 110**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign a contract with Ehlers and Associates to amend the Project Plan for TID NO.2 in Order to Share Revenue with TID NO.5 in the City of Jefferson.

**BE IT FURTHER RESOLVED**, that the following budget adjustment is hereby adopted and that the expenditure be made from the TIF #2 Fund Balance:

<b>BUDGET ITEM</b>	<b>ACCOUNT #</b>	<b>BUDGET</b>	<b>ADJUSTMENT</b>	<b>AMOUNT</b>
Misc Expenditures	08-50000-30-310	\$0.00	\$6,500.00	\$6,500.00

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 110. On call of the roll, motion carried unanimously.

**AUTHORIZING BUDGET ADJUSTMENTS**

Ald. Stewart introduced Resolution No. 111.

**CITY OF JEFFERSON  
RESOLUTION NO. 111**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the following 2004 budget adjustments are hereby authorized:

<b>BUDGET ITEM</b>	<b>ACCOUNT #</b>	<b>CURRENT BUDGET</b>	<b>BUDGET ADJUSTMNT</b>	<b>REVISED AMOUNT</b>
<b><u>ELECTED REP.</u></b>				
Printing & Publication	01-51110-20-236	\$6,000.00	\$4,147.00	\$10,147.00
<b><u>GENERAL MISC.</u></b>				
WRS Unfunded Liab.	01-51910-70-730	\$0.00	\$360,253.00	\$360,253.00
Grant Proceeds	01-51910-70-735	\$0.00	\$500,000.00	\$500,000.00
<b><u>CODE ENFORCEMENT</u></b>				
Animal Control	01-52410-20-203	\$11,880.00	\$1,433.00	\$13,313.00
<b><u>EMS</u></b>				
Medical Supplies	01-52550-30-320	\$5,000.00	\$2,833.00	\$7,833.00

**MUSEUM**

Natural Gas                                    01-55120-20-256                            \$0.00                            **\$2,455.00**                            \$2,455.00

**RECREATION**

Operating & Prgrm Supp                    01-55210-30-342                            \$14,000.00                            **\$4,259.00**                            \$18,259.00

**PARKS DEPARTMENT**

Electric Water & Sewer                    01-55510-20-254                            \$6,000.00                            **\$2,067.00**                            \$8,067.00

<b>BUDGET ITEM</b>	<b>ACCOUNT #</b>	<b>CURRENT BUDGET</b>	<b>BUDGET ADJUSTMENT</b>	<b>REVISED AMOUNT</b>
Fund 8 – Rev Bnd Payment	08-50000-20-236	\$0.00	<b>\$13.00</b>	\$13.00
Fund 21 – Prin Ret.-97 GO	21-50000-61-614	\$105,000.00	<b>\$350,000.00</b>	\$455,000.00
Fund 21 – Prin Ret.-98 GO	21-50000-61-615	\$228,000.00	<b>\$152,000.00</b>	\$380,000.00
Fund 47 – Misc Expense	47-50000-30-350	\$0.00	<b>\$850.00</b>	\$850.00
Fund 65 – C Hall/Senior	65-50000-40-410	\$300,000.00	<b>\$694,522.47</b>	\$994,522.47
Fund 65 – Fort Com CU	65-50000-40-460	\$0.00	<b>\$212,497.43</b>	\$212,497.43

**BE IT FURTHER RESOLVED** that the above budget adjustments are funded out of the respective fund balances.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 111. On call of the roll, motion carried with a 6 to 1 vote. Ald. Gang cast the dissenting vote.

**AUTHORIZATION TO SIGN AN AMENDMENT TO THE ORIGINAL AGREEMENT WITH THE DOT FOR EAST AND WEST RACINE**

Ald. Benka introduced Resolution No. 112.

**CITY OF JEFFERSON  
RESOLUTION NO. 112**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign an amendment to the original agreement with the Department of Transportation for East and West Racine (STH 18).

City Engineer Ludwig explained the need for additional street width on portions of East Racine and Dewey for truck traffic to the Industrial Park.

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 112. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. Gang moved to adjourn to Closed Session Pursuant to Section 19.85(1)(e) to Discuss Employment and Compensation. On call of the roll, motion carried unanimously.

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

### **NARRATIVE SENIOR CENTER COORDINATOR**

Ald. Benka introduced Resolution No. 113.

#### **CITY OF JEFFERSON RESOLUTION NO. 113**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Senior Center Coordinator position would receive a salary increase from \$14.21 to \$15.25 based on her positive six-month review.

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 113. On call of the roll, motion carried unanimously.

### **POLICE CHIEF APPOINTMENT**

Ald. Coffman introduced Resolution No. 114.

#### **CITY OF JEFFERSON RESOLUTION NO. 114**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that Gary Bleecker will be appointed interim Police Chief effective February 5, 2005 and on March 28, 2005 will become Permanent Police Chief.

**BE IT FURTHER RESOLVED** the Police Chief position salary will be \$62,999 effective February 7, 2005.

Ald. Coffman, seconded by Ald. Benka moved to recommend Resolution 114. On call of the roll, motion carried unanimously.

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

The minutes of the February 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