

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**APRIL 19, 2005**

The Tuesday April 19, 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. Gang, Ald. Olsen, Ald. Benka, Ald. McGrath and Ald. Stewart. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

**PUBLIC PARTICIPATION**

Peg Beyer, 623 South Center Avenue addressed the Council regarding Proposed Ordinance #7-05. Ms. Beyer stated that she had received many comments regarding the ordinance and she asked that the Council consider defining “wood burner” before looking at approval of the ordinance.

Fire Chief John Powell, 111 North High addressed the Council regarding Proposed Ordinance #7-05. Chief Powell stated that he felt we were creating an ordinance on top of an ordinance. He stated that we currently have rules to enforce this and questioned why another ordinance was needed. He also questioned who would be responsible for the enforcement of the ordinance.

Janet Twist, 663 North Dewey Avenue, addressed the Council on several topics. First of all, Ms. Twist stated that crime is alive and well in Jefferson and Wal-Mart hasn't even arrived yet. She stated that a number of her campaign signs were stolen. She added that if she thought that it was a child's prank she could understand it, however, she stated that she knew better. Twist then noted that many people in the community including other business owners are in support of Wal-Mart but are afraid to speak up for the backlash that they would receive for their opinions. Twist touched on Wal-Mart topics such as traffic flow and how we need to have some of that traffic stop in Jefferson if we want to start growing. She concluded by thanking everyone who supported and voted for her and stated that as long as she has supporters she will keep running.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding Wal-Mart. She stated that she was at the Plan Commission meeting where the annexation petition was passed with little discussion and she stated that she wanted to caution the Committees. Ms. Lorbecki gave a rundown of the history of the Wal-Mart issue starting with Fort Atkinson's decline of the facility. Lorbecki reminded the Council that Wal-Mart has not provided the Council with a formal proposal yet and wondered what they are waiting for. She stated that after three years the Council should put an end to this and say that enough is enough. She asked the Council to continue putting forth their efforts for restoration of our historic downtown.

Dave Lorbecki, 714 Windsor Terrace, addressed the Council regarding Wal-Mart. Lorbecki stated that at the Plan Commission meeting the comment was made that the Township didn't have problem with the proposed annexation. He stated that this was untrue and that the township had passed a resolution opposing an annexation several years ago. He noted that this petition was forwarded to the State. Mr. Lorbecki addressed a future need to have an independent traffic study and the need for a non-biased opinion – which would not be paid by the City. Mr. Lorbecki stated that we have past mayor's that are not helping. He stated that under their

leadership new growth was not pursued and wondered why they were involved now. He stated that for the grand opening of his store his driveway was going to be ripped up and that he has paid for over \$43,000 in infrastructure. He stated that his motto has always been “what can I do for Jefferson today”. He wonders if other large retailers would share that same philosophy.

Ald. Dave Olsen stated that he had been contacted by Wal-Mart representatives and that he would be speaking with them tomorrow.

Nancy Haberman, 640 Masonic Boulevard, addressed the Council regarding the recent annexation action taken by the Plan Commission. Ms. Haberman noted that the requested annexation is in line with the Master Plan as adopted and agreed to by the Jefferson Common Council and Plan Commission. She added that the request is not tied to a specific business. She concluded by stating that the City is facing budget shortfalls and a good way to help make up the funding gap is by increasing the tax base through annexation.

### **MAYORAL PROCLAMATION**

Mayor Stevens read a proclamation naming April 25-May 1, 2005 as TV-Turnoff Week.

### **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 second 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.

Ald. Bare stated that he was in favor of the ordinance, but felt that Section 6 from the Sample Ordinance from the State of Wisconsin should be included as an addendum to the ordinance. He added that this ordinance is not to regulate backyard barbeque or fire pits. He stated that this ordinance solely addressed auxiliary heating appliances for the home. He stated that this

addresses wood burning furnaces and not “stoves”. After clarification, Ald. Bare, seconded by Ald. Gang moved to incorporate Section 6 from the model ordinance and the substitution of the word furnace for the word stove into Proposed Ordinance #7-05. They moved to amend the ordinance from its original reading.

Ald. Wagner asked who requested this ordinance.

City Attorney Brantmeier stated that he was asked to draft up an ordinance after the Plan Commission had received several complaints about the outdoor wood burners. The Plan Commission recommended that a draft ordinance be sent to the Common Council.

Ald. Wagner questioned who would be responsible for the enforcement of the ordinance. It was noted that enforcement would be done by the zoning administrator as he would be dealing with permitting the installation of the furnaces.

Ald. Bare stated that he found it difficult to believe that someone would invest so much money in an appliance that they would use for garbage. He added that they would be destroying their investment.

Ald. Gang stated that he believed that our current ordinances gave us some powers to regulate these types of furnaces already and that he could not support the elimination of them.

Ald. Wagner stated that he also would not be able to support the ordinance.

Ald. Bare stated that the air exchangers on new furnaces pull air at a low level from outside the home. He added that the outside wood burners come with a low chimney from the factory – he added that these types of fumes could then easily be pulled into a home thru their heating system.

After further discussion, Ald. Bare, seconded by Ald. Gang moved to recommend Proposed Ordinance #7-05. On call of the roll, motion was defeated by a vote of 6 to 2. Ald. Bare and Ald. Benka voted in favor of Ordinance #7-05.

**ORDINANCE TO CREATE SECTION 12.01(5)(M) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE ESTABLISHMENT OF A LICENSE INVESTIGATION PROCEDURE**

Ald. Coffman introduced Proposed Ordinance #8-05 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #8-05**

An Ordinance to Create Section 12.01(5)(m) of the City of Jefferson Municipal Code Establishing a License Investigation Procedure.

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

**Section 1.** Section 12.01(5)(m) is hereby created to establish a license investigation procedure.

**Section 12.01(5)(m) LICENSE INVESTIGATION.** The City Clerk/Treasurer shall notify the Chief of Police, Fire Chief and Building Inspector of all license applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the application and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the license. These officials shall furnish to the Regulatory Committee in writing the information derived from such investigation.

**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. 123.

### **CITY OF JEFFERSON RESOLUTION NO. 123**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 19, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for March and April 2005 in the amounts of \$1,022.23 and \$698,544.80; Payroll Summaries for March 18 and April 1, 2005 in the amounts of \$99,264.64 and \$107,514.04.
- ◆ Council Minutes from March 15, 2005 Regular Session Meetings of the Common Council.
- ◆ Licenses as Approved by the Regulatory Committee
  - ▣ Operator's Licenses
  - ▣ Special Class B Licenses
  - ▣ Jefferson Blue Devils – 6 Month Class B Beer License

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 123. On call of the roll, motion carried unanimously. Ald. Gang abstained from the approval of the minutes.

### **RESOLUTION AUTHORIZING A CONTRACT FOR THE ASPHALT PAVING OF RUTH DRIVE FROM GARITY TO HILLSIDE AND W. MILWAUKEE FROM TAFT TO WEST CITY LIMITS**

Ald. Stewart introduced Resolution No. 124.

**CITY OF JEFFERSON  
RESOLUTION NO. 124**

**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 B.R. Amon & Sons for \$68,806.65. The City will asphalt pave the following streets Ruth Drive from Garity to Hillside and West Milwaukee from Taft to West City limits on this contract.

Ald. Gang stated that he was happy that we were doing West Milwaukee Street but wanted to ensure that at least the binder coat would be put on before school started. City Engineer Ludwig indicated that all of the projects are slated to be done this year, but unfortunately we cannot control the weather. The best information that he could give was that every effort would be made to accomplish the work before that time.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 124. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING A TEMPORARY LEASE OF CITY RIGHT-OF-WAY**

Ald. McGrath introduced Resolution No. 125.

**CITY OF JEFFERSON  
RESOLUTION NO. 125**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that St. Marks Evangelical Lutheran Church of 324 South Sanborn Avenue, Jefferson Wisconsin has Authorization, contingent upon all conditions of the municipal code being met, to close the 300 block of South Sanborn on Saturday, May 14, 2005 from 6 a.m. to 6 p.m. for the purpose of a “Church Fair”. ~~The fee would be \$1.00 for Closing the Street as requested by the church.~~

City Administrator Bierma stated that in the past the fee has not been waived.

Ald. Gang stated that he did not have a problem with waiving the fee.

Ald. Wagner stated that approval of Resolution No. 125 was unanimous at Regulatory, but the fee was not discussed.

City Clerk/Treasurer Stewart stated that if the Council wished to waive the fee she would ask that the ordinance be amended so that her office had clear direction on whom to charge and who should have the fee waived.

Ald. Stewart stated that he did not feel that the fee should be waived, but added that he would personally pay for the fee (adding that St. Marks is his church).

Atty. Brantmeier stated that whatever the Council decides, the treatment needs to be consistent.

Ald. McGrath, seconded by Ald. Benka moved to amend the resolution leasing the right of way for \$1. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Benka moved to approve Amended Resolution No. 125. On call of the roll, motion carried unanimously.

Ald. Bare, seconded by Ald. Gang moved to adjourn the April 19, 2005 meeting of the Common Council. Motion carried unanimously on a voice vote.

The minutes of the April 19, 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