

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**MAY 3, 2005**

The Tuesday May 3, 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. Beyer, 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**

Kathleen Groskopf, 431 East North Street, addressed the Council on the resurfacing of the tennis courts. Ms. Groskopf encouraged the Council to approve Resolution No. 12.

Jim Van Lieshout, 229 Meadow Court, addressed the Council regarding the proposed annexation and Wal-Mart. Mr. Van Lieshout stated that he supports Wal-Mart, but that the issue is the 22+ acres that are proposed for the location. Mr. Van Lieshout stated that the solution lies in the 115+ acres that the County is looking to annex into the City. He stated that once this property starts coming into the City the world is our oyster. He stated that we need to do it right.

Chris Havill, 1121 South Main Street & 638 Fairway Circle, addressed the Council regarding the proposed annexation. Mr. Havill stated that the decision is not about Wal-Mart. He stated that the Council is obligated to listen to the people who have elected them and to do what is in the beset interest of Jefferson - not only in the short term, but the long term. He stated that the community needs to be provided conveniences that they do not have at this time. He stated that many Jeffersonians would like to shop in town, they would like more restaurants in town and would appreciate the convenience of being able to shop inside the City. He stated that the Council needs to think of the taxpayer and the increasing tax burden that is being placed on the average taxpayer due to the declining industrial and retail base in the City of Jefferson. Havill encouraged the Council to look past their personal and family bias and vote what is in the best interest of the majority of Jefferson residents. Havill concluded by stating that once the bypass is in and open, businesses in Jefferson are going to need a reason for people to get off of the bypass and travel thru town.

Jill Sireno, 427 East Linden Drive, addressed the Council regarding annexation and Wal-Mart. Ms. Sireno stated that she wished to thank the Council for their service. She stated that even though everyone wants the annexation issue to be separate from Wal-Mart the two are not separate. She stated that the City should have all of the information from Wal-Mart prior to a decision being made regarding annexation.

Joyce Kirkvold, 636 Riverview Court, addressed the Council regarding Wal-Mart. She stated that a recent article in the Milwaukee Journal noted the economic benefits of Wal-Mart's location in a community. She also cited passages from the article relating the State research on their impact.

Alex Brower, N4398 Highway G—Fort Atkinson, addressed the Council regarding Wal-Mart and annexation. Mr. Brower encouraged the Council to vote with the majority in Jefferson and vote against Wal-Mart and annexation.

Bob Giblin, N3725 Highway K, addressed the Council regarding Wal-Mart and annexation. Mr. Giblin addressed the City's Master Plan and the items that it states the City should avoid. He stated that the plan encourages cooperative agreements with Townships. He added that the store in the proposed location is bad. Giblin concluded by questioning how the property would be valued.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding annexation. She stated that in order for the City to grow, we need land. Twist added that additional traffic is needed to make our existing businesses thrive and encouraged the Council to vote YES to annexation. She added that a majority of residents and business owners want Wal-Mart, but are afraid of the criticism they would take if they spoke openly about it. She stated that also the Council should consider the opinions of the City residents, not township or other City's residents since they are the ones paying taxes.

Kevin Brumm, 422 North Sanborn and 124 West Rockwell, addressed the Council regarding annexation. Mr. Brumm presented a letter from 26 businesses in the City of Jefferson which endorsed the annexation of the proposed parcels. The businesses indicated their support of the Council's attempt at growth for the City of Jefferson. Mr. Brumm then read the names of the individuals/businesses signing the letter. A letter was provided to the Clerk as part of the official record.

Greg David, W4512 Riverdale Lane, Watertown, addressed the Council regarding Wal-Mart. Mr. David stated that he is a County Supervisor. He added that it is not easy to separate the annexation and Wal-Mart and indicated that he believed that the issue of Wal-Mart should be settled prior to annexation. He stated that Wal-Mart is an organization with sociopathic tendencies. He stated that among other deficiencies they also practice predatory pricing. He stated that his loyalty is to Jefferson County and that Wal-Mart is not in the best interest of family values.

Beth Gehred, 500 North Main Street--Fort Atkinson, addressed the Council regarding Wal-Mart. She stated that her and a group of other individuals were successful in keeping Wal-Mart out of Fort Atkinson and that the perceived benefits from a Wal-Mart Supercenter are not conclusive. She stated that the community needs to look beyond to a big picture. She stated that a framework needs to be decided first and then it needs to be determined if Wal-Mart fits into that. She introduced the "Natural Step" process to the Council.

David Nevin, 122 North Pleasant Avenue, addressed the Council regarding Wal-Mart. Mr. Nevin stated that he had heard that some Council people made the following comments: they were concerned that the watertower may tip if construction took place in the area and another said that he couldn't vote for the annexation because he had been a friend of someone who is opposed to it since he was three. Mr. Nevin concluded by stating he wondered if Piggly Wiggly would match the tax dollars and the employment numbers of a proposed Wal-Mart Supercenter.

Ken Pugh, 551 East Elm Street, addressed the Council regarding Wal-Mart. He stated that he could sympathize that the individuals living on Highway K wouldn't want the traffic. However, he stated that when he built his home it was on the edge of town and now he lives on a very busy thoroughfare. He stated that last Sunday afternoon, there was more traffic on his road than on Main Street downtown. He encouraged the Council to vote yes to annexation and help build business traffic for the City's businesses. He also questioned the Council's pending decision to switch newspapers and questioned why they would make a decision to move away from a paper that so many people in the City subscribe to. He questioned if the Council wanted the residents to know what is going on at City Hall.

Donna (unknown last name), W649 Hubbleton Road--Milford, addressed the Council regarding Wal-Mart. She stated that the issue of annexation and Wal-Mart cannot be separated. She added that she did not know why a community that stood behind the striking Tyson workers would want a Wal-Mart in their community. She added that she is the working poor and she still doesn't shop at Wal-Mart. She added that she buys directly from local merchants or farmers for those goods that she does not grow on her own. She encouraged the Council to promote community.

Charlotte Goers-Nevin, 122 North Pleasant Avenue, addressed the Council regarding the official newspaper. Ms. Goers-Nevin stated that she was discouraged that citizens of Jefferson were not getting a complete and accurate picture of what was happening in Jefferson from the Union. She stated that circulation was brought up as a reason why the City should not switch, but if they are getting inaccurate information anyways, then that is even a better reason to switch. She stated that it is time for change.

Jill Ottow, 307 Craig Street, Fort Atkinson, addressed the Council regarding the Council regarding Wal-Mart and annexation. Ms. Ottow stated that the community is a lot like a family and right now we are not listening to each other. She stated that she felt that there is a lot of work to do in the community and encouraged the City to enter into the Smart Growth Visioning Process as was done in Fort Atkinson. She stated that she found thru this process that she had a lot in common with people that she thought she would never agree with. She concluded by asking the Council to say not to Wal-Mart and annexation.

Roger Sherman, Petitioner of Land Requesting Annexation, addressed the Council regarding the proposed annexation. Mr. Sherman stated that the requested annexation and use are in compliance with the City's Master Plan. He stated that his family has owned the property in question for over 80 years and has provided the City with many opportunities for expansion. He stated that his family had to move from a dairy operation and diversify to maintain a standard of living. Mr. Sherman then went through a listing of business that his family has sold land to and added that these have continued to be a sustaining tax base for the City of Jefferson for many years. He also noted his family's cooperation with City when infrastructure needed to be put in place for the watertower and the development of the industrial land. He concluded by asking the Council to support the annexation.

Tim Bare, 217 Meadow Court, addressed the Council on several topics. Mr. Bare first addressed the official newspaper. He stated that the Council cannot control the editorial direction that a paper takes, however providing a medium such as the television of Council meetings would give

the viewer the ability to have an accurate read of the meeting. Next he stated that he wished to admonish staff for not moving the meeting to a larger area and not addressing the HVAC issue in the room. Mr. Bare indicated that he was not happy with the verbiage used when the annexation does not violated City's Master Plan and encouraged the Council to vote NO on the annexation at this time.

Pam Rockstroh, Highway K, addressed the Council regarding annexation and Wal-Mart. Ms. Rockstroh stated that for the sake of Jefferson the annexation should be voted down. She stated that many of pride in Jefferson and with good leadership the community has a lot of potential. She added that annexation is wrong at this time and questioned the message we would be sending to our children if we don't stand firm on this issue. Rockstroh concluded by stating that we need leaders with love for small towns and businesses that will compliment the City and not overwhelm it.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding annexation and Wal-Mart. Ms. Lorbecki stated that tonight's vote is not an annexation vote, but a Wal-Mart vote. She added that the Big Box ordinance is in the pocket of Wal-Mart and that crucial issues such as traffic and drainage have not been thoroughly discussed. Lorbecki added that Wal-Mart would change the character of Jefferson and encouraged the Council to vote NO.

David Lorbecki, 714 Windsor Terrace, addressed the Council regarding Wal-Mart. Mr. Lorbecki provided the Council with an article that addressed the medium income of Jefferson residents. He added that the proposed annexation could drop this number drastically keeping Jefferson in a lower income bracket for years. He then noted that Wal-Mart needs \$42 million in sales to keep this store running - he added that there is not enough money in Jefferson and the surrounding areas to support this store. He encouraged the Council to vote NO to the annexation.

Chris Nash, 675 North Marion Avenue, addressed the Council regarding annexation and Wal-Mart. Mr. Nash stated that a YES vote would be a vote for the future of Jefferson. He noted that years ago, the business and industrial climate of Jefferson rivaled that of Watertown and other larger surrounding cities. He stated that Wal-Mart should not be part of the annexation decision. Rather the annexation vote should be a vote for growth. Nash added that the smart growth plan calls for an outward growth - just as being requested. He added that the City would not be able to forcibly annex this property in the future using eminent domain unless it would be used for a needed public purpose. Nash concluded by stating that the master plan says yes to this development and so should the Council.

Tom Rockstroh, N3878 Highway K, addressed the Council regarding annexation and Wal-Mart. Mr. Rockstroh stated that his home is right across the road from the proposed Wal-Mart. He stated that Wal-Mart's are all around us and we should look for something unique for Jefferson. He asked the Council to not wreck the quality of life in Jefferson and protect the rights of the walkers and bikers that use Highway K.

Leslie LaMuro, 316 Craig Street—Fort Atkinson, addressed the Council regarding annexation and Wal-Mart. Mr. LaMuro addressed how beautiful Highway K is and how a Wal-Mart on the edge of Jefferson is just too close to home for Fort Atkinson residents.

Nancy Haberman, 640 Masonic Boulevard, addressed the Council regarding annexation. Ms. Haberman stated that tax dollars were used to hire a professional firm to develop a Master Plan for the City. This document was then approved and adopted by both the Plan Commission and Common Council. She noted that the Plan Commission and Common Council has also both adopted a Big Box Ordinance. Haberman continued by stating that the proposed annexation could add an additional \$8 Million dollars to the tax roll. She noted that the City needs to become proactive instead of reactive and that they need to rely on the opinions and views expressed by the Mayor appointed, Council approved boards. She encouraged the Council to vote YES to the annexation ordinance.

Jim Van Lieshout, 229 Meadow Court, then readdressed the Council regarding the appointment of the City's official newspaper. Mr. Van Lieshout asked that the Council reappoint the Jefferson County Daily Union.

Janet Twist, 663 North Dewey Avenue, then readdressed the Council regarding Wal-Mart and the annexation. Ms. Twist stated that we should remember that Fort Atkinson already has Pick-N-Save and Walgreens. She then added that the voices of the Jefferson residents should speak more to the Council then those of individuals who do not pay City taxes or live in other communities. She concluded by stating that if they had to continually pay the increasing tax burden being placed on Jefferson residential taxpayers they too would be committed to the annexation.

Jill Sireno, 427 East Linden Drive, then readdressed the Council regarding Wal-Mart. Ms. Sireno stated that Wal-Mart is more than a Jefferson issue and therefore surrounding community members should have a voice. She added that the JDC was given an opportunity to vote on this issue as well, but some of them do not live in the City limits either.

Bill Koehler, Highway K, then addressed the Council regarding Wal-Mart and annexation. He stated that he had presented a petition to the Common Council of township residents who live along Highway K that do not want to see their road destroyed. He added that many feel that there is enough traffic on Highway K and that the petition represented approximately 85% of the residents along the road. Koehler stated that the proposed Wal-Mart should not be shoehorned in on the proposed annexation site as it leaves no room for additional retail growth. He added that the Town is opposed to a SuperCenter and believes that a proposed Wal-Mart would not gross the \$42 million needed yearly in sales to support the store. Mr. Koehler asked that the Council continue with the Daily Union.

William Pinnow, Highway K – Petitioner of the Land Requesting the Annexation, then addressed the Council regarding annexation. Mr. Pinnow stated that Fort Atkinson did not turn down Wal-Mart they turned down the site proposed by Wal-Mart and offered them a different parcel of land. Mr. Pinnow stated that several of the speakers this evening are opposed to the annexation and proposed Wal-Mart because they just built a new home across the road. Mr. Pinnow questioned how you could build a home on the City limits next to vacant land and not expect future growth. He stated that if Jefferson waits until the bypass is developed and additional land is available, Wal-Mart may not be interested in Jefferson. Mr. Pinnow asked that the Council vote YES to his petition.

Tim Koehler, Highway K, then addressed the Council regarding Wal-Mart and annexation. Mr. Koehler stated that he owns the property immediately adjacent to the proposed annexation site. He stated that the property is landlocked because he will never sell. Mr. Koehler then presented another article on a bio-diesel plant to the Common Council.

Mark Bardenwerper, Sr., 708 West Main Street, Whitewater, addressed the Council regarding the annexation. Mr. Bardenwerper stated that he thinks Jefferson has done a fantastic job with the downtown, but the City is missing industry. Now Jefferson wants Wal-Mart instead and he stated that that is very short sighted. He stated that Jefferson needs ideas not Wal-Mart.

**MAYORAL PROCLAMATION**

Mayor Stevens read a proclamation naming May 15-21, 2005 as Emergency Medical Services Week.

**MAYORAL PROCLAMATION**

Mayor Stevens read a proclamation naming May 23-30, 2005 as Buckle Up America Week.

**PRESENTATION: OPEN MEETING LAWS**

Removed from the agenda.

**ANNEXATION OF LAND OWNED BY ROGER W. SHERMAN & BEVERLY A. SHERMAN AND WILLIAM & ALICE PINNOW**

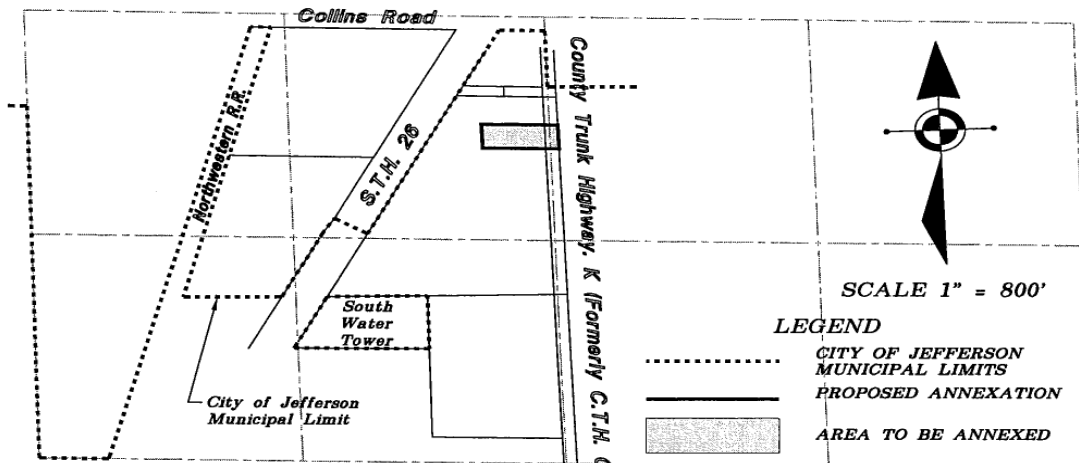
Ald. Gang introduced Proposed Ordinance #6-05 for its second reading.

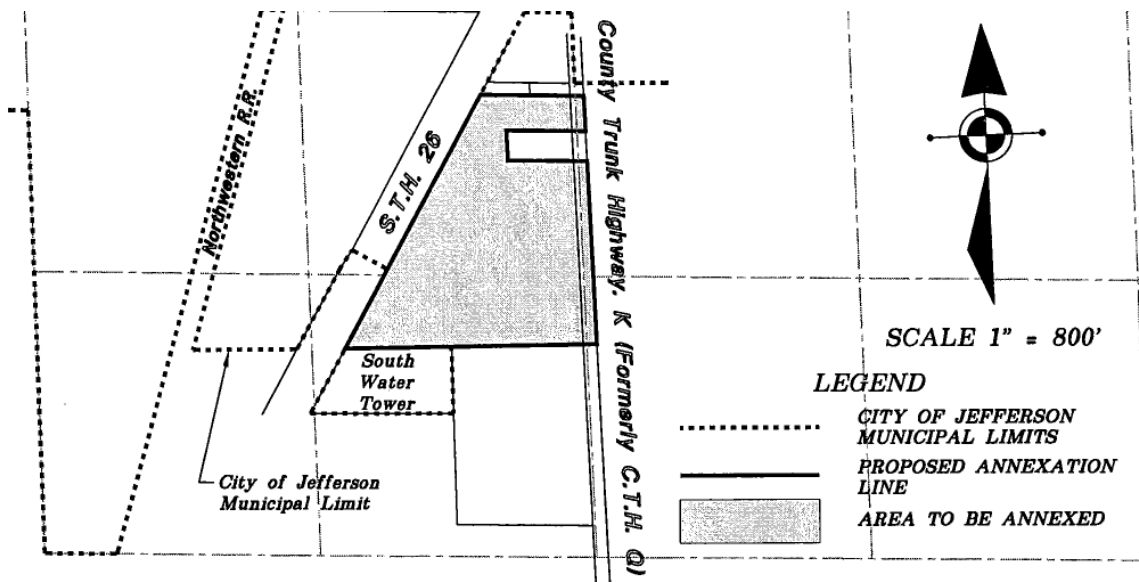
**CITY OF JEFFERSON  
PROPOSED ORDINANCE #6-05**

**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. 66.0217 of the Wisconsin Statutes of 2004, the unanimous petition for direct annexation filed with the City Clerk on the 4th day of February, 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,





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.

Wisconsin, is annexed to the City of Jefferson, Wisconsin:

**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. A temporary zoning classification of BHN is being recommended from the Plan Commission.

**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.

Ald. Wagner stated that in his 19 years on the Council the City has never said no to annexation. He stated that this is not about Wal-Mart, but building the City's tax base. Wagner stated that he had also spoke with Wal-Mart and stated that they are not completely opposed to cutting the building size. Wagner stated that this annexation needs to be approved so that Jefferson can move forward.

Ald. Beyer questioned if this was spot zoning. City Engineer Ludwig indicated that the zoning across Highway 26 is currently zoned the same. Ald. Beyer stated her concern that this was creating an island of township land in the City. City Engineer Ludwig indicated that there is a finger of land that travels down Highway K that keeps the land from becoming an island.

City Attorney Brantmeier also indicated that the State Review of the proposed annexation did find that it was in compliance with State annexation laws and that it was in the public's interest.

Ald. Beyer noted her concern over the proposed temporary zoning placed upon the parcels. She made a motion to change the temporary zoning to Agriculture. Motion died for a lack of a second.

Ald. Gang stated that over the last 2 ½ years he has gone back and forth on this issue. He questioned where we have grown over these last 2 ½ years. He stated that this upcoming budget cycle the City will have a minimum shortfall of \$300,000 and where are these dollars going to come from. The taxpayers cannot continue to take increases – both residential and existing business. He stated that the City has to find a better balance.

Ald. Olsen stated that this is a difficult issue and he wished to thank those members of the public that were in attendance. He stated that when he ran for alderperson he campaigned that he would ask for a referendum vote on the Wal-Mart issue. He stated that he fulfilled his promise, but it was voted down by the remainder of the Council. Olsen noted that he previously stated that if walked down the street and talked to 20 people regarding Wal-Mart he would have 10 for and 10 against. However, he stated that he pulled out a list of residents he contacted during his campaign and began calling them he stated that they were against Wal-Mart by a 2 to 1 margin. He stated that he would not be able to support the annexation.

Ald. Wagner stated that Plan Commission was unanimously in favor of the annexation and the Jefferson Development Commission was also in favor of the annexation. He stated that the annexation will make Jefferson better.

Ald. McGrath stated that for anyone who has followed his voting history, he has never supported any action that has come to the Council without a plan. He stated that he could therefore not support the annexation.

Ald. Gang asked the Council what we are going to do next fall (referring to the 2006 budget).

Ald. Olsen stated that he was looking to Council President Gang for leadership.

Ald. Gang stated that we should annex. He added that by calling only people that supported your (Ald. Olsen's) campaign you found a way to vote no.

Ald. Benka stated that he too had been struggling with the annexation issue. He stated that one of his biggest questions is if Wal-Mart would consider the bypass area. He stated that we are trying to separate an issue that is very closely tied together and it is difficult because of the City's need for additional land. He then addressed the County's willingness to annex 600 acres into the City limits of Jefferson and questioned why the Council was hesitant to do so and we hadn't acted sooner. He concluded by stating that he found it hard pressed to see that the proposed area for annexation is the best spot for the proposed Wal-Mart.

Ald. Gang, seconded by Ald. Wagner moved to recommend Proposed Ordinance #6-05. On call of the roll, motion was defeated by a vote of 5 to 3. Ald. Wagner, Ald. Coffman and Ald. Gang cast votes in favor of #6-05.

**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 second 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.

Ald. Wagner stated that approval of Proposed Ordinance #8-05 was unanimous at Regulatory Committee.

Ald. Beyer stated that Fire Chief Powell was in agreement with the Ordinance.

Ald. Coffman, seconded by Ald. Beyer moved to recommend Proposed Ordinance #8-05. On call of the roll, motion carried unanimously.

**ORDINANCE TO CREATE SECTION 1.04(16) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE CREATION OF A LMI LOCAL REVOLVING LOAN FUND REVIEW COMMITTEE**

Ald. McGrath introduced Proposed Ordinance #10-05 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #10-05**

An Ordinance to Create Section 1.04(16) of the City of Jefferson Municipal Code Related to the Creation of a LMI Revolving Loan Fund Review Committee.

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

**Section 1.** Section 1.04(16) is hereby recreated as follows:

**1.04 (16) LMI Revolving Loan Fund Review Committee.** (Cr. #10-05) (a) Composition. The LMI Revolving Loan Fund Committee shall be comprised of five (5) members. The composition shall be as follows: a local attorney, two financial institution representatives, the City Administrator and a Council Representative. An alternate Council Representative shall also be appointed.

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

Ald. McGrath, seconded by Ald. Benka moved to recommend Proposed Ordinance #10-05. On call of the roll, motion carried unanimously.

**DESIGNATING AN OFFICIAL NEWSPAPER**

Ald. Stewart introduced Tabled Resolution No. 2.

**CITY OF JEFFERSON**

## **RESOLUTION NO. 2**

**BE IT RESOLVED** that the Watertown Daily Times is hereby designated the official newspaper of the City of Jefferson for publication of Common Council proceedings and legal notices for the ensuing year.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 2.

City Administrator Bierma added that the Watertown Times has an additional 112 papers that are sold daily in Jefferson and the Union has an additional 300 papers which are sold daily in Jefferson.

Ald. Wagner, seconded by Ald. Beyer moved to amend Tabled Resolution No. 2 to read the Jefferson County Daily Union. On call of the roll, motion failed by a vote of 5 to 3. Ald. Wagner, Ald. Beyer and Ald. Olsen voted in favor of the amendment.

Ald. Beyer stated that during her campaign, she continually heard that the Council needed to be more open. She stated that she could not support changing to an official paper with such a low circulation rate within the City limits. She stated that regardless of the Union's personal opinions on issues it is too important for the public not to see the minutes and public notices and therefore she could never support the switch. Ald. Beyer stated that she did not feel that the Council should dictate what paper the public should buy. She concluded by stating that the Council must support the circulation numbers.

Ald. Stewart stated that by selecting the Union, the Council is dictating that that is the paper they should buy – it works both ways.

Ald. Olsen stated that the Council should select by circulation and not the editorial page. He concluded by stating that picking the Daily Times is petty.

On call of the roll, motion carried by a vote of 5 to 3. Ald. Wagner, Ald. Beyer and Ald. Olsen voted against selection of the Watertown Daily Times.

## **CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 9.

## **CITY OF JEFFERSON RESOLUTION NO. 9**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 3, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for May 2005 in the amount of \$92,709.28 Payroll Summary for April 15, 2005 in the amount of \$98,609.58.

- ◆ Council Minutes from April 19, 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. Olsen then offered an amendment to the April 19, 2005 Organizational Minutes, the motion was seconded by Ald. Coffman. Motion carried on a voice vote.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Amended Resolution No. 9. On call of the roll, motion carried unanimously.

**RESOLUTION AMENDING , DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN AND BOUNDARY AMENDMENT FOR TAX INCREMENTAL DISTRICT NO. 5**

Ald. Olsen introduced Resolution No. 10.

**CITY OF JEFFERSON  
RESOLUTION NO. 10**

**A RESOLUTION AMENDING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN AND BOUNDARY AMENDMENT FOR TAX INCREMENTAL DISTRICT NO. 5, CITY OF JEFFERSON, WISCONSIN**

**WHEREAS**, the overall development of the City of Jefferson is recognized as a major need of the City; and

**WHEREAS**, Tax Incremental District No. 5 (the "District") was created by the City of Jefferson in 2001 to include new development opportunities. The proposed amendment will include additional costs estimates and projects that were above the amounts estimated and not included in the original plan; and

**WHEREAS**, in order to promote additional development, the City is amending the District No. 5 to include additional projects and update costs for projects previously proposed, but not completed; and

**WHEREAS**, the City desires to amend the District, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public improvements and other project costs within said District and thereby amend incentives and opportunities for appropriate private development, which will contribute to the overall development of the City; and

**WHEREAS**, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on April 27, 2005 held a public hearing concerning the proposed amendment and boundaries of the District and proposed Project Plan Amendment thereof in the City of Jefferson, wherein interested parties were afforded a reasonable opportunity to express their views; and

**WHEREAS**, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Jefferson County, the Jefferson School District, and the Madison Area Technical College District, and the other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

**WHEREAS**, after said public hearing, the Plan Commission amend the boundaries of the proposed District and recommended to the City Council that it amend such District within the area enclosed by said boundaries, as specified in the boundary description attached to this resolution as Exhibit A hereof, and entitled "Boundary Description of Tax Incremental District No. 5 Amendment, City of Jefferson", and

**WHEREAS**, the Plan Commission has prepared and adopted a Project Plan for Tax Incremental District No. 5's Amendment which includes:

1. A statement listing the kind, number and location of all proposed public works or improvements within such district;
2. Contains a detailed list of estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
3. Includes a map showing amended boundaries;
4. Contains a description of the methods of financing all estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
5. Shows proposed changes of:
  - a. Zoning ordinances
  - b. Master amendment
  - c. Map
  - d. Building codes
  - e. City codes;
6. Contains a list of estimated non-project costs;
7. Contains a statement of the proposed method for the relocation of any person to be displaced;

8. Indicates how the amendment of the District promotes orderly development of the City; and

**WHEREAS**, the Plan Commission has submitted such Project Plan Amendment to the City and recommended approval thereof;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Jefferson as follows:

1. Pursuant to the Tax Increment Law, there is hereby amended in the City of Jefferson, as of January 1, 2005, a District to be know as "Tax Incremental District No. 5, City of Jefferson", the boundaries of which shall be those recommended to the City Council by the Plan Commission, as specified in the attached Exhibit A, and;
2. The City Council hereby finds and declares that the improvement of such area is likely to enhance the value of all of the other real property in the said District;
3. The equalized value of taxable property of the said District plus the value increment of all existing districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.

**BE IT FURTHER RESOLVED THAT** the City Council of the City of Jefferson approves the amendment to the Project Plan adopted by the Plan Commission, attached as Exhibit B, and finds that:

1. Such Project Plan Amendment for the District in the City is feasible, and;
2. Such Project Plan Amendment is in conformity with the master plan of the City.

The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2005, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

#### **EXHIBIT A - BOUNDARY DESCRIPTION**

*Found Behind Resolution as Exhibit*

**EXHIBIT B - PROJECT PLAN**

*Found Behind Resolution as Exhibit*

Dave Wagner of Ehlers and Associates then gave a mini presentation of the proposed TIF Plan. City Engineer Ludwig outlined the proposed amendment to the district and gave a small presentation on the projects that are outlined in the plan.

Ald. McGrath then questioned the inclusion of LMI properties within the district and questioned how that fit into the TIF Plan. He indicated his concern over default on the properties and the City would receive tax revenues if this happened.

Atty. Brantmeier clarified that the City always receives the tax revenue from the Council. Dave Wagner of Ehlers added that the only taxes that the City may not receive would be from Personal Property.

Ald. Beyer then questioned the number of amendments that could be made and questioned if the Main Street Bridge should be included in the district boundaries.

Dave Wagner stated that he was unsure if the bridge would meet the necessary criteria for inclusion, but added that this could be looked into.

Ald. Olsen, seconded by Ald. McGrath moved to recommend Resolution No. 10. On call of the roll, motion carried unanimously.

**THANKING PAST UTILITY COMMISSION CHAIRPERSON NELSON FOR HIS SERVICE ON THE UTILITY COMMISSION**

Ald. Benka introduced Resolution No. 11.

**CITY OF JEFFERSON  
RESOLUTION NO. 11**

**WHEREAS**, The City of Jefferson has a Utility Commission to govern its water and electric operations

**WHEREAS**, Ken Nelson of Jefferson Wisconsin has been an active member and President of the governing board of the Jefferson Utilities Commission

**WHEREAS**, Ken Nelson after 20 years of faithful service has decided to relinquish his position on the commission

**BE IT RESOLVED**, that the Common Council of the City of Jefferson, Wisconsin does hereby thank Ken Nelson for his dedicated service as a member of the Jefferson Utilities Commission

Ald. Benka, seconded by Ald. Olsen moved to recommend Resolution No. 11. Motion carried unanimously by a round of applause.

**TENNIS COURT RESURFACING FOR STOPPENBACH PARK**

Ald. Beyer introduced Resolution No. 12.

**CITY OF JEFFERSON  
RESOLUTION NO. 12**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the Parks, Recreation and Forestry Director is hereby authorized to purchase Sport Court tiles from Sport Court of Milwaukee at a not to exceed price of \$42,900.

Ald. Stewart stated that approval of the Resolution was unanimous at Finance Committee and that the project is budgeted for.

Ald. Gang added that the City would also be receiving two new nets.

Ald. McGrath stated that he wasn't clear why the \$12,000+ for Munson Tennis Courts had not been included in the resolution and questioned the dollar amount.

It was then explained that Park, Recreation and Forestry Director had solicited two different types of quotes for the "restoration" of the courts. It was noted that the Sport Court was what was being recommended by the Commission – not the restoration by Munson.

Ald. Beyer, seconded by Ald. Gang moved to recommend Resolution No. 12. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING BUDGET ADJUSTMENT**

Ald. Stewart introduced Resolution No. 13.

**CITY OF JEFFERSON  
RESOLUTION NO. 13**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the City Council hereby authorizes the following budget adjustment and that the funds shall come from the General Fund Fund Balance:

<b>BUDGET ITEM</b>	<b>ACCOUNT #</b>	<b>BUDGET ADJUSTMENT</b>	<b>AMOUNT</b>
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**FUND 01**

Carnegie Building Annex	01-55120-50-500	\$0.00	<b>\$3,159.50</b>	\$3,159.50
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Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 13. On call of the roll motion carried unanimously.

**RESOLUTION APPROVING THE 2006-2010 CAPITAL IMPROVEMENT PLAN**

Ald. Gang introduced Resolution No. 14.

**CITY OF JEFFERSON  
RESOLUTION NO. 14**

**BE IT RESOLVED** that the Common Council of the City of Jefferson, Wisconsin does hereby accept the Capital Improvement Program Budget for the years 2006-2010 for the City of Jefferson, Wisconsin

Ald. Gang, seconded by Ald. McGrath moved to recommend Resolution No. 14 for discussion.

Ald. Coffman stated that before discussion began, he would recommend tabling the resolution. He stated that he believes that the plan is a great tool, but he had just received the plan in the packet and had not had a chance to review it and speak with Department Heads.

Ald. Gang stated that because this is the blueprint for spending, a lot more discussion is needed on this. He stated that the Committee needs to be involved in the plan as well.

Ald. Coffman, seconded by Ald. Olsen moved to recommend the tabling of Resolution No. 14. On call of the roll, motion carried unanimously.

**RESOLUTION ALLOWING BT2 TO PREPARE A CLOSURE REPORT FOR THE FUEL OIL TANK REMOVAL AT THE WASTEWATER TREATMENT PLANT**

Ald. Olsen introduced Resolution No. 15.

**CITY OF JEFFERSON  
RESOLUTION NO. 15**

**BE IT RESOLVED**, that the Common Council of the City of Jefferson, Wisconsin does hereby enter into a Change Order Agreement with BT2. The Change Order Agreement will provide a Closure Report and notify appropriate agencies of the results

Ald. Gang asked if this put an end to the contamination issue at the Plant.

Administrator Bierma stated that this point an end to the contamination issue at the Plant, but not the contamination issue from the fuel tanks.

It was noted that funds to clear up the contamination issue were removed from the 2005 Budget.

Ald. Olsen, seconded by Ald. Gang moved to recommend Resolution No. 15. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Benka moved to adjourn to Closed Session Pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss the Sale of City Property. On call of the roll, motion carried unanimously.

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

### **SELLING PROPERTY IN THE NORTH INDUSTRIAL PARK**

Ald. Olsen introduced Resolution No. 16.

### **CITY OF JEFFERSON RESOLUTION NO. 16**

**BE IT RESOLVED**, that the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to enter into an agreement for commission to be paid, 10% not less than \$2,000 per acre, to Colliers Barry of Milwaukee upon sale of land in the North Industrial Park to an Industrial Client.

Ald. Olsen, seconded by Ald. Benka moved to recommend Resolution No. 16. On call of the roll, motion

Ald. McGrath, seconded by Ald. Benka moved to adjourn the May 3, 2005 meeting of the Common Council. Motion carried unanimously on a voice vote.

The minutes of the May 3, 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