

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
MAY 17, 2005

The Tuesday May 17, 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

Tim Bare, 217 Meadow Court, addressed the Council regarding the proposed annexation. Mr. Bare stated that the motion to approve the annexation would not be approved and therefore he encouraged the Mayor to remove the reconsideration item from the agenda. He stated that we could save 1-½ hours tonight and the same in two weeks. He concluded by stating that the Council is wasting everyone's time on both sides of the issue and encouraged the removal of the reconsideration item from the agenda.

Robert Mercer, 216 South Whitewater Avenue, addressed the Council regarding Wal-Mart. Mr. Mercer stated that he did not feel that this community would even benefit by \$10,000 from Wal-Mart. He added his concern that the environmental runoff hadn't been considered or discussed. Mercer noted that he did not believe that the store would gross enough income to stay open and then we would be dealing with a large empty building. He stated that we have enough empty buildings and that the City has gone backwards in the last 25 years. Mercer concluded by stating that the taxpayers cannot afford higher taxes.

Robert Mero, 739 West Racine Street, addressed the Council regarding the proposed rezoning in the vicinity of 721 West Racine Street. Mr. Mero pleaded with the Council to look at the proposed parcel of land to be rezoned prior to taking action.

Nancy Haberman, 640 Masonic Boulevard, addressed the Council regarding the building of a tax base. Ms. Haberman stated that a recent article in the Janesville Gazette had cited comments from the City Administrator in Milton. He stated that a municipality must build a balanced tax base, noting that a tax base of only residential developments create a taxing nightmare. He stated that the tax burden should be spread across residential, commercial and industrial developments to create a more proportionate balance in taxation.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding the reconsideration of Annexation. Ms. Twist thanked Ald. Benka for his change of heart on the annexation issue. She stated that she hoped the other Councilpersons would also come to the same conclusion. Twist added that Jefferson needs to annex property to expand its tax base and help shift some of the tax burden away from the residential taxpayers. She reiterated that she believes that the majority of Jefferson residents are even in favor of a Wal-Mart, but do not want to risk public ridicule for their beliefs. She encouraged the Council to support the reconsideration of the annexation and added that Wal-Mart has a lot of other hurdles to overcome before it could ever become a reality for Jefferson.

Charlotte Goers-Nevin, 122 North Pleasant Avenue, then read a letter on behalf of Ms. Mary Ellen Ganser, 870 North Dewey Avenue. Ms. Ganser stated that over the weekend she participated in an informal phone survey that solicited opinions regarding additions to the City's tax base (including the possible addition of a Wal-Mart into the community). She stated that the majority of people are in favor of growth and realize the need for additional lands for growth in the City. She stated that the growth of the North Industrial Park and the additional traffic that it brought by her home impacted her greatly—however, she stated she bit her tongue because she realized the greater benefit was in the tax dollars to be raised and the job creation involved. She stated that the existing businesses can compete by being competitive and encouraged the reconsideration of the annexation vote for Jefferson. Ganser encouraged the Council not to bend to the vocal minority or their own personal agendas.

Patti Lorbecki, 714 Windsor Terrace, then addressed the Council regarding the annexation and Wal-Mart. Ms. Lorbecki stated that she left two weeks ago being cautiously optimistic, however that had now changed. She quoted Ald. Benka and indicated his change of heart related to the emphasis of the annexation being focused upon Wal-Mart and not on the potential growth of Jefferson. Ms. Lorbecki stated that she did not understand how the two could be separated since the annexation request itself came from a Wal-Mart representative on their letterhead. She questioned how the vote for annexation could not be a Wal-Mart vote when so many people and sources continually refer to the two in the same vain. She questioned if the JDC had even pursued any other type of development for the are in the three years since this proposal came about. She also added that one of the petitioners of annexation stated that they would only annex if Wal-Mart was allowed into the City. Lorbecki concluded by stating that the annexation issue is a Wal-Mart issue and encouraged the Council to vote no.

Tim Bare, 217 Meadow Court, then addressed the votes needed for the reconsideration.

At this time, Atty. Brantmeier clarified that the vote for reconsideration only required a simple majority and that the Mayor could break a tie in the event of one. He added that if legal opinion had also been verified by the Wisconsin League of Municipalities legal counsel Claire Silverman.

MAYORAL PROCLAMATION

Mayor Stevens read a proclamation for the Jefferson High School Girls Basketball State Champions. The girls and their coach were then congratulated and proclamations presented to the players. Their accomplishment was noted by a round of applause from all those in attendance.

PRESENTATION: OPEN MEETING LAWS

Removed from the agenda.

PRESENTATION: PADA

A representative from PADA indicated that originally it was the intention of the organization to apply for a street closure for a Poker Run. She indicated that the plans of the organization had changed that the request was no longer needed.

RECONSIDERATION: MOTION TO RECONSIDER THE VOTE ON PROPOSED ORDINANCE #6-05 FOR THE ANNEXATION OF LAND OWNED BY ROGER & BEVERLY W. SHERMAN AND WILLIAM & ALICE PINNOW FROM THE TOWNSHIP OF JEFFERSON INTO THE CITY OF JEFFERSON

Ald. Benka, seconded by Ald. Wagner moved to reconsider the vote on Proposed Ordinance #6-05 for the annexation of land owned by Roger & Beverly W. Sherman and William & Alice Pinnow from the Township of Jefferson into the City of Jefferson.

Ald. Wagner stated that this is a vote for annexation and not Wal-Mart.

Atty. Brantmeier indicated that that this is only a vote to reconsider action on the annexation – not a vote for annexation. He added that a simple majority of the Council is required to reconsider the vote and that if passed, per his instructions, the item would reappear on the first meeting in June. Brantmeier added that this would afford enough time for the Council to act before the 120-day window on the annexation would expire in early July. He then clarified a story that appeared in the Daily Union and indicated that his statements lacked additional clarification that he needed to be made. He reiterated that the story was published per the information given, but additional clarification needed to be made to make the story factual.

Ald. Benka stated that his reconsideration came from the basis that he felt he placed too much emphasis on the Wal-Mart aspect of the decision and not enough on the need for additional tax base and revenues for the City. He stated that he is well aware of the City's financial position and the burden on the residential taxpayers and therefore felt the issue needed to be revisited.

Ald. Beyer questioned the June 6th meeting with Wal-Mart. She asked City Administrator Bierma to explain the proposed meeting. Bierma indicated that the meeting would be considered pending the outcome of tonight's reconsideration vote. Beyer stated that she would vote in favor of reconsideration this evening provided a few questions could be answered prior to the June 7th vote on the actual annexation. Beyer indicated that she would like to see all of the documents requested by the Plan Commission prior to a vote on annexation. She encouraged this information so the Council could make an informed decision and move on.

On call of the roll, motion carried by a vote of 6 to 2. Ald. McGrath and Ald. Stewart cast the dissenting votes.

ANNEXATION OF LAND OWNED BY THE COUNTY OF JEFFERSON

Ald. McGrath introduced Proposed Ordinance #11-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #11-05**

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 6th day of May, 2005, signed by the owner of all of the land in the territory (no electors reside therein), the following described territory is in the Town of Jefferson, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

Being part of the SW1/4 of Section 10, and part of the NW1/4 of Section 15, T6N R14E.

Commencing at the North ¼ corner of Section 15, T6N R14E, as the Point of Beginning; Thence S01°37'42"E, 59.89 feet to the right of way line of C.T.H. "W"; Thence S46°24'36"W, along said right of way, 219.98 feet to a point of curvature; Thence along the arc of a curve, having a radius of 1333.00 feet and a chord bearing of S33°31'56"W 594.18 feet, to a point of tangency; Thence S20°39'16"W, along said right of way, 523.11 feet; Thence S17°34'18"W, along said right of way, 1305.28 feet; Thence N34°19'57"W, 1507.89 feet; Thence N12°16'55"W, 1370.49 feet; Thence N00°44'50"W, 684.74 feet to the centerline of C.T.H. "J"; Thence N80°43'24"E, along the centerline of C.T.H. "J", 1805.82 feet; Thence N69°22'44"E, along the centerline of C.T.H. "J", 436.05 feet to the North-South ¼ line of Section 10; Thence S01°07'35"E, along the North-South 1/4 line of Section 10, 1273.21 feet to the Point of Beginning. Containing 114.77 acres. (Includes a portion of CSM 4104, Jefferson County Records)

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 6th Ward of the City of Jefferson, subject to the ordinances, rules and regulations of the City governing wards.

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

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or

applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

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

This was a first reading.

AN ORDINANCE TO AMEND SECTION 17.04(2)(B) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE REZONING OF A PARCEL IMMEDIATELY NORTH OF 721 WEST RACINE STREET

Ald. Olsen introduced Proposed Ordinance #12-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #12-05**

An ordinance to amend Section 17.04(2)(b) of the Municipal Code of the City of Jefferson related to rezoning.

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

Section 1. Section 17.04(2)(b) of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by deleting the following area from RM (Multi Family Residential) to BH (Highway Commercial):

Description: Being Lots 20 & 21, Kemmeter Gardens, City of Jefferson, Jefferson County, WI

Parcel #: 241-0614-0344-031

Address: North (Behind) of 721 West Racine Street

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

This is a first reading.

AN ORDINANCE TO CREATE SECTION 12.15(1)(G) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE WAIVER OF RIGHT-OF-WAY RENTAL FEE FOR NON-PROFIT ENTITIES

Ald. Stewart introduced Proposed Ordinance #13-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #13-05**

An Ordinance to Create Section 12.15(1)(g) of the City of Jefferson Municipal Code Establishing the Waiver of Right-of-Way Rental Fee for Non-Profit Entities.

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

Section 1. Section 12.15(1)(g) is hereby created to Establish a Wavier of Right of Way Rental Fee for Non-Profit Entities.

Section 12.15(1)(g). Beginning, January 1, 2005 non-profit entities shall be exempt from the payment of rental fee for the temporary lease of City right of way, as established yearly by the Common Council. In lieu of the rental fee; all non-profit entities shall be required to make a \$1.00 lease payment per permit and comply with all other provisions of this section.

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. 17.

**CITY OF JEFFERSON
RESOLUTION NO. 17**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 17, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April and May 2005 in the amount of \$469.00 and \$255,097.54 and Payroll Summary for April 29, 2005 in the amount of \$99,651.14.
- ◆ Council Minutes from May 3, 2005 Regular and Closed Session Meetings of the Common Council.
- ◆ 2005 Petition for County Highway Aids
- ◆ 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. 17. On call of the roll, motion carried unanimously.

RESOLUTION INCREASING THE EMS ANNUAL UNIFORM ALLOWANCE

Ald. Benka introduced Resolution No. 18.

**CITY OF JEFFERSON
RESOLUTION NO. 18**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin, that the EMT’s Uniform Allowance Structure will be the following:

Number of Hours EMT is on Call	Uniform Allowance Paid
Up to 1500 Hours	\$75.00
Over 1500 Hours	\$150.00

Ald. Benka indicated that approval of Resolution No. 18 was unanimous at Finance Committee. He stated that this did not represent and increase in allowance, but more so a restructuring based upon hours and not calls – a more equitable was to afford the allowance. It was indicated that the financial impact is approximately \$250 and that it was budgeted for in the 2005 budget.

Ald. Benka, seconded by Ald. Beyer moved to recommend Resolution No. 18. On call of the roll, motion carried unanimously.

RESOLUTION ACCEPTING PROPOSAL FOR JULY 3RD, 2005 FIREWORKS DISPLAY

Ald. Beyer introduced Resolution No. 19.

**CITY OF JEFFERSON
RESOLUTION NO. 19**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Parks, Recreation and Forestry Director is hereby authorized to accept the proposal from Five Star Fireworks in the amount of \$4,500 for the services to provide a firework display on July 3 at Pitzner Parkway in the City of Jefferson.

Ald. Stewart indicated that Resolution No. 19 was unanimously approved at Finance Committee.

Ald. Beyer, seconded by Ald. Benka moved to recommend Resolution No. 19. On call of the roll, motion carried unanimously.

REQUEST FOR GRANT FROM CHARTER CABLE

Ald. Gang introduced Resolution No. 20.

**CITY OF JEFFERSON
RESOLUTION NO. 20**

**A RESOLUTION TO REQUEST
A CAPITAL EQUIPMENT GRANT FROM CHARTER CABLE**

WHEREAS, the ongoing development of the City of Jefferson's two public access channels on Charter Cable is recognized as a public benefit of the City; and

WHEREAS, the November 1997 franchise renewal agreement allows for a capital equipment grant of up to \$30,000; and

WHEREAS, the Cable Television Local Access Commission has recommended the Common Council's approval for a 15-cent per-month public access fee to be added by Charter Cable to subscriber bills as soon as possible;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jefferson that the City Administrator be instructed to make the request to Charter Cable to place this public access fee on subscriber bills, and for the funds to be made available to the Cable Television Local Access Commission for the initial purchase of capital equipment for the two channels.

Ald. McGrath stated that the Cable Commission voted to only request \$6,000 for the two remaining years on the Cable Franchise Agreement. He stated that this would amount to a \$.15 increase per month per subscriber for the next two years. McGrath added that is was the Commission's understanding that the Commission would receive a lump sum check and Charter would recover the funds over the next two years.

Ald. Gang asked where the equipment would be stored and who it would belong to.

Ald. Benka stated that the equipment would be store in the JEDI room at the high school. He stated that ownership and responsibility for the equipment has been addressed in writing through the Cable agreements with the school.

Ald. Gang, seconded by Ald. McGrath moved to recommend Resolution No. 20. On call of the roll, motion carried unanimously.

RESOLUTION ACCEPTING PROPOSAL FOR BACKSTOP FENCE AT RIVERFRONT PARK

Ald. Beyer introduced Resolution No. 21.

**CITY OF JEFFERSON
RESOLUTION NO. 21**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Parks, Recreation and Forestry Director is hereby authorized to accept the proposal from Century Fence in the amount of \$10,162 to provide a backstop fencing at Riverfront Park and to work with the Little League Booster Club to provide the additional work to improve the adult softball diamond.

Ald. Beyer stated that the installation of the fence and renovation of diamond three at Riverfront Park would be done in coordination with the Little League Booster Club. She stated that the originally \$10,000 had been budgeted for sidewalk at Riverfront Park, however, these funds had been redirected for use on the fencing project. She stated that the renovation of this diamond would allow for greater use of the diamond for the 13&14 year olds and the High School.

Ald. McGrath questioned the “private line locating” in the quotation. Director Keller stated that the City would be contacting Diggers Hotline and that the service comes at no cost to the City.

Ald. Beyer, seconded by Ald. Gang moved to recommend Resolution No. 21. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE BRICKYARD SUBDIVISION DEVELOPER’S AGREEMENT

Ald. Coffman introduced Resolution No. 22.

**CITY OF JEFFERSON
RESOLUTION NO. 22**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin, that the City Administrator is hereby authorized to enter into a Development Agreement for the Brickyard Subdivision, David J. Rorge Developer.

Ald. Stewart questioned what fees would be charged for this and the other developers agreement on the agenda tonight.

City Attorney Brantmeier indicated that these agreements would fall under the City’s old fee structure.

City Attorney Brantmeier then stated that he wished to have verbiage included in Section 8.6 to read “as funds are available in the TIF”, basically “pay as you go” wording. He stated that if the Council wished he would see that the Administrator added the appropriate wording to the document.

Ald. Gang, seconded by Ald. McGrath moved to amend Section 8.6 per City Attorney Brantmeier’s suggestions. On call of the roll, motion carried unanimously.

Ald. Gang questioned Section 5.9 of the agreement dealing with the final lift of the asphalt. He stated that he wished the document had more teeth.

City Engineer Ludwig indicated that Section 10.1 of the agreement addresses the issuance of permits and the completion of the roadway.

Ald. Beyer questioned if the Fire Chief was OK with the planned cul-de-sacs. City Attorney Brantmeier indicated that he was in agreement.

Ald. Coffman, seconded by Ald. McGrath moved to recommend Amended Resolution No. 22. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE RIVER WALK PHASE II AND III SUBDIVISION DEVELOPER'S AGREEMENT

Ald. Olsen introduced Resolution No. 23.

**CITY OF JEFFERSON
RESOLUTION NO. 23**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to enter into a Development Agreement for Phase II and Phase III of the RiverWalk Subdivision, Marc Rhodes Developer.

Ald. Gang stated that he would like to see Regulatory entertain action to limit truck traffic to Watertown Avenue and Star Road, eliminating it from Lucas Lane and Witte Drive. Ald. McGrath seconded the motion. On call of the roll, motion carried unanimously.

Ald. Coffman questioned the construction of Star Road. City Engineer Ludwig stated that the road was to be constructed when 80% of the lots had been sold. However, the lots did not sell as quickly as anticipated and therefore the road was not constructed as we had all anticipated. Ludwig commented that now close to 100% of the lots had been sold and that Mr. Rhodes was pursuing completion of Star Road.

City Attorney Brantmeier then offered the following amendments to the Developer's Agreement:

Section 5.2(a) – The Developer shall be required to pay the hookup fee for Riverwalk I prior to project commencement.

Section 5.11 – The Developer shall be required to pay for Street Signage

Section 10.1 – Reference should be made to Riverwalk II & III, not I

Section 5.7 – Street Trees should be \$200 per tree

End of Document – Correct Administrator and Attorney names should be used

After discussion, Ald. Coffman, seconded by Ald. Benka moved to recommend the City Attorney's amendments to the Developers Agreements and asked that he work with the Administrator to get them incorporated. On call of the roll, motion carried unanimously.

Ald. Olsen, seconded by Ald. Gang moved to recommend Amended Resolution No. 23. On call of the roll, motion carried unanimously.

RESOLUTION TO INCREASE PARK FEES

Removed from the agenda.

RESOLUTION TO ESTABLISH ENGINEERING FEES

Ald. Stewart introduced Resolution No. 25.

**CITY OF JEFFERSON
RESOLUTION NO. 25**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the following fees will be attached to Engineering Services of the City:

- | | |
|--|--------------------------------------|
| (1) Site Plan Review | \$200.00 |
| (2) Reviewing a Certified
Survey Map for City | \$500.00 |
| (3) Lateral inspection | \$100.00 (effective January 1, 2006) |
| Each Add'l Trip | \$25.00 |
| (4) Reviewing Plats | \$100.00 per lot |

Ald. McGrath then questioned the fees and who would be paying them.

Ald. Gang stated that the fees had been suggested to cover the time that the City Engineer actually puts into reviewing these documents.

Ald. Olsen asked what the financial impact of these fees would be.

City Attorney Brantmeier stated that the City shouldn't be looking at these fees as to the financial impact that they would have rather if they are reasonable, justifiable and well substantiated.

Ald. Gang stated that the fees are being imposed to cover our actual costs. He stated that the City Engineer shouldn't be doing non-City engineering work without a cost.

Ald. Beyer then questioned the number of lots that could potentially be added to the City.

City Engineer Ludwig gave a rundown of the projects on the horizon that are "known" at this time.

City Attorney Brantmeier stated that currently the City charges \$500 for FINAL CSM approval for extraterritorial plats. He questioned if the resolution should be reworded to reflect that.

City Engineer Ludwig indicated that even though this resolution is not worded as such the only time we would have the teeth for collection would be at the final approval.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 25. On call of the roll, motion carried unanimously.

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

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

HIRING OF A POLICE OFFICER

Ald. Coffman introduced Resolution No. 26.

CITY OF JEFFERSON RESOLUTION NO. 26

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to hire Alan Richter as a Full-time Police Officer for a starting pay rate of \$18.09 in accordance with the WPPA/JPPA Union Contract.

BE IT FURTHER RESOLVED, that the starting date shall be June 1, 2005.

Ald. Wagner stated that he would not support the resolution because he felt that the candidate from the Jefferson area had more experience.

Ald. Coffman, seconded by Ald. Benka moved to recommend Resolution No. 26. On call of the roll, motion carried by a vote of 7 to 1. Ald. Wagner cast the dissenting vote.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn the May 17, 2005 meeting of the Common Council. Motion carried on a voice vote.

The minutes of the May 17, 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