

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
AUGUST 2, 2005

The Tuesday August 2, 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. Benka, Ald. McGrath, and Ald. Stewart. Ald. Olsen arrived at 7:40 p.m. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Engineer Ludwig and Dep.City Clerk/Treasurer Baumann.

PUBLIC PARTICIPATION

Andy Weber, 303 Maple Grove Drive addressed the issue of the shooting range. He is in the beginning phase of the new manufactured/modular home development near the shooting range and compost site. He has safety and liability concerns with the location of the range in regard to the location of the homes. He believes the costs of relocation of the range would be minor as compared to the revenue generated, in tax base, with the addition of these homes. The safety of citizens is his first concern.

Dean Probst, N4976 Hwy. 26 also spoke of the danger of the range in relation to the location of his home. For 40 years he has been silent about his fear of being shot by a stray bullet. He now wants to join the residents of the park in voicing his opposition to the range location, the noise and the danger.

Bob Roepke, 51 Maple Grove Drive implored the Council to give this matter due consideration. He has lived at this location for 18 years. The noise is secondary to the danger.

Patti Lorbecki, 714 Windsor Terrace, addressed the aldermanic recall. She questioned the cost and what really would be gained.

Bill Koehler, N3881 Cty. K asked if the County did not have property that could be used for a range. In regard to the recall issue, he stated we are a democracy and it appears to him that if you are not a "yes man", you are out of office.

Bill Pinnow, N4043 Cty. K, sited that the Wal-Mart issue was favored unanimously in Plan Commission, 1600 signatures were garnered in favor of the business, JDC voted in favor of it, 30 businesses spoke in favor of it and three people stopped it. He felt that nobody knew there would be public input at the June 6, 2005 Council meeting. He stated Ald. Olsen was initially in support of the issue and then voted against it.

Ald. Peg Beyer, 623 S. Center Ave. asked to speak.

Ald. Olsen called a point of order indicating it was not proper for a member of the public body to comment during public participation. He said he had a League opinion. Atty. Brantmeier was not aware of this and it had been past practice, even prior to his tenure, to allow anybody to speak. Mayor Stevens then allowed Ald. Beyer to speak.

Ald. Beyer stated her discontent with being misquoted. She presented her views on the recall and the democratic process.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 46.

**CITY OF JEFFERSON
RESOLUTION NO. 46**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for August 2, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for August 2005 in the amount of \$200,053.87 and Payroll Summary for July 22, 2005 in the amount of \$110,199.96.
- ◆ Council Minutes from the Regular Common Council Meeting July 19, 2005 and Closed Minutes from July 19, 2005.
- ◆ 2005-2006 Facilities Use Agreement with School District.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses (New)
 - ◆ Special Class B Licenses

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 46. On call of the roll, motion carried unanimously, with Ald. McGrath and Ald. Gang abstaining.

RESOLUTION APPROVING INCLUSION OF THE CITY OF JEFFERSON UNDER THE STATE OF WISCONSIN DEFERRED COMPENSATION PLAN

Alderman Stewart introduced Resolution No. 47.

**CITY OF JEFFERSON
RESOLUTION NO. 47**

BE IT RESOLVED, by the Common Council of the City of Jefferson that pursuant to the provisions of Section 40.81(1), Subchapter VII of Chapter 40 of the Wisconsin Statutes, which provides in part as follows:

“An employer other than the State may provide for its employees the Deferred Compensation Plan established by the Board under Section 40.80. Any employer, including this state, who makes the Plan under Section 40.80 available to any of its

employees shall make it available to all it employees under procedures established by the department under this chapter.”

Such Common Council hereby determines to be included under the State of Wisconsin Deferred Compensation Plan provided by Section 40.80 Subchapter VII of Chapter 40 of the Wisconsin Statutes and regulated by Chapter ETF 70 of the Wisconsin Administrative Code for its eligible personnel, and

BE IT FURTHER RESOLVED, the proper officers are herewith authorized and directed to take all actions and make such reductions and submit such deferrals as are required by the Department of Employee Trust Funds of the State of Wisconsin pursuant to Subchapter VII of the Chapter 40 of the Wisconsin Statutes, and

BE IT FURTHER RESOLVED, that the City of Jefferson agrees to be bound by the terms and conditions of the contracts between the State, its investment providers, and its Plan Administrator, and the “Plan Document” and “Procedures To Be Followed By Employer” as amended from time to time. The employer certifies it has received a copy of the Plan and Procedures.

BE IT FURTHER RESOLVED, that the City of Jefferson representative submit a certified copy of this Resolution and “Notification Memo” to the State of Wisconsin, Department of Employee Trust Funds and the Plan Administrator.

BE IT FURTHER RESOLVED, that the Common Council of the City of Jefferson recognizing the Deferred Compensation Board’s responsibility for maintaining the integrity of the Plan, the Common Council hereby resolved that the proper officers of the City of Jefferson are hereby authorized and directed to cooperate fully with the Plan Administrator in accordance with procedures established by the Department of Employee Trust Funds in processing requests for withdrawal in case of an unforeseeable emergency as defined in the Internal Revenue Section 457(d)(1)(A)(iii) and Treas. Regulation 1.457-6(c)(1) of the Regulations. The designated agent is directed to acknowledge on a form authorized by the Department of Employee Trust Funds, that relevant unforeseeable emergency information has been given and received.

Ald. Wagner confirmed that the Finance Committee had approved this unanimously.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 47. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING BUDGET ADJUSTMENT FOR EMAIL ACCOUNTS

Ald. Olsen introduced Resolution No. 48.

CITY OF JEFFERSON RESOLUTION NO. 48

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to purchase equipment from Spangler Computers, Jefferson WI for an e-mail system for elected officials in an amount not to exceed \$3,200.

BE IT FURTHER RESOLVED, that the following budget adjustment is hereby adopted and that funds for this purpose will be appropriated from the Computer Fund balance, thus reducing the fund balance by the same amount:

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMENT	REVISED AMOUNT
Gen. Admin. Soft/Hardware	33-50000-40-447	\$8,300.00	\$3,200.00	\$11,500.00

Ald. Olsen, seconded by Ald. McGrath moved to recommend Resolution No. 48. Motion denied unanimously on call of the roll.

RESOLUTION THAT DEALS WITH THE LOCATION OF THE SHOOTING RANGE USED BY POLICE AND SHERIFF’S DEPARTMENTS

Ald. Coffman introduced Resolution No. 49.

**AMENDED
CITY OF JEFFERSON
RESOLUTION NO. 49**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to ~~relocate~~ to bring back three options regarding the shooting range used by the Jefferson Police Department and the Jefferson County Sheriff’s Department for shooting efficiency.

Ald. Coffman, seconded by Ald. Beyer moved to recommend Resolution No. 49. Discussion followed.

Ald. McGrath stated there was no alternative site and dirt should be used as berm. Andy Weber said that would not be feasible.

Ald. McGrath stated that the range had been there for years and where should it go?

Andy Weber stated he would be willing to research and put money into finding an alternative site.

Ald. Beyer asked Chief Bleecker if there was any other location known in the County. Chief Bleecker answered that a range had not been well received on a Cty. J proposed location.

Ald. Gang asked if the Plan Commission had approved this location for the addition and Weber answered that this was approved by the State, as it is a court. Ald. Gang stated the City needs to find an agreeable answer between the City and Weber. .

Ald. Coffman suggested to table the Resolution and see what Weber and the department heads can formulate.

Ald. Wagner said the City should resolve this tonight.

Ald. Beyer stated the City should work with the County on locating a shooting range.

Ald. Gang said our responsibility is for citizen's safety.

Ald. Benka said the City should look at options and see if the County can locate a range.

Chief Bleecker had talked to the County and there is a possibility of a location within three years. If the County has a new range location the City Police Department would use that one also.

Ald. Olsen stated he would support efforts for other options. Safety is the issue.

Ald. Beyer, seconded by Ald. Gang, moved to amend Resolution No. 49 to state "to bring back three options regarding the shooting range". Motion carried 6-2 with Ald. Olsen and Ald. Wagner voting nay.

The motion was made by Ald. Wagner and seconded by Ald. Benka to adjourn to Closed Session pursuant to Section 19.85(1)(e) and 19.85 (1)(g) of the Wisconsin State Statutes for the negotiations with Sprint (Cell Tower) and to discuss hiring an attorney to represent the City concerning recall petition.

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

Ald. Gang introduced Resolution No. 50.

CITY OF JEFFERSON

RESOLUTION NO. 50

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to enter into a contract agreement with Sprint Communications with the following conditions:

THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN authorizes the erection of a tower at 345 E. Ogden St., Jefferson, Wisconsin by Sprint

Communications. The tower will provide cell phone service. It will abide by FAA regulations and Jefferson Utilities guidelines.

THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN enters into an agreement with Sprint Communications and will receive monthly payments of \$1300.00 and 20% of the revenue from Sprint for its sub-leases, and will negotiate with each sub-leaser for service revenue.

Ald. Gang, seconded by Ald. Benka moved to recommend Resolution No. 50. Motion carried unanimously on call of the roll.

RESOLUTION TO HIRE AN ATTORNEY TO REPRESENT THE CITY CONCERNING THE RECALL PETITION.

Ald. Stewart introduced Resolution No. 51.

**CITY OF JEFFERSON
RESOLUTION NO. 51**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to hire Atty. Ron Stadler to represent the City of Jefferson concerning the recent recall petition.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 51. On call of the roll, motion carried unanimously with Ald. Olsen abstaining.

Ald. Coffman, seconded by Ald. Gang moved to adjourn the August 2, 2005 meeting of the Common Council. Motion carried unanimously on a voice vote.

The minutes of the August 2, 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