

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
SEPTEMBER 6, 2005**

The Tuesday September 6, 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, Ald. Olsen and Ald. Stewart. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

Mayor Stevens then read a Buddy Poppy Proclamation.

PUBLIC PARTICIPATION

John Powell, 111 North High Avenue, addressed the Council regarding the receipt of the new fire truck. Powell invited the Council and the public to the station on September 13th, 2005 around 5:15pm to view the new equipment truck.

Glenn Niederwerfer, 745 Lucas Lane, addressed the Council regarding construction traffic on Lucas Lane. Mr. Niederwerfer stated his displeasure with City staff and the Council. He indicated that he did not feel that the Council is protecting and listening to the common people and that their interests centered around their personal agendas.

Ald. Olsen stated that according to Roberts Rules of Order, alderpersons should not be referred to by name during public participation, rather by district.

MAYORAL APPOINTMENTS

Ald. Gang, seconded by Ald. Wagner moved to approve the following mayoral appointments:

Utilities Commission – Don Vogel
Police and Fire Commission – Dave Knutson
Library Board – Geno Racanelli

On call of the roll, motion carried unanimously.

AN ORDINANCE TO CREATE SECTION 197-8(P) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO BLOWING GRASS CLIPPINGS AND RAKING LEAVES INTO STREETS

Ald. Beyer introduced Proposed Ordinance #15-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #15-05**

An Ordinance to Create Chapter 197 Subsection 197-8(P) of the City of Jefferson Municipal Code Establishing the Nuisance of Blowing Grass Clippings and Raking Leaves into Streets unless Directed by the City of Jefferson.

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

Section 1. Section 197-8(P) is hereby created to Establish a Nuisance of Blowing Grass Clippings and Raking Leaves into Streets unless Directed by the City of Jefferson

Section 197-8(P). Blowing Grass Clippings and Raking Leaves into Streets. In the interests of Public Safety, and General Welfare, Community Appearance and Efficiency of Operation, it shall be unlawful to rake, place, or mow fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street unless directed by the City of Jefferson. No person shall permit grass clippings from mower swaths to remain upon sidewalks, street pavements, gutters of any public street, or on abutting property not owned or occupied by said person. The penalty for violating this Ordinance is set forth in Chapter 1 Subsection 1-4 (C)(1) and penalties may be adjusted from time to time by Common Council Action.

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. 55.

**CITY OF JEFFERSON
RESOLUTION NO. 55**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for September 6, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for August and September 2005 in the amounts of \$3,072.53 and \$484,539.78 and Payroll Summary for August 19, 2005 in the amount of \$106,483.14.
- ◆ Council Minutes from the Regular and Closed Sessions of the August 16, 2005 Common Council Meeting and Special Common Council Meeting Minutes of August 18, 2005.
- ◆ Approval of the 2005 Chamber of Commerce Subsidy -- \$5,000.
- ◆ Acceptance of the Salt Bid from Morton Salt, Inc. for \$43.55/ton.

- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Coffman stated that he would like to discuss the Chamber subsidy. Coffman stated that his understanding was that this was unanimously approved at the Finance Committee. He asked if the Committee had a chance to review the financials from the Chamber. Ald. Stewart indicated no. Ald. Coffman stated that according to the financials, the Chamber has \$31,000 in a CD and another \$19,000 in the checking. He stated that in light of the budget problems facing the City and the financial position of the Chamber he would suggest forgoing the payment in 2005.

Ald. Gang stated that he agreed with Ald. Coffman, but was worried that the Chamber had already included these funds in their 2005 budget. He stated that this is an item that could be discussed for 2006.

Ald. Beyer agreed with Ald. Gang.

Ald. Gang indicated that the Chamber planned on replacing the banners with the 2005 funds.

Ald. McGrath suggested that the contribution be removed at this time.

Ald. Coffman, seconded by Ald. Wagner moved to remove the Chamber request for this evening and place it on the next Council agenda. On call of the roll, motion carried unanimously.

Ald. Gang asked that the August 16, 2005 minutes from the Joint Meeting of the Finance Committee and Ambulance Committee be corrected to reflect that that Committee recommended a two-bedroom apartment.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Amended Resolution No. 55. On call of the roll, motion carried unanimously. Ald. McGrath abstained from the vote on the August 18, 2005 Special Common Council Minutes due to his absence.

RESOLUTION AUTHORIZING THE SALE OF GOODS ON CITY RIGHT-OF-WAY

Ald. Coffman introduced Resolution No. 56.

CITY OF JEFFERSON RESOLUTION NO. 56

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the American Legion Post 164 is hereby allowed to operate a food stand in front of 122 South Main Street (sidewalk area) on City right-of-way.

BE IT FURTHER RESOLVED, that per City of Jefferson Municipal Code 12.17(5) a fee is not required for operations during Gemuetlichkeit Days.

Ald. Wagner indicated that Resolution No. 56 was unanimously approved at Regulatory Committee.

Ald. Coffman, seconded by Ald. Beyer moved to recommend Resolution No. 56. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE TEMPORARY LEASE OF CITY RIGHT-OF-WAY

Ald. McGrath introduced Resolution No. 57.

**CITY OF JEFFERSON
RESOLUTION NO. 57**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that Walworth Street, from the alley to Center Avenue, be temporarily closed from 2:00-9:00pm on September 18, 2005.

BE IT FURTHER RESOLVED, that said right-of-way is hereby leased to Dean and Peggy Beyer and Jerry and Gwen King in the sum of \$50.00 for said timeframe

Ald. Wagner indicated that Resolution No. 57 was unanimously approved at Regulatory Committee.

Ald. McGrath, seconded by Ald. Benka moved to recommend Resolution No. 57. On call of the roll, motion carried by a vote of 7 to 0. Ald. Beyer abstained from the vote.

RESOLUTION REQUESTING EXEMPTION FROM COUNTY LIBRARY TAX

Ald. Benka introduced Resolution No. 58.

**CITY OF JEFFERSON
RESOLUTION NO. 58**

WHEREAS, the Jefferson County Board has established a county library and levies a county library tax as authorized under Section 43.57(3) of the Wisconsin Statutes, and

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provides that a village or city which levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52(1) during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year is exempt from the county library tax and

WHEREAS, the City of Jefferson will in 2006, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED, that the City of Jefferson hereby requests of the Jefferson County Board of Supervisors that the City of Jefferson be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64(2).

BE IT FURTHER RESOLVED, that copies of the resolution be forwarded by the City Clerk to the following parties.

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
102 East Milwaukee Avenue
Fort Atkinson, WI 53538

COUNTY CLERK
320 South Main Street, Room 109
Jefferson, WI 53549

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 58. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING PLANNING SERVICES WITH VANDEWALLE AND ASSOCIATES

Ald. Stewart introduced Resolution No. 59.

CITY OF JEFFERSON
RESOLUTION NO. 59

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to enter into an agreement for continued current planning services with Vandewalle and Associates of Madison, Wisconsin. The firm will only be used on an “as needed” basis with no retainer.

Ald. McGrath questioned the fee schedule attached to the contract. He questioned if there was anyway to firm up the price.

City Administrator Bierma indicated that the fee we are charged would depend upon the level of expertise needed.

Discussion regarding the fee structure was then had.

Ald. McGrath, seconded by Ald. Olsen moved to table action on Resolution No. 59. On call of the roll, motion was defeated by a vote of 6 to 2. Ald. McGrath and Ald. Olsen cast the dissenting votes.

Ald. Gang stated that he felt that if we pushed for a firm hourly price that they could pick the highest number.

Ald. McGrath stated that you would not accept a range in your personal life and therefore it is not acceptable here either.

Ald. Stewart, seconded by Ald. Gang moved to recommend Resolution No. 59. On call of the roll, motion carried by a vote of 7 to 1. Ald. McGrath cast the dissenting vote.

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR TAX INCREMENTAL FINANCING DISTRICT 5

Ald. Gang introduced Resolution No. 60.

**CITY OF JEFFERSON
RESOLUTION NO. 60**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that a transfer of \$6,000 is hereby authorized from Tax Incremental District 2 to Tax Incremental District 5.

BE IT FURTHER RESOLVED, that \$5,000 of the funds shall be deposited into account 19-50000-20-224 Consultant Fees and \$1,000 of the funds shall be deposited into 19-50000-30-310 Miscellaneous Expenditures. These funds shall be used for the DOR TIF Application Fee and professional services from Ehlers and Associates.

Ald. Gang, seconded by Ald. Beyer moved to recommend Resolution No. 60. On call of the roll, motion carried unanimously.

RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF MICHAEL SULLIVAN

Ald. Wagner introduced Resolution No. 61.

**CITY OF JEFFERSON
RESOLUTION NO. 61**

WHEREAS, God in his infinite wisdom and mercy, has chosen to call from his life Michael Sullivan, and

WHEREAS, Mike was a trusted and loyal citizen of the City of Jefferson,

WHEREAS, Mike served admirably on the Police and Fire Commission of the City of Jefferson,

WHEREAS, Mike was an asset to Law Enforcement for both Jefferson County and the City of Jefferson.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson, Wisconsin by this Resolution extends its deepest sympathy to the family of the late Mike Sullivan and that a copy of this resolution be sent to the bereaved family.

Ald. Wagner, seconded by Ald. Gang moved to approve Resolution No. 61. The Council stood in silence to show respect and unanimous approval of the Resolution.

Ald. Gang, seconded by Ald. Beyer moved to adjourn to Closed Session, pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss Competitive Bargaining. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to reconvene to open session. On call of the roll, motion carried unanimously.

Ald. Gang, seconded by Ald. Beyer moved to adjourn the September 6, 2005 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the September 6, 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.