

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
OCTOBER 18, 2005**

The Tuesday October 18, 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. Havill and Ald. Stewart. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

John Rhiel, 134 South Dewey, addressed the Council regarding the Direct Legislation Petition. Mr. Rhiel gave an explanation of the petition to the Council and the reasons why the Coalition was supporting the changes. He stated that it was not an anti-Wal-Mart proposal, but rather a tool to be used to rationalize development and encourage debate.

Keith Griep, 120 South Highland, addressed the Council regarding taxation. Mr. Griep stated that he did not feel that development is the answer to low taxes. He noted that Johnson Creek has a lot of development and that they are number 5 on the listing of highest taxes in the County.

Charlotte Goers-Nevin, 122 North Pleasant Avenue, addressed the Council regarding the Open House at the Fire Station. Mrs. Goers-Nevin stated that citizens can and should be proud of the EMS and Fire services that the City of Jefferson offers. She added that it was easy to see the pride of the volunteers and the employees and the dedication that they have to what they do. Mrs. Goers-Nevin stated that we often take these services for granted and that we shouldn't, we should be very proud and feel blessed for the equipment that we have.

Janet Twist, 663 North Dewey Avenue, addressed the Council regarding growth and Wal-Mart. Ms. Twist stated that in a community that they had recently visited they too had opposed the construction of a Wal-Mart. Wal-Mart did move into the community and a lot of growth followed. Mrs. Twist then spoke to the proposed direct legislation and the financial impact it would have on a "mom and pop" business that would like to locate in Jefferson. She stated that they would not be able to absorb the costs as put forth in the proposed legislation.

MAYORAL APPOINTMENTS

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

Don Vogel – JDC

David Endl – Plan Commission

On call of the roll, motion carried unanimously.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 13.24(2)(B) AND 13.24(3) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO WASTEWATER RATES

Mayor Stevens called the public hearing to order.

City Administrator Bierma read the Notice of Public Hearing.

Wastewater Treatment Plan Superintendent Kelly gave an explanation of the proposed rate increase. Mr. Kelly noted that after reviewing the rate study performed by Virchow Krause, the Utility was opting to cut the proposed increase from 12% to 6% and spread the increase over two years. Kelly indicated that a majority of the increase will go to offset a major sewer installation project in 2007 for Racine Street. He stated that the rate increase will make it possible for the Utility to pay cash for the project rather than issue debt.

Ald. McGrath then questioned and asked for clarification on the monthly rate charges.

Ald. Gang clarified that the Utility would have cash on hand for the Racine Street project.

Ald. Coffman questioned why the larger meters fixed charge increased greater than the residential charges.

Superintendent Kelly indicated that this is what had been developed by Virchow Krause. He added that even though the fixed charge was not increasing, the variable charge would. Therefore, everyone using the service would experience an increase. Kelly also noted that he had spoke with the two major industries in town and that they understand the need for the utility's rate increase.

Ald. Gang added that he was pleased that the industries had been consulted.

Mayor Stevens then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Hearing from no one, Mayor Stevens closed the public hearing.

Ald. Stewart introduced Proposed Ordinance #16-05 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #16-05**

An Ordinance to Recreate Section 13.24(2)(b) and Section 13.24(3) of the City of Jefferson Municipal Code Related to the Wastewater Rates for the City of Jefferson.

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

Section 1. Section 13.24(2)(b) is hereby recreated as it relates to Wastewater Rates for the City of Jefferson

Monthly Charges

Monthly Charges

METER SIZE	Effective January 1, 2006	Effective January 1, 2007
5/8"	\$12.00	\$12.00
3/4"	17.00	17.00
1"	29.00	29.00
1 1/2"	58.00	58.00
2"	93.00	94.00
3"	187.00	185.00
4"	293.00	294.00
6"	586.00	589.00
6"contract	201.00	238.00

Rural customer surcharge 25%

Section 2. Section 13.24(3)(b) is hereby amended to as it relates to Normal Domestic Sewage.

(b) Normal Domestic Sewage

Effective January 1, 2006: \$2.13 per 1,000 gallons or \$1.60 per 100 cubic feet

Effective January 1, 2007: \$2.25 per 1,000 gallons or \$1.68 per 100 cubic feet

Section 3. Section 13.24(3)(c) is hereby amended as it relates to Sewage of Greater Than Normal Strength

<u>Parameter</u>	Monthly Charges	Monthly Charges
	Effective January 1, 2006	Effective January 1, 2007
BOD5	.270 per lb.	.291 per lb.
SS	.168 per lb.	.180 per lb.
N(ammonia)	.951 per lb.	.981 per lb.
P(phosphorus)	3.662 per lb.	3.844 per lb.

2. Charges to users discharging wastewater of greater than normal strength shall be computed in accordance with the formula presented below:

Effective January 1, 2006

$$C = \$2.13 \times V + .00834 \times V \times [(\$0.270 \times B) + (\$0.168 \times S) + (\$0.951 \times N)] + 3.662 \times P]$$

Effective January 1, 2007

$$C = \$2.25 \times V + .00834 \times V \times [(\$0.291 \times B) + (\$0.180 \times S) + (\$0.981 \times N + (3.844 \times P)]$$

3. Where:

C = Charge to sewer for operation, maintenance, and replacement costs for treatment works.

V = Wastewater volume in 1,000 gallons

B = Concentration of BOD from a user above the normal strength of 275 mg/l

S = Concentration of suspended solids from a user above the normal strength of 320mg/l

N = Concentration of ammonia nitrogen from a user above the normal strength of 23 mg/l

P = Concentration of phosphorus from a user above normal strength of 8 mg/l.

$\$2.13/\2.25 = Charge for that portion of the waste equal to normal strength wastewater. Includes cost for treating 275 mg/l, BOD5, 320mg/l SS, 23 mg/l N and 8 mg/l P
.00834 = Conversion factor (mg/l to lb.)

4. Surcharges will be computed by multiplying flow times strength (mg/l) daily and adding the pounds for the month. Total flow for the month will be multiplied by the residential strength and the result compared to the actual pounds discharged. Surcharges will be applied to pounds in excess of residential strength on the month's results. In no event will a user pay less per 1,000 gals, of flow than the charge for normal strength wastewater, which includes an imputed level of pounds of BOD, SS, NH3-N and P.

Section 4. Section 13.24(3)(d) is hereby amended as it relates to Holding Tank and Septage Wastes Charges to licensed dischargers:

1. Holding Tank Discharges shall include the following:

	JAN 2006	JAN 2007
a. Total Strength Charge	\$5.72	\$ 6.05
b. Dumping Charge	\$5.00	\$ 5.00
c. 25% Surcharge	\$2.68	\$ 2.76
d. Total Charge per thousand Gallons	\$13.40	\$13.81

2. Septage Waste Discharges shall include the following:

a. Total Strength Charge	\$33.84	\$36.07
b. Dumping Charge	\$ 7.50	\$ 7.50
c. 25% Surcharge	\$10.34	\$10.89
d. Total Charge per Thousand Gallons	\$51.68	\$54.46

Section 5. This ordinance shall take effect and be in full force after passage and publication as provided by law.

Ald. Stewart, seconded by Ald. McGrath, moved to recommend Proposed Ordinance #16-05. On call of the roll, motion carried unanimously.

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES OF THE CITY OF JEFFERSON

Ald. Gang introduced Proposed Ordinance #17-05 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #17-05**

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES OF THE CITY OF JEFFERSON.

In Lieu of Publishing the Text of this Ordinance, the Entire Text of this Ordinance is on file in the Office of the City Clerk and is available for public inspection Monday-Friday 8am-5pm. The entire text of the ordinance is also on file at the City's official website www.jeffersonwis.com.

Ald. Gang, seconded by Ald. Benka moved to recommend Proposed Ordinance #17-05. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND SECTIONS 1.09(1), 1.09(2), 1.09(5) AND 1.09(8) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE CITY OF JEFFERSON MUNICIPAL COURT

Ald. Havill introduced Proposed Ordinance #18-05 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #18-05**

An Ordinance to Amend Sections 1.09(1), 1.09(2), 1.09(5) and 1.09(8) of the City of Jefferson Municipal Code Related to the City of Jefferson Municipal Court.

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

Section 1. Section 1.09(1) is hereby amended as follows:

1.09 MUNICIPAL COURT. (Cr. #17-93) (Am. #18-05). (1) MUNICIPAL COURT CREATED. There is hereby created and established in a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Municipal Court for Central Jefferson County" which shall consist of the City of Jefferson, the Village of Johnson Creek, the Town of Aztalan and the **Town of Sumner**.

Section 2. Section 1.09(2) is hereby amended as follows:

(2) MUNICIPAL JUDGE. Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who resides in the City of Jefferson, the Town of Aztalan, or the Village of Johnson Creek. Such Municipal Judge shall be elected at large in the spring election for a term of two years

commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in (SS) 8.10, Wis. Stats., and selection at a primary election if such is held as provided in (SS) 8.11, Wis. Stats. The Common Council of the City of Jefferson, Village Board of the Village of Johnson Creek, the Town Board of the Town of Aztalan, **and the Town Board of the Town of Sumner** shall provide for a primary election in the event that more than two candidates file nomination papers for such position of Municipal Judge as provided in (SS) 8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in (SS) 5.02(22) Wis. Stats.

Section 3. Section 1.09(5) is hereby amended as follows:

(5) SALARY. (Am. #32-97)The salary of the Municipal Judge shall be fixed by the Common Council of the City of Jefferson, the Village Board of Johnson Creek, and the Town Board of the Town of Aztalan at \$6,000 per year which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by (SS) 755.03, Wis. Stats., and filed pursuant to (SS) 19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to (SS) 66.30 Wis. Stats. For the term ending April 30, 2000, the Village of Johnson Creek shall tender the sum of \$4,500 per year, commencing May 1, 1998, and annually thereafter to the City of Jefferson. The Town of Aztalan **and the Town of Sumner** shall tender **\$25** per case administered to the City of Jefferson. City of Jefferson shall pay the Municipal Judge's salary as set forth above. The City of Jefferson shall pay the Municipal Clerk's salary as budgeted from time to time.

Section 4. Section 1.09(8) is hereby amended as follows:

(8) FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by Chapter 800 Wis. Stats., and as provided in the ordinances of the City of Jefferson, the Town of Aztalan, **the Town of Sumner** and the Village of Johnson Creek. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessment and costs, if any. **The City of Jefferson shall retain all forfeitures after township trials.**

Section 5. This ordinance shall take effect upon passage and publication as required by law.

Atty. Brantmeier provided the Council with background on and an explanation of the proposed ordinance. He stated that he has been in contact with the Townships and they in agreement with the proposed changes.

Ald. McGrath stated his concern that this may be a burden on the City Attorney.

Ald. Havill, seconded by Ald. McGrath moved to recommend Proposed Ordinance #18-05. On call of the roll, motion carried unanimously.

AN ORDINANCE TO RECREATE SECTIONS 12.06(2) AND 17.03(55) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE DEFINITION OF MOBILE HOMES

Ald. Coffman introduced Proposed Ordinance #19-05 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #19-05**

An Ordinance to Recreate Sections 12.06(2) and 17.03(55) of the City of Jefferson Municipal Code Related to the Definition of Mobile Homes.

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

Section 1. Section 12.06(2) is hereby recreated as follows:

(2) DEFINITION. (Recr. #19-05) A dwelling unit, factory built and assembled, designed for conveyance after fabrication to be transported upon streets and highways on its own wheels or on flatbed or other trailers, and arriving on site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. A prefabricated home or structure may be included in definition.

Section 2. Section 17.03(55) is hereby recreated as follows:

(55) MOBILE HOME. (Recr. #19-05) A dwelling unit, factory built and assembled, designed for conveyance after fabrication to be transported upon streets and highways on its own wheels or on flatbed or other trailers, and arriving on site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. A prefabricated home or structure may be included in definition.

Section 3. This ordinance shall take effect upon passage and publication as required by law.

Atty. Brantmeier provided the Council with a legal explanation of the changes to our codebook. He noted that the changes were being made to comply with State Statutes and for taxation purposes in our mobile home park.

It was noted that Atty. Brantmeier was working with the City Assessor and with Andy Weber to keep everyone in the loop regarding the proposed changes.

Ald. Coffman, seconded by Ald. Beyer moved to recommend Proposed Ordinance #19-05. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 71.

**CITY OF JEFFERSON
RESOLUTION NO. 71**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for October 18, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for September and October 2005 in the amounts of \$564.00 and \$186,897.41 and Payroll Summary for September 30, 2005 in the amount of \$108,545.25.
- ◆ Council Minutes from the Regular Session of the October 4, 2005 Common Council Meeting.
- ◆ 911 Joint Powers Agreement.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Wagner introduced, Ald. McGrath moved to approve Resolution No. 71. On call of the roll, motion carried unanimously.

RESOLUTION ACCEPTING THE 2004 AUDIT REPORT

Ald. Benka introduced Resolution No. 72.

**CITY OF JEFFERSON
RESOLUTION NO. 72**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the 2004 Audit Report by Virchow-Krause be accepted.

Julie Schwingel of Virchow Krause LLP then reviewed the Financial Statements and Audit Report with the Council. She reviewed the revised statements and explained the changes in the financials due to the implementation of GASB 34. Schwingel noted that the City currently has 32% of its fund balance as undesignated. She added that typically creditors like to see 1 to 2

months of operating expenditures, but that the City of Jefferson is much higher than this. She also indicated that the City's indebtedness is actually lower than the recommended 50-60% range. Ms. Schwingel then reviewed the Report on Internal Control with the Council. After the presentation, Ms. Schwingel entertained questions from the Council members.

Ald. Benka, seconded by Ald. Beyer moved to recommend Resolution No. 72. On call of the roll, motion carried unanimously.

RESOLUTION INCREASING TAXI FEES

Ald. Beyer introduced Resolution No. 73.

**CITY OF JEFFERSON
RESOLUTION NO. 73**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Taxi Fees will increase twenty-five cents across the board and be reviewed yearly thereafter.

Ald. Beyer, seconded by Ald. Gang moved to recommend Resolution No. 73. On call of the roll motion carried unanimously.

**RESOLUTION THANKING DAVID E. OLSEN FOR HIS SERVICE TO THE
COMMON COUNCIL OF THE CITY OF JEFFERSON**

Ald. Wagner introduced Resolution No. 74.

**CITY OF JEFFERSON
RESOLUTION NO. 74**

WHEREAS, The City of Jefferson has a Mayor-Common Council form of government,

WHEREAS, The Common Council of the City of Jefferson is comprised of eight citizens elected as alderpersons,

WHEREAS, David E Olsen is a citizen and was elected to serve as an alderperson.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson, Wisconsin by this Resolution thanks David E Olsen for his service to the Common Council.

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 74. Motion carried on a voice vote.

**RESOLUTION ACCEPTING THE URBAN AREA MAP CREATED BY THE BUREAU
OF PLANNING OF THE DEPARTMENT OF TRANSPORTATION**

Ald. McGrath introduced Resolution No. 75.

**CITY OF JEFFERSON
RESOLUTION NO. 75**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Urban Area Map created by the Bureau of Planning of the Wisconsin Department of Transportation be accepted by the City of Jefferson.

City Engineer Ludwig then provided the Council with an explanation of the Urban Area Map.

Ald. McGrath, seconded by Ald. Benka moved to recommend Resolution No. 75. On call of the roll, motion carried unanimously.

RESOLUTION TO APPROVE THE YEARLY CONTRACT WITH THE HUMANE SOCIETY OF JEFFERSON COUNTY, INC.

Ald. Stewart introduced Resolution No. 76.

**CITY OF JEFFERSON
RESOLUTION NO. 76**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Yearly Contract with the Humane Society of Jefferson County, Inc be approved for 2006

Ald. Wagner asked what Finance decided. It was noted that Finance did not have this before them to make a recommendation upon.

Ald. McGrath indicated his concern that they could change the population and therefore the contract amount during the year.

It was noted that population estimates are only issued once a year and that the contract specifies the population and the contract amount.

Ald. Havill clarified that we would not receive an increase if we paid up front.

Ald. Stewart, seconded by Ald. Benka moved to recommend Resolution No. 76. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. Gang moved to adjourn to closed session pursuant to Section 19.85(1)(g) of the Wisconsin State Statutes to Discuss the Sale of City Property. On call of the roll, motion carried unanimously.

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

Ald. Coffman, seconded by Ald. McGrath moved to adjourn the October 18, 2005 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the October 18, 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.