

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
NOVEMBER 1, 2005**

The Tuesday November 1, 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, 135 South Dewey Avenue, addressed the Council regarding the petition for Direct Legislation. Mr. Rhiel stated that he and the rest of the Coalition respectfully disagree with the City Attorney's interpretation of direct legislation. He stated that he has been meeting individually with the Council persons and felt that many of them had good questions. He stated that the biggest question was if this would change the City's ability to annex. Mr. Rhiel stated that it is his position that it would not. He also stated that some were concerned that the cost would be too much for small developers; he added that he did not believe this was the case either and questioned the dollar figures that were being attached to some of the proposed studies. Mr. Rhiel stated that components of the legislation are already being asked for by the City and therefore the proposed legislation shouldn't seem foreign. He concluded by stating that he appreciates the Council's need to expand the tax base, but is concerned that it could be done at any cost.

Gary Thompson, 1145 Beyer Court, addressed the Council regarding several issues. First Mr. Thompson discussed the proposed direct legislation. Mr. Thompson stated that he believes that some of the components of the legislation are needed, but that they can be addressed in a developers agreement. He added that he feels that the proposal is too far reaching and the associated costs may be just too steep. Thompson added that he felt that proposals may have to be drawn and redrawn according to the proposed legislation, making it unpractical to build or develop here. He then indicated that he had been following the budget process in the paper and understands that it is not the intention to layoff personnel. He also noted that he is aware of the state caps on tax levies and understands the interests in charging fees for services. Mr. Thompson encouraged departments to roll back to the personnel levels of five years ago and use technology to their advantage to reduce costs. He then suggested the rehiring of these employees back to the City in several years. He stated that he would rather the Council be real about the costs needed to run the City and don't charge fees for them. He stated that he rather pay for the services on his tax bill.

Mike Swartz, School Superintendent, addressed the Council regarding the pending assessments. He stated that their budget runs from July 1st to June 30th and that nothing is budgeted for this unforeseen expenditure. He stated that he wished that the Council give consideration to the school and allow them to budget for this expenditure in the next budget cycle. He stressed the

importance of communication between the City and the School District and the importance of working together.

Ron Zimmerman, 425 West Stevens Avenue, addressed the Council regarding the proposed direct legislation. He stated that he solicited signatures for the Coalition and many of the signers thought that this type of information was automatically required. He stated that this is a guarantee for the taxpayers that they will not get stuck paying for development. He questioned if the figures attached to the studies were actual and stated that he did not think that they would cost that much. He added that even if they are that expensive, why should the taxpayers pay for them then.

Gary Haag, 740 Browning Avenue, addressed the Council regarding compensation for non-union employees. He stated that he felt that it was unfair that they had not received an increase for two years, especially since they are in charge of running the City. Mr. Haag stated that he knows that the Council has a tough job, but these things need to be looked at. He added that his contract is still unsettled and they have not had an increase for a year either. Haag noted that he had attended the Finance Committee Meeting and is very concerned over the City's leadership.

Casey Dahl, Aztalan Township, invited the Council to a screening of a Wal-Mart documentary. He stated that "Wal-Mart – the High Cost of Low Prices" would be shown in the Library meeting room and that a discussion would be held afterward.

Janet Twist, 663 North Dewey Avenue, addressed the Council on several issues. Twist stated that a good thing would be if a traffic impact study showed that more cars would be going thru Jefferson. She stated that the existing businesses need traffic if they are going to survive. She then addressed pay increases. She stated that her husband went without a pay increase for six years and they just made do. She stated that she feels that employees need to decide if it is better to have a job without increases or no job at all. Twist noted that this is an acceptable situation for a few years.

Ron Wegner, 1144 Beyer Court, addressed the Council regarding development. Mr. Wegner stated that he is not for or against Wal-Mart, but is pro-development. He stated that last week he needed supplies for an art project and needed to travel out of town, to Wal-Mart, to get what was needed. He added that while he was there he ran into numerous other families from Jefferson. Wegner added that whether or not Wal-Mart comes to Jefferson does not matter, as he will continue to shop there. However, he encouraged the Council to not take action on anything that may limit the growth of the City. He added that we need to grow our tax base and provide options so that residents may purchase their needs here. Wegner concluded by stating that if we put obstacles in the way of development the development will not come.

Greg Asmus, 838 West Milwaukee Street, addressed the Council regarding the special assessment curb and gutter project. Mr. Asmus stated that he was concerned with the lack of communication regarding the project and also stated that he would be interested in why the curb and gutter was replaced.

AN ORDINANCE TO CREATE SECTION 300.7.5 OF THE CITY OF JEFFERSON MUNICIPAL CODE TO REQUIRE THAT ALL LANDS IN EXCESS OF 15 ACRES, TO BE ACQUIRED BY THE CITY THROUGH ANNEXATION, DIRECT PURCHASE OR BOUNDARY ADJUSTMENTS UNDERGO AN ENVIRONMENTAL IMPACT STUDY, TRAFFIC IMPACT ASSESSMENT, INFRASTRUCTURE ANALYSIS AND A COMMUNITY IMPACT STATEMENT

Ald. Coffman introduced Proposed Ordinance #20-05 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #20-05**

An Ordinance to Create Section 300.7.5 of the City of Jefferson Municipal Code requiring all lands in excess of 15 acres to be acquired by the City through annexation, direct purchase or boundary adjustments to undergo an **Environmental Impact Study (EIS)**: which includes an EIS on annexed land and abutting land and a Public Hearing on the EIS; a **Traffic Impact Assessment (TIS)**: which includes a TIS on roads within 3000' of abutting land, Design Capacity on roads within 3000' of abutting land, Level of Service on all roads within 3000' of abutting land, Level of Service on annexation for next ten years, a Traffic Queues Analysis on traffic intersections within 3000', Existing Traffic Analysis on traffic within 3000', and Infrastructure Remediation Analysis for possible traffic infrastructure improvements; **Infrastructure Analysis (IA)**: which includes Existing Facilities Analysis on all land within 3000'; a Public Hearing on Infrastructure Analysis and CIS on all land within 3000'; and a **Community Impact Statement (CIS)**: which includes a Traffic and Parking Analysis for surrounding area, City Service Analysis for Fire, Police, Schools, Water, etc., Environmental Analysis on Physical and Ecological Characteristics, and an Economic Impact Study on surrounding neighborhoods.

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

Section 1. An Ordinance to Create Section 300.7.5 of the City of Jefferson Municipal Code Requiring that all lands in excess of 15 acres, to be acquired by the City through annexation, direct purchase or boundary adjustments undergo an Environmental Impact Study, Traffic Impact Assessment, Infrastructure Analysis and a Community Impact Statement.

Section 300.7.5 Municipal Land Acquisition Requirements. No lands in excess of 15 acres shall be acquired by the City through annexation, direct purchase or boundary adjustment agreement until the City shall have first conducted, and by resolution of the respective legislative body, approved and accepted the following:

- A. Environmental Impact Statement.

(1) Preparation and Contents. An Environmental Impact Statement (“EIS”) for the annexed land and such land within the City immediately abutting the acquired land shall have been conducted by the City or by a licensed professional engineer selected by the City from a competitive bid selection process as set forth in § 62.15, Wis. Stats. The EIS, when completed, shall follow the form and substance and shall contain the same information required of the State of Wisconsin as set forth in § 1.11, Wis. Stats.

(2) Public Hearing Requirement. The EIS will be considered complete and approvable by the City for purposes of this section after at least one public hearing, or more as the City may determine to be necessary, is conducted within the City but in reasonable proximity to the lands to be annexed. Notice of this public hearing shall be given as a Class 2 notice described in § 985.07, Wis. Stats.

B. Traffic Impact Assessment. A Traffic Impact Assessment (“TIA”) shall have been conducted by the City or by a licensed professional engineer selected by the City from a competitive bid selection process as set for the in § 62.15, Wis. Stats. The TIA shall include, at a minimum:

(1) Design Capacity. The existing design capacity of all roads and highways within the lands to be annexed, together with roads and highways to a depth of 3,000’ within the City, abutting the lands to be annexed, to which such roads and highways are now, or will be, connected for access and traffic purposes;

(2) Level of Service. The level of service (“LOS”) currently existing for the roads and highways described in paragraph 2.a. above, together with an estimated ten (10) year LOS improvement or degradation based on development in:

(a) The following categories: industrial, commercial, residential, agricultural, mixed-use (e.g., residential/commercial/office/retail and dedicated green space);

(b) The existing zoning district in effect for the lands to be annexed and land within the City abutting the lands to be annexed for a distance of 3,000’ from the annexation line;

(c) Proposed future uses and required public facilities through 2010 as shown on the City’s most recent comprehensive plan, or any amendment thereto.

(3) Queuing Analysis. Traffic queues shall be studied to establish the maximum back of queue using the unsignalized Highway Capacity Software (“HCS”) analysis and the maximum back of queue using the signalized SIGNAL 2000 analysis for all highways and roadways that are part of an intersection with the lands to be annexed or the area of the City up to 3,000’ from the border of the lands to be annexed immediately abutting such the lands to be annexed.

- (4) Existing Traffic Conditions. An analysis of existing traffic data to be obtained from WISDOT, Jefferson County and the City of Jefferson Department of Public Works, shall be analyzed to determine and quantify existing traffic operating conditions within the lands to be annexed and within the City in an area 3,000' from the annexation line on City lands abutting the lands to be annexed.
- (5) Infrastructure Remediation. The analysis shall be accompanied by recommendations for traffic infrastructure improvements including signalization, dedicated right and left turn lane extensions, phasing or changing the existing signalization, installation of medians, closure of existing driveways and road or highway widening or other modification as may be appropriate, and an estimated cost shall be determined as part of the infrastructure analysis required by paragraph 3.a. above.

C. Infrastructure Analysis

- (1) Existing Facilities. An infrastructure analysis ("IA") shall have been conducted by the City or by a licensed professional engineer selected by the City from a competitive bid selection process as set forth in § 62.15, Wis. Stats. The IA will assess traffic facilities and signalization, sanitary sewer lines, municipal water services, storm sewer lines and storm water management facilities within the lands to be annexed and in an area of 3,000' within the area of the City that abuts upon the lands to be annexed, with respect to design capacity, quality of materials used in original construction, adequacy of mapping, history of breakdowns and related instances, repairs, estimated useful remaining life of all such infrastructure.
- (2) Facilities Extension. If any of the foregoing services do not exist, then the IA shall include a fiscal analysis of the cost required to extend such service(s) to the lands to be annexed from the City's existing facilities and shall include the cost of acquiring any necessary right-of-way, cost of construction, and estimated hook-up charges per acre basis, and proposed methods of financing such improvements and recouping such costs on behalf of the City.
- (3) Public Hearing Requirement. The IA will be considered complete and approvable by the City for purposes of this section after at least one public hearing, or more as the City may determine to be necessary, is conducted within the City but in reasonable proximity to the lands to be annexed. Notice of this public hearing shall be given as a Class 2 notice described in § 985.07, Wis. Stats.

D. Community Impact Statement. A Community Impact Statement ("CIS") shall have been prepared, to appropriate professional standards, and shall evaluate the potential impact of the acquisition of the lands to be annexed on the City in general and the 3,000' study area in the City that abuts the lands to be annexed and shall include the factors described below. The scope and detail of the CIS may be increased in the discretion of the City's Director of Community Development or Planning.

- (1) Traffic and parking conditions on the lands to be annexed and on the surrounding area.
 - (2) Municipal utilities and services including water supply, sewerage disposal, storm drains, police, fire protection, emergency services, schools and other City services in addition to the information developed by the IA required by paragraph 3.a. above.
 - (3) The physical and ecological characteristics of the lands to be annexed and the surrounding area including wetlands, floodplain vegetation, wildlife habitat, and other environmental conditions.
 - (4) The character of the lands to be annexed, within the surrounding area, including scenic, historic and archaeological conditions.
 - (5) The economic impact of the lands to be annexed by the City on local businesses and residents, including any new jobs that will be added to the local economy, the amount of local labor to be used, the amount, type and location of potential development and the impact of changing land use patterns and the potential for development pressure on surrounding neighborhoods, particularly in the City.
- E. Appeal to Circuit Court. Any person who is a resident of the lands to be annexed or the City may, within thirty (30) days after the approval of the EIS, TIA, the IA or the CIS, or any of them, by the City, appeal the approval determination of the City to the Circuit Court upon writ of certiorari or other appropriate writ or remedy.
- F. Use of Consultants. The City shall not use consultants or accept reports as the City's own information to the extent that such work has been paid for, contributed to, or financed by any person living within the City or within the lands to be annexed. All Consultants shall be selected by the City through the bid procedures set forth in § 62.15, Wis. Stats., or, in the event the Common Council specifically finds, by a 2/3 vote, that the information sought is so complex and technical and specialized in the particular area to be studied, the City shall select such consultant by means of a publicly distributed and publicly noticed Request For Proposals ("RFP").
- G. City's Right of Recoupment.
- (1) Special Assessment. Nothing herein contained shall prohibit the City from collecting the cost of performing the studies contained in paragraphs 1 thru 4 by means of a special assessment levied against any properties developed on any lands to be annexed within a three (3) year period from the completion of the annexation process, provided, however, that the City shall first establish an assessment district within the lands to be annexed pursuant to § 66.0701, Wis. Stats.

(2) Impact Fee. In the even the Common Council, by a 2/3 vote, determines that an assessment district cannot be created for reasons that it so states in its determinations, such costs shall be recoverable by a special, one time development impact fee collected by the City at the time of the issuance of any building permit for any property to be developed or constructed within the lands to be annexed.

H. If any section, sentence, clause, phrase or portion of the ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 2. This ordinance shall take effect and be in full force from and after its passage and publication.

This is a first reading.

PUBLIC HEARING AND FINAL RESOLUTION AUTHORIZING CURB AND GUTTER IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTIES LOCATED ALONG WEST MILWAUKEE STREET AND RUTH DRIVE

Mayor Stevens called the public hearing to order.

City Administrator Bierma read the Notice of Public Hearing.

City Administrator Bierma gave an explanation of the proposed assessments.

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.

City Engineer Ludwig indicated that prior to the meeting he had received three calls from concerned property owners. He stated that all of their questions were answered via the phone, but if necessary, he has no problem going out into the field to help explain the project or answer additional questions. Ludwig apologized for the timing of the project, but he stated that he does not know until December what projects will be built the following year and then due to our seasons, in the case of curb and gutter, it is a while before staff is able to assess what needs to be replaced. Ludwig stated that as soon as the replacements were determined, information to start the assessing process began. He added that he was a bit puzzled by the reaction with the School District in light of the fact that the District's Maintenance Staff had actually asked the City to replace more curbing than the City project called for. Ludwig concluded by stating that qualifying assessments would be able to apply for a four-year payment plan or other arrangements may be made with the Clerk.

Tim Bare, 217 Meadow Court stated that he feels that curb and gutter are a public improvement, as is sidewalk, and should be paid by the City.

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

Ald. Gang introduced Final Resolution No. 77.

**CITY OF JEFFERSON
FINAL RESOLUTION NO. 77**

Final Resolution authorizing curb and gutter improvements and levying special assessments against benefited properties.

WHEREAS, the Common Council of the City of Jefferson, Wisconsin, held a public hearing at City Hall at 7:30 p.m. on the 1st day of November, 2005 for the purpose of hearing all interested persons concerning the preliminary report on the following proposed improvements:

555 In ft of Curb & Gutter along West Milwaukee Street

180 In ft of Curb and Gutter along Ruth Drive

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

1. The report pertaining to the above described public improvement is hereby adopted and approved.
2. That the City shall carry out the improvements in accordance with the report.
3. That payment for the improvements shall be made by assessing the costs to the properties benefited as indicated in the report.
4. That assessments shown in the report representing an exercise of police powers, have been determined on a reasonable basis and are hereby confirmed.
5. That any interested property owner may object to each assessment separately or all assessments jointly for any purpose.
6. That the assessments shall be paid in full (or in 4 annual installments) when arrangements have been made in advance with the City Clerk/Treasurer. The minimum principle payments which shall be allowed under the installment plan shall be \$100 per year. Deferred payment shall bear interest at a rate of 9% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at a rate of 12% per annum.
7. That the City Clerk/Treasurer shall publish this resolution as a Class One Notice and shall mail a copy of this resolution and a statement of final assessment against the benefited property to every property owner who's name appears on the assessment roll and whose post office address is known or can with reasonable diligence be ascertained.

Ald. Wagner asked if we could work with the School District.

Ald. Gang stated that he felt better communication was needed during the process.

Ald. Havill stated that he too felt that communication is important and questioned if the policy to assess for curb and gutter was consistent with past practice.

City Clerk/Treasurer Stewart stated that the City has always charged for curb and gutter.

Ald. Gang stated that this was not true and that the previous year the Streets Committee had voted down a curb and gutter project.

City Attorney Brantmeier clarified that that was a distinguishable case.

Ald. Beyer also stressed the importance of communication.

Ald. Gang, seconded by Ald. Benka moved to recommend Resolution No. 77. On call of the roll, motion by a vote of 7 to 1. Ald. Gang cast the dissenting vote.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 78.

CITY OF JEFFERSON RESOLUTION NO. 78

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for November 1, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for November 2005 in the amount of \$88,062.17 and Payroll Summary for October 14, 2005 in the amount of \$103,980.34.
- ◆ Council Minutes from the Regular and Closed Sessions of the October 18, 2005 Common Council Meeting.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Wagner, seconded by Ald. Gang moved to recommend Resolution No. 78. On call of the roll, motion carried unanimously.

RESOLUTION ACCEPTING THE 2004 FEDERAL AND STATE AWARDS AUDIT

Ald. Benka introduced Resolution No. 79.

CITY OF JEFFERSON

RESOLUTION NO. 79

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Report on Federal and State Awards for the Year Ended December 31, 2004 be accepted and put on file.

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 79. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn the November 1, 2005 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the November 1, 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.