

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
NOVEMBER 15, 2005**

The Tuesday November 15, 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

Bob Welch, representative of the new ethanol plant, addressed the Council regarding the proposed investment in the Community. Mr. Welch gave an overview of the proposed plan and the processes that will take place. He added that the plant is intended to employ 150 people and the anticipated investment is in the 200 million dollar range. He stated that the plant will be much cleaner and environmentally friendly than the former operation and obviously create less of an environmental impact. Mr. Welch then entertained questions from the Council members.

Mr. Welch noted that it is his belief that the additional acreage that is not used for the plant's operation could be used for future industrial neighbors. He added that the company would be interested in the expansion of the bike trail and that they would work with the State to help complete the trail. He also stated that they would be considering all former Cargill employees as potential new employees and in fact had already hired some.

Mr. Welch asked for the Council's support of the new plant.

John Rhiel, 134 South Dewey Avenue, addressed the Council regarding the petition for Direct Legislation. Mr. Rhiel stated that he believes that there are some inaccuracies in the costs associated with the studies. He added that he believes that the cost for the study would be in proportion to the projects and that an 18 acre residential development would probably be less. He added that he felt \$250,000 was way over the top. Mr. Rhiel noted that he felt that the studies may cost \$75-100,000 for a big box type development, but that wouldn't be a lot of money for a business like Wal-Mart. He stated that there is a lot of talk on how this legislation would effect the City's powers to obtain property. He added that it would not effect the municipality if no development was planned and added that the City would have all of the authority as before. Rhiel stated that some have labeled the legislation as anti-development, but that is not the case. He noted that there are not "bad" people on either side of the case.

Mark Ihlendfeld, 122 North Franklin Street, addressed the Council regarding a traffic nuisance by his home. Mr. Ihlendfeld stating that traffic, all hours of the day, from the Sports Bar in the area is causing a major nuisance. He noted an incident where obscenities were shouted at him and his wife while working in their yard and added that the bar has also added commercial traffic in his residential neighborhood. He encouraged the Council to consider signage, possibly a stop sign or a dead end sign or better yet shutting down the road until the area is developed.

PUBLIC HEARING AND ACTION ON 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

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 direct legislation.

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.

Scott Manthe, Metropolitan Builders Association, addressed the Council regarding the legality of the proposed direct legislation. Mr. Manthe stated that the association recognizes the right of citizens to propose such legislation however; their belief is that the proposal is not valid for many reasons. He stated that the association had performed their own legal analysis of the proposal and that outlined in a memo handed to the Council is the reasons why the City could reject the proposed legislation. He stated that the position of the Builder's Association had been reviewed by a former Supreme Court Justice and his agreement with their position is also noted. He added that this legislation would have a substantial impact if the community wants to grow and noted that it would put Jefferson at a competitive disadvantage. Mr. Manthe encouraged the Council not to forward the proposal to referendum.

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

Ald. Coffman then read the following:

Honorable Mayor and Councilpersons, I make a motion to find that the proposed Petition for Direct Legislation is administrative in nature and not legislative. It also violates, and is contrary to Wisconsin State Law. Finally, it conflicts with existing ordinances within the City of Jefferson. Therefore, the Jefferson Common Council should not act in any way on this proposed ordinance.

***Let me explain.** This Council has been led to believe that the only choice the Council has on this matter is to accept this Petition for Direct Legislation or send it to **a spring referendum.** That is not true.*

The Wisconsin Courts have recognized that Direct Legislation is subject to four judicial limitations. If this proposed direct legislation violates even one of these judicial limitations, the council is not obliged to accept it.

Rule Number 1. Direct Legislation must be legislative and not administrative. This Petition for Direct Annexation demands a series of studies the City must complete prior to annexation. We must do an Environmental Impact Statement, Traffic Impact Assessment, Infrastructure Analysis and a Community Impact Statement. This is essentially telling the City how to do an annexation.

Wisconsin Courts described an administrative action as telling an administering body, like a City Council how to do something. Violation Number One. This Petition for Direct Legislation also alters the way our Planning Commission, an administrative body, must handle annexation. It limits the actions of our Planning Commission by imposing new administrative guidelines and policies for the Planning Commission to follow. Violation number two. Then, this Petition for Direct Legislation requires the City of Jefferson to make very large expenditures of money for impact studies, \$50,000 to \$200,000 in some cases. Budgeting & spending money is administrative Our budget for 2006 is set. The City of Jefferson cannot stop someone from petitioning for annexation, so how can the City Council administer a budget when it is unknown what lands may request to be annexed in 2006? Also unknown is what amount of unbudgeted money will be needed to complete the Environmental Impact Statement, Traffic Impact Assessment, Infrastructure Analysis and Community Impact Statement. Violation number three

Rule Number 2. The Petition for Direct Legislation cannot modify State Annexation Statutes. Wisconsin Statutes are very clear as to the process & procedure to be followed by cities when annexing land. Third parties, developers or landowners wishing to annex into Jefferson have a right to rely on State Statutory procedure. This Petition for Direct Legislation impinges on the city's right to zone, annex, and sets a different standard than that required under State Statute. This Petition for Direct Legislation clearly modifies those State Annexation Statutes with its demands. Violation number four. This Petition for Direct Legislation also incorrectly states the law concerning the bidding process and incorrectly cites the construction bid statute. Violation number five.

Rule number 3. The Petition for Direct Legislation cannot be used to compel a City Council to repeal an existing ordinance or resolution. This Petition for Direct Legislation would be in clear conflict of our existing Big Box Ordinance which already has been passed by this body. Violation number 6.

Just one other item. Annexation is required to take place within 120 days of the filing of the petition. How can the City possibly get a Planning Commission meeting, Public Hearings, two council readings, an Environmental Impact Statement, Traffic Impact Assessment, Infrastructure Analysis and Community Impact Statement bid out, completed, paid for, and passed in 120 days. Violation number seven.

I again reiterate... I make a motion to find that the proposed Petition for Direct Legislation is administrative in nature and not legislative. It also violates, and is contrary to Wisconsin State Law. Finally, it conflicts with existing ordinances within the City of Jefferson. Therefore, the Jefferson Common Council should not act in any way on this proposed ordinance.

I already know that the first question many council members will ask. Will the Coalition take us to court? You may not know, but they took us to court today. The Lorbecki's, John Reihl and Attorney David Halbrooks filed a restraining order against the City of Jefferson yesterday to restrain the City Council to proceed with the annexation of the Sherman & Pinnow properties. Thanks to City Attorney Ben Brantmeier, Judge Ulsvik, at 2 PM this afternoon ruled in favor of the City.

Ald. Beyer seconded Ald. Coffman's motion.

Ald. Gang stated that he would support Ald. Coffman's motion as written.

Ald. Benka added his support.

Ald. Wagner stated that a referendum is not needed.

On call of the roll, motion carried unanimously.

**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.

ANNEXATION OF LAND OWNED BY ROGER W. SHERMAN & BEVERLY A. SHERMAN AND WILLIAM & ALICE PINNOW

Ald. Benka introduced Proposed Ordinance #21-05 for its first reading.

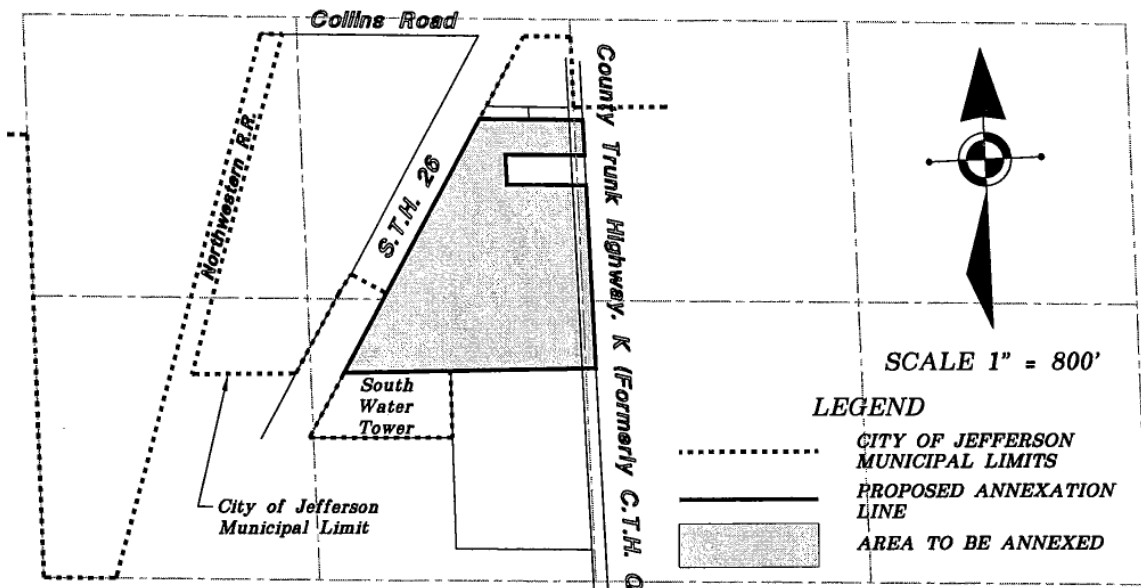
**CITY OF JEFFERSON
PROPOSED ORDINANCE #21-05**

ANNEXING TERRITORY FROM THE TOWNSHIP OF JEFFERSON

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

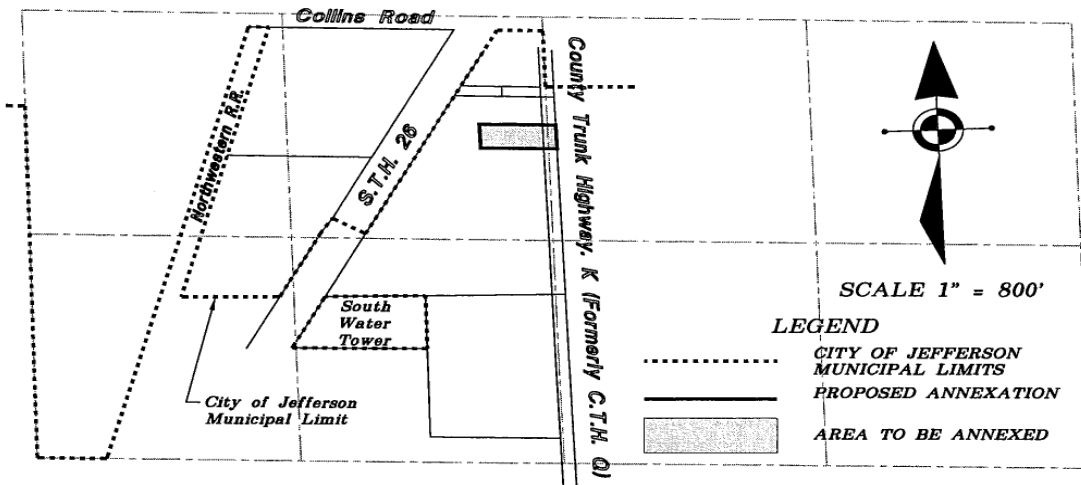
SECTION 1: Territory Annexed. In accordance with s. 66.021 of the Wisconsin Statutes of 2004, the unanimous petition for direct annexation filed with the City Clerk on the 28th day of October, 2005, signed by the owners of all of the land in the territory (2 electors reside therein), the following described territory is in the Town of Jefferson, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

Part of the North Half of Section 14, Township 6 North, Range 14 East, Town of Jefferson, Jefferson County,



Part of the North Half of Section 14, Township 6 North, Range 14 East, Town of Jefferson, Jefferson County, Wisconsin, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 14; thence South 89 degrees 18 minutes 21 seconds East, a distance of 5.08 feet to the centerline of County Trunk Highway "K" (Formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the centerline of County Trunk Highway "K", a distance of 638.79 feet to the Point of Beginning; thence North 89 degrees 23 minutes 47 seconds West, a distance of 348.01 feet; thence South 3 degrees 02 minutes 42 seconds East, a distance of 140.49 feet; thence South 89 degrees 29 minutes 30 seconds East, a distance of 380.56 feet to the East Right-of-Way Line of said County Trunk Highway "K" (formerly C.T.H. "Q"); thence North 2 degrees 51 minutes 16 seconds West on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 139.83 feet; thence North 89 degrees 23 minutes 47 seconds West, a distance of 33.06 feet to the Point of Beginning, containing 53,274 square feet (1.223 acres), more or less.



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 7th 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 is a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 80.

**CITY OF JEFFERSON
RESOLUTION NO. 80**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for November 15, 2005 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for October and November 2005 in the amounts of \$652.25 and \$218,597.62 and Payroll Summary for October 28, 2005 in the amount of \$95,008.03.
- ◆ Council Minutes from the Regular Session of the November 1, 2005 Common Council Meeting.
- ◆ 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. 80. On call of the roll, motion carried unanimously.

RESOLUTION TO RESCIND THE CITY OF JEFFERSON TREE PLANTING FEE

Ald. Beyer introduced Resolution No. 81.

**CITY OF JEFFERSON
RESOLUTION NO. 81**

RESOLUTION TO RESCIND THE CITY OF JEFFERSON TREE PLANTING FEE

WHEREAS, the City of Jefferson implemented the "Tree Planting Fee" on November 18, 2003.

WHEREAS, although developers have paid the City and trees have been planted in new developments, the fee may be discouraging citizens from replacing trees removed from City right of ways adjacent to their lots.

WHEREAS, the City has a need to replace trees in City right of ways, it is estimated that \$4,000 will be needed in the City Budget for tree planting.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Jefferson, that the Council hereby rescinds the tree planning fee of \$200 associated with the removal of trees on City right of way.

Ald. Beyer stated that this was a recommendation from the Park and Recreation Commission. She stated that no revenue has been generated from this resolution and the City is not planting, on average, twenty trees per years. She added that the City's street trees are valued between 6 & 7 million dollars and that environmentally the correct thing to do is repeal this fee. Ald. Beyer concluded by stating that the \$4,000 mentioned in the resolution is included in the 2006 Proposed Budget.

Ald. Beyer, seconded by Ald. Gang moved to recommend Resolution No. 81. On call of the roll, motion carried by a vote of 7 to 1. Ald. McGrath cast the dissenting vote.

RESOLUTION TO IMPOSE A FIRE DEPARTMENT AND EMERGENCY MEDICAL FACILITIES AND EQUIPMENT IMPACT FEE

Ald. Gang introduced Resolution No. 82.

**CITY OF JEFFERSON
RESOLUTION NO. 82**

RESOLUTION TO IMPOSE A FIRE DEPARTMENT AND EMERGENCY MEDICAL FACILITIES AND EQUIPMENT IMPACT FEE

WHEREAS, the City of Jefferson Finance Committee has requested that the City look at imposing impact fees to cover the cost of the facilities and equipment needed for the Jefferson Fire Department and Emergency Medical Services.

WHEREAS, §66.0617 Wis. Stats. requires a Public Facility Needs Assessment to be completed before impact fees before "fire protection facilities, and emergency medical facilities" are imposed.

WHEREAS, four standards must be met when imposing such an impact fee, including a rational relationship to the need for new, expanded, and improved public facilities, they may not exceed the proportionate share of capital costs that are required to serve land development, they shall be based on actual capital costs, and reasonable estimates of capital costs, they shall be reduced to compensate for other capital costs imposed on the political subdivision.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Jefferson, that the City Administrator is hereby authorized to enter into a contract with Virchow Krause, not to exceed \$6,500 to perform a Facility Needs Assessment on the Fire Department and EMS Service for a potential impact fee, pursuant to §66.0617 Wis. Stats.

Ald. Gang, seconded by Ald. Beyer moved to recommend Resolution No. 82.

Ald. Gang stated that he is in favor of this resolution, as a way to generate revenue for the Fire Department & EMS needs.

Fire Chief Powell then stood and voiced his opposition to the proposal. He said that he feels that this is double taxation and that if this is covered in the general tax roll, individuals would be able to deduct it on their income tax. Powell added that the City is in financial difficulties now and that it cannot afford a \$6,500 study. He encouraged the Council to vote NO.

EMS Director Fisher stated that he had just become aware that this proposal included the EMS Department. He agreed with Powell's statements and encouraged the Council to do more research and answer some of the questions that the department's have.

Atty. Brantmeier stated that he had been asked to draft an ordinance. He stated that as he worked through the information it became apparent that we would be unable to compile and analyze all of the needed information in-house and that an outside consulting firm would be needed to prepare the documents as required by Statutes. Brantmeier then apologized for not getting in touch with the EMS Director prior to drafting the resolution. He added that even though the Fire Chief Powell is not in favor of the resolution he and his department were cooperate in assembling a lot of the information needed to begin the study.

Ald. Havill asked if we were obligated to have Virchow Krause do the study and if it had been sent out for bid.

City Attorney Brantmeier indicated that VK did not need to do the study and that it could be bid out.

Ald. McGrath stated that due to the building condition and the equipment needs of the departments the City should borrow the money needed rather than "feeing" the public to death.

Ald. Havill, seconded by Ald. Benka moved to table Resolution No. 82 until after the Facility Needs Assessment had been bid out. On call of the roll, motion carried unanimously.

ADOPTION OF AMENDED BUILDING PERMIT FEES

Ald. McGrath introduced Resolution No. 83.

CITY OF JEFFERSON RESOLUTION NO. 83

WHEREAS, The City of Jefferson has a Building Permit Fee Structure

WHEREAS, From time to time this Building Permit Fee Structure needs amending

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Jefferson, Wisconsin by this Resolution adopt the following amended Building Permit Fees

BUILDING PERMIT FEES

New Residential Buildings	\$.12/sq ft for all floor area
Permit to Start Construction of Footings and Foundations	
a. One and Two Family	\$50.00
b. Multi-Family and Industrial/Commercial	\$100.00
Wisconsin Uniform Building Permit Seal	\$30.00
Buildings Other Than Residential and All Additions and Remodeling	\$5.00/\$1,000 total value
Miscellaneous	
Pools, Spas, Decks, Fences, Signs, Alterations and Repairs	\$5.00/\$1,000 total value
Razing Buildings	\$5.00/\$1,000 total value
Moving Buildings	\$50.00 plus \$5.00/\$1,000 total value
Inspection Fees:	
a. Re-inspection - Necessary to Confirm Code Violation	\$30.00
b. Special Inspection - Necessary to Confirm Continued Failure to Correct Code Violation	\$75.00
Occupancy Permit:	
a. Residential - Two family and Multi Family	\$30.00/unit
b. Commercial and Industrial	\$75.00
BASE FEE FOR ALL PERMITS	\$30.00

ELECTRICAL PERMIT FEES

New Building/Addition	\$0.03/sq ft for all areas + Base Fee
Light Switch, Outlet and Light Fixture or Communication Device	\$0.40

Power Receptacle Over 150 Volts <i>(over 30 amps)</i>	\$5.00 \$6.00
Service or Switch Alteration <i>(over 200 amps - addl. Per 100)</i>	\$35.00 \$10.00
Refrigerating Unit - <i>per hp</i> <i>(\$5.00 minimum)</i>	\$1.00
Heating Furnace, Water Heater	\$5.00
Electric Unit Heating Device <i>(incl remote thermostat)</i>	\$2.00
Air Conditioning - <i>per ton</i> <i>(\$5.00 minimum)</i>	\$1.00
Feeder & Sub-Feeder	\$5.00
<u>PER 100 AMP CAPACITY</u>	
Each Motor - <i>per hp</i>	\$0.50
Dispenser-Gas, Fuel Oil, Permanent Vending Machine & Well Pump	\$6.00
Swim Pool Wiring & Grounding	\$25.00
Neon Sign, Florescent Sign <i>Per transformer (\$4 minimum)</i>	\$0.50
Wireway, Busyway, Under Floor Raceway or Auxiliary Gutter - <i>per ft</i>	\$0.50
Light Poles	\$6.00
Other _____	\$25.00
Re-inspection Fee	\$25.00
Failure to Call for Inspection Fee	\$25.00
BASE FEE FOR ALL PERMITS	\$30.00

PLUMBING PERMIT FEES

New Building/Addition	\$0.03/sq ft for all areas + Base Fee
Automatic Washer	\$5.00
Sink, Dishwasher, Disposal	\$5.00
Water closet, Lavatory, Urinal	\$5.00
Laundry Tray	\$5.00
Bath Tub/Shower	\$5.00
Hot Tub, Spa, Whirlpool, Wash Fountain	\$10.00
High-Pressure Boiler	\$25.00
Drinking Fountain, Sillcock	\$5.00
Floor Drain, Sight Drain	\$5.00
Water Heater, Water Softener	\$5.00
Sump Pump, Ejector or Pump	\$5.00
Manhole	\$10.00
Catch Basin	\$5.00
Sprinkler Head	\$0.50
Sanitary Building Drain	\$10.00
<i>Over 75 ft. (addl. Per ft.)</i>	<i>\$0.35</i>
Storm Building Drain	\$10.00
<i>Over 75 ft. (addl. Per ft.)</i>	<i>\$0.35</i>
Sanitary Sewer Lateral	\$25.00
<i>Over 100 ft. (addl. Per ft.)</i>	<i>\$0.35</i>
Storm Sewer Lateral	\$25.00

OVER 100 FT (ADDL. PER FT.) \$0.35

Water Lateral \$25.00

OVER 100 FT. (ADDL. PER FT.) \$0.35

Other _____ \$25.00

Re-inspection Fee \$25.00

Failure to Call for Inspection Fee \$25.00

BASE FEE FOR ALL PERMITS \$30.00

HVAC PERMIT FEES

New Building/Addition \$0.03 per sq ft except unheated garages
+ Base Fee

Gas, Oil, Electric & Coal Furnace & Boiler
One & Two Family \$15.00
Commercial \$25.00
Over 150,000 btu - per 50,000 btu \$3.00

Air Conditioning
One & Two Family \$15.00
Commercial \$25.00
Over 36,000 but - per 12,000 btu \$2.00

Fireplace and Wood Burning Stove \$15.00

Electric Baseboard, Wall Unit & Cabinet Unit - *per kw* \$1.25

Duct Work Alteration \$20.00

Other _____ \$25.00

Re-inspection Fee \$25.00

Failure to Call for Inspection Fee \$25.00

BASE FEE FOR ALL PERMITS

\$30.00

Ald. Gang asked if Inspector Burlingame had done a good job compiling this information for the City.

Ald. McGrath, seconded Ald. Gang moved to recommend Resolution No. 83. On call the roll, motion carried unanimously.

RESOLUTION AUTHORIZING ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ACCURATE APPRAISAL LLC FOR ASSESSING SERVICES

Ald. Havill introduced Resolution No. 84.

**CITY OF JEFFERSON
RESOLUTION NO. 84**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign a four-year agreement with Accurate Appraisal, LLC for Assessing Services.

BE IT FURTHER RESOLVED, that 2006 fee shall be \$12,500 and years 2007-2009 shall be \$52,000 annually.

Ald. Havill, seconded by Ald. Benka moved to recommend Resolution No. 84.

Ald. Havill stated that in light of discussions Monday night at the Budget COW regarding the assessing service, the resolution should be changed to reflect the accurate dollar amounts.

Ald. Havill, seconded by Ald. McGrath moved to amend the ordinance to the following: 2006-\$38,500, 2007-\$38,500, 2008-\$39,000 and 2009-\$39,500.

Ald. Gang asked if the Clerk and Attorney had a chance to talk about the contract.

Atty. Brantmeier stated that the Clerk had exchanged information with him and that a discussion is planned for the following week. Brantmeier indicated that he had just received a copy of the contract on Thursday and also had some recommended changes. He asked that the Council take action on the resolution and allow him to negotiate the necessary changes with Accurate Appraisal, LLC.

On call of the roll, motion carried unanimously.

Per Atty. Brantmeier, roll was not taken on the original motion as the amendment nullified the original motion.

RESOLUTION AUTHORIZING SALARY INCREASES AND BACK PAY FOR NON-REPRESENTED EMPLOYEES FOR 2005

Ald. Stewart introduced Resolution No. 85.

**CITY OF JEFFERSON
RESOLUTION NO. 85**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that authorization is given for a 3 ½% increase and back pay to January 1, 2005 for all Non-Represented Employees.

Ald. Stewart, seconded by Ald. Beyer moved to recommend Resolution No. 85 for discussion.

Ald. Benka and Ald. McGrath indicated that they felt the wording of the resolution was confusing.

Ald. McGrath stated that he was unsure if they were acting on backpay and/or a 2005 pay increase.

Ald. McGrath, seconded by Ald. Gang made a motion to break the two issues of backpay and 2005 compensation apart.

Ald. Wagner stated that he would not support a 3 ½% increase because no one gets that.

Ald. Wagner, seconded by Ald. Gang moved to revise the resolution to 2.1% increase.

Ald. Beyer stated that she was in favor of the 3 ½% increase as these are the people who keep the City running everyday. She added that these are also the people who helped save the City over \$250,000 in the 2005 budget by running efficiently and only spending when needed. Beyer stated that they do their job well and should be compensated.

Ald. Gang stated that he believed that a pay freeze was approved during the 2005 budget approval process.

Ald. Beyer stated that there is \$30,000 in the 2005 budget for this purpose and that the funds are projected to be used.

Ald. Benka stated that he remembered the contingency funds being reduced, but did not remember a pay freeze being discussed.

Ald. McGrath stated that he did not believe that this is what the use of contingency funds should be used for.

City Clerk/Treasurer Stewart stated that in her 16 years with the City this is always what the City has done.

City Clerk/Treasurer Stewart stated that if the Council wished, she could get a copy of the minutes of the 2005 Budget Public Hearing.

The Council took a short recess.

The Council then re-adjourned (8:41 pm) and an excerpt of the minutes from the 2005 Budget Public Hearing was then read by Atty. Brantmeier.

Mayor Stevens then allowed Chief Bleecker to speak.

Bleecker stated that all the non-union staff wants is fairness. He added that right now the non-represented staff pays more for insurance than union employees and receives less of an increase. He stated that in 2004 the increase that was received by non-union staff was not enough to cover the increase in insurance contributions. He concluded by just asking the Council to be fair.

Mayor Stevens then allowed Street Superintendent Haffelder to speak.

Haffelder questioned why 10 people were being singled out. He questioned if it was something we did or that we are not doing.

Mayor Stevens then allowed Library Director Lorenz to speak.

Lorenz stated that she appreciated the Council's compliments, because the staff works hard. But to be honest, our costs have gone up too and praise without compensation seems pretty hollow.

Ald. McGrath stated that the City needed to hold the line on increases and increase health insurance contributions to bring the City in line with what everyone else is getting.

He noted that he worked in management for a couple of years and worked 16 hour days, seven days a week. He stated that he received good performance evaluations, but did not receive increases. He stated that Ald. Gang only received three increases in his sixteen years at his job.

Ald. Gang corrected Ald. McGrath and stated that he only missed three raises in sixteen years.

Mayor Stevens stated that the City has quality people and they should be compensated if the City wishes to retain them. He added that the City's budget problems cannot be balanced on the backs of the City employees. He concluded by stating that money is included in the 2005 budget for pay increases.

Ald. Havill stated that many good ideas regarding the City's health insurance were discussed at the Monday Committee of Whole Meeting and that it would be good to take a look at them before making a decision on the 2005 compensation.

Ald. Havill, seconded by Benka moved to table Resolution No. 85.

Ald. Beyer stated that she wanted no confusion and asked the City Clerk/Treasurer when the funds for these increases are no longer available. Stewart responded 12/31/2005.

Ald. Benka stated that he is in favor of a raise, however, the resolution is confusing and that needs to be cleared up.

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

Ald. Wagner, seconded by Ald. Gang moved to adjourn to closed session pursuant to section 19.85(1)(g). On call of the roll, motion carried unanimously.

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

Ald. McGrath, seconded by Ald. Benka moved to adjourn the November 15, 2005 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the November 15 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.