

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
FEBRUARY 7, 2006**

The Tuesday February 7, 2006 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(arrived at 7:32pm), Ald. Gang, Ald. Benka, Ald. McGrath, Ald. Stewart and Ald. Havill. Also present were: City Administrator Bierma, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICIPATION**

Hilde Will, 203 North Jackson Avenue, addressed the Council regarding the City of Jefferson Cab Program. Will noted that the program was celebrating thirty years of offering free cab rides to senior citizens 62 and older. She added that the program started by issuing 9 books of 9 tickets each and had grown to 200 books of 52 tickets each. She encouraged everyone to attend a production of Nunsense II (performances at 9 & 3) to benefit the cab program. She noted that the Governor had issued a plaque to the Committee in honor of their unique service they provide (and the 30<sup>th</sup> anniversary). Ms. Will concluded by stating that it is time that we focus on the positives in Jefferson.

Gary Haag, 740 Browning Avenue, addressed the Council regarding the WPPA/JPPA Union Contract. Haag indicated that over \$10,000 in legal fees had been spent to negotiate their contract as well as the other unnegotiated contracts. He encouraged doing this "in-house" like it used to be done. He added that it was his belief that it could have been done a lot quicker. Haag concluded by asking for a yes vote on the contract and to conduct future negotiations in an honest fashion without a lawyer.

**DISCUSSION: DIRECT LEGISLATION**

Ald. Coffman stated that he had asked for this to be put on the agenda. He then asked City Attorney Brantmeier to review what is going on with the lawsuit filed by the Lorbecki's and the Zimmermann's.

Atty. Brantmeier stated that the City would be in court on February 20<sup>th</sup> at 1pm to discuss the City's motion to dismiss and vacation of the temporary restraining order. He stated that he had prepared a 34 page brief for the court so that they may see all of the issues and facts surrounding the proposed direct legislation.

Ald. Coffman asked how much this was costing the City. Atty. Brantmeier stated that at this point over \$6,000 in charges had been accrued.

Ald. Beyer asked if we could act on the annexations if the judge vacates the temporary restraining order. Atty. Brantmeier stated that continuation of the annexations would be at the request of the property owners--since annexations are not at the City's whim or control. He stated that if they wished to continue with the annexations, the City could proceed as business as usual.

Ald. Coffman asked the Administrator if we had heard anything from St. Coletta or anyone else wanting to annex or build in Jefferson.

Administrator Bierma stated that he had not heard anything from St. Coletta or anyone else seeking annexation. He added that he continues to hear from businesses, one in particular, that are very interested in developing on the south side of Jefferson if other development is planning to locate there.

**AN ORDINANCE TO AMEND SECTIONS 286-5.G. AND 286-16.B. AND TO CREATE SECTION 286-22.A.(4) & (5) OF THE CITY OF JEFFERSON MUNICIPAL CODE REGARDING THE CITY'S FLOODPLAIN ORDINANCE**

Ald. Beyer introduced Proposed Ordinance #1-06 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #1-06**

An Ordinance to Amend Sections 286-5.G. and 286-16.B. and to Create Section 286-22.A.(4) and (5) of the City of Jefferson Municipal Code Regarding the City's Floodplain Ordinance.

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

**Section 1.** Section 286-5.G. is hereby amended as follows:

G. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022 ~~30.12(4)(a)~~, Wis. Stats., applies.

**Section 2.** Section 286-16.B. is hereby amended as follows:

B. Accessory structures or uses. An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor at or above ~~no more than two feet below~~ the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of § 286-12B(1), (2), (3) and (4) and Subsection F below.

**Section 3.** Section 286-22.A.(4) and (5) are hereby created as follows:

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

- (1) Has been granted a permit or variance which meets all requirements of this chapter;

- (2) Meets the requirements of § 286-21; and
- (3) Will not increase the obstruction to flood flows or regional flood height.
- (4) *The portions of the structure located below the RFE must be constructed of flood-resistant materials*
- (5) *It must be designed to allow for the automatic entry of floodwaters*

**Section 4.** This ordinance shall take effect upon passage and publication as required by law.

Ald. Beyer asked if this would change the floodplain designated areas in the City.

City Engineer Ludwig indicated that the only proposed changes are noted in the ordinance and that they are “housekeeping” type updates.

This is first reading.

**CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 108.

**CITY OF JEFFERSON  
RESOLUTION NO. 108**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for February 7, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2005 and February 2006 in the amounts of \$92,992.91 and \$132,126.93 and Payroll Summary for January 20, 2006 in the amount of \$96,452.96.
- ◆ Council Minutes from the Regular and Closed Session of the January 17, 2006 Common Council Meeting.
- ◆ Licenses as Approved by the Regulatory Committee.
  - ◆ Operator’s Licenses
  - ◆ Special Class B Licenses

Ald. Wagner, seconded by Ald. Benka moved to recommend Resolution No. 108. On call of the roll, motion carried unanimously. Ald. Stewart abstained from the approval of the minutes.

**RESOLUTION ACCEPTING PROPOSAL FOR FIREWORKS ON JULY 3**

Ald. Stewart introduced Resolution No. 109.

**CITY OF JEFFERSON  
RESOLUTION NO. 109**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Parks, Recreation and Forestry Director is hereby authorized to accept the proposal from Five Star Fireworks in an amount not to exceed \$4,500 for the services to provide a firework display on July 3 at Pitzner Parkway in the City of Jefferson.

Ald. Gang indicated that Resolution No. 109 was unanimously approved at Finance Committee. He added that the Chamber has developed a good working relationship with Five Star.

Ald. Stewart, seconded by Ald. Havill moved to recommend Resolution No. 109. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ALPHA TERRA FOR SAFETY PROGRAMMING AND ASSOCIATED BUDGET ADJUSTMENT**

Removed from the agenda.

Ald. McGrath, seconded by Ald. Benka moved to adjourn to closed session pursuant to section 19.85(1)(e) of the Wisconsin State Statutes for Collective Bargaining and the Investment of Public Funds as it Relates to the Schweiger Development Proposal and Sale of Property in the North Industrial Park. 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.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR AND MAYOR TO SIGN LABOR AGREEMENT WITH JEFFERSON PROFESSIONAL POLICE ASSOCIATION FOR 2005-2007**

Ald. Coffman introduced Resolution No. 111.

**CITY OF JEFFERSON  
RESOLUTION NO. 111**

**BE IT RESOLVED**, by the Common Council of Jefferson, Wisconsin that the City Administrator and Mayor are authorized to sign the Labor Agreement with Jefferson Professional Police Association for 2005-2007

Ald. Wagner made an amendment to change the wage rate increase to a 2.75% increase. Motion died for lack of a second.

Ald. Gang stated that he appreciated what Ald. Gang had to say, however in the future we need to work together to establish an equal system for non-union staff and union.

Ald. Coffman, seconded by Ald. Havill moved to recommend Resolution No. 111. On call of the roll, motion carried by a vote of 5 to 3. Ald. McGrath, Ald. Stewart and Ald. Wagner cast the dissenting votes.

**SALE OF CITY PROPERTY – NORTH INDUSTRIAL PARK**

Ald. Benka introduced Resolution No. 112.

**CITY OF JEFFERSON  
RESOLUTION NO. 112**

**BE IT RESOLVED**, by the Common Council of Jefferson, Wisconsin to authorize the City Administrator to sign documents for the sale of industrial property to America Weld Design at a price of \$13,250 per acre.

Ald. Benka, seconded by Ald. McGrath moved to recommend Resolution No. 112. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn the February 7, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the February 7, 2006, meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.

**Please Publish: ASAP**

Need an affidavit

Not in the legal section