

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, APRIL 4, 2006**

The Tuesday, April 4, 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, Ald. Gang, Ald. Benka, Ald. Havill and Mayor Collin Stevens. Also present were: City Administrator Bierma, City Engineer Dan Ludwig and City Attorney Brantmeier. Absent were : Ald. McGrath and Ald. Stewart.

PUBLIC PARTICIPATION

Janet Werner, N4018 County Trunk Y, was present and handed out the new tourism guide to the Council.

John Rhiel, 134 Dewey Avenue, requested that the Council not approve the rezoning referred to in Proposed Ordinance #4-06. He referred to several state statutes saying why we should not be annexing. He was concerned about the sensitive environmental corridor that is located up by the water tower on the property to be annexed. He indicated that if we removed/moved one tree he would challenge it and that would cause the City to go to court and spend more money.

Jim Van Lieshout, 229 Meadow Court, was questioning why the City Council was holding a meeting tonight. It was election night and for the ten years that he has been in the community he is not aware of one meeting that was held on election night. He also referred to the Council as being "lame duck" and should defer to the next Council to make the decision on the annexation of the "Sherman/Pinnow" property.

Gladys Vogel, W5042 HWY 18, expressed her deep concerns and did not want to be annexed with the St. Coletta property.

Bill Pinnow, N4043 County Trunk K, could not understand why the annexation of his property was such a problem. He indicated that the Countryside annexation went really fast. He also expressed how the Coalition said that it was not a Wal-Mart issue, but yet we constantly hear the Wal-Mart name. He indicated that we should stop the delays and move forward.

PUBLIC HEARING ON AN ORDINANCE TO AMEND SECTION 300-19 B OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO THE REZONING OF THE NEWLY ANNEXED PROPERTY KNOWN AS THE "SHERMAN AND PINNOW" PROPERTY FROM A TEMPORARY ZONING DESIGNATION OF BHN TO A PERMANENT ZONING DESIGNATION OF BHN

The Common Council adjourned to Public Hearing on the Proposed Amendment to Section 300-19 B of the Municipal code of the City of Jefferson Related to the Rezoning of the property known as the "Sherman and Pinnow" property from a temporary zoning designation of BHN to a permanent zoning designation of BHN.

It was called to order by Mayor Collin Stevens.

The notice of the Public Hearing was read by the City Administrator.

Dan Ludwig, City Engineer, explained the zoning change.

Jim Van Lieshout, 229 Meadow Ct, addressed the Council about his deep concerns about how the access on Ryan Road to his drive in bank site will be affected. It will not be easy. He felt that Wal-Mart would be a competitor and leave him with a disadvantage.

Bill Pinnow, N4043 County Trunk K, referred to how Van Lieshout did not want a stoplight on the intersection previously. It would only help the bank.

John Rhiel, 134 Dewey Avenue, talked about the legal issues and how the new Council should make the decision as this Council is a "lame duck."

Attorney Brantmeier explained that we are not changing the comprehensive plan.

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

Ald. Gang introduced Proposed Ordinance #4-06 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #4-06**

An Ordinance to Amend Section 300-19 B. of the Municipal Code of the City of Jefferson Related to Rezoning.

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

Section 1. Section 300-19 B. of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by deleting the following area from its temporary zoning designation of BHN (Business Highway Commercial) to a permanent zoning designation of BHN (Business Highway Commercial):

Description: 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.

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 472.95 feet to the Point of Beginning; thence South 89 degrees 09 minutes 04 seconds East, a distance of 33.07 feet to the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"); thence South 2 degrees 51 minutes 16 seconds East on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 165.69 feet; thence North 89 degrees 23 minutes 47 seconds West, a distance of 381.07 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 South 2 degrees 51 minutes 16 seconds East on the East Right-of-Way Line of said County Trunk Highway "K" (Formerly C.T.H. "Q"), a distance of 861.35 feet; thence South 89 degrees 11 minutes 24 seconds West, a distance of 1199.06 feet; thence North 28 degrees 27 minutes 43 seconds East, a distance of 1353.00 feet; thence South 89 degrees 12 minutes 38 seconds East, a distance of 237.54 feet; thence South 89 degrees 09 minutes 04 seconds East, a distance of 225.47 feet to the Point of Beginning, containing 943,176 square feet (21.652 acres), more or less.

Parcel #: 241-0614-1421-003
241-0614-1421-000

Address: Address Not Yet Assigned-Adjacent to Highway K and Highway 26

Temporary Zoning Designation: BHN (Business Highway Commercial)

Proposed Zoning Designation: BHN (Business Highway Commercial)

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

Ald. Gang, seconded by Ald. Beyer moved to approve proposed ordinance #4-06. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND SECTION 300-19 B OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO REZONING REQUEST SUBMITTED BY GEORGE EIMER AND MIKE FOERSTER FOR 117 SOUTH WHITEWATER AVENUE FROM BC TO R-1

Ald. Benka introduced Proposed Ordinance #5-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #5-06**

An Ordinance to Amend Section 300-19 B. of the Municipal Code of the City of Jefferson Related to Rezoning.

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

Section 1. Section 300-19 B. of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by deleting the following area from its zoning designation of BC (Central Commercial) to R-1 (Single Family Residential):

Description: Lot 3, Block 3, Orig Plat of Jefferson

Parcel #: 241-0614-1112-014

Address: Address Not Yet Assigned-Adjacent to 111 South Whitewater Avenue

Current Zoning Designation: BC (Central Commercial)

Permanent Zoning Designation: R-1 (Single Family Residential)

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

This was a first reading.

AN ORDINANCE TO ANNEX LAND (APPROX 288 ACRES) PARTIALLY OWNED BY ST COLETTA FROM THE TOWNSHIP OF JEFFERSON

Ald. Gang introduced Proposed Ordinance #6-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #6-06**

ANNEXING TERRITORY FROM THE TOWNSHIP OF JEFFERSON

SECTION 1. Annexation Petition. A Petition for Annexation was presented to the City Clerk of the City of Jefferson on March 27, 2006 under statutory authority of Section 66.0217(3) of the Wisconsin State Statutes. The petition was signed by a majority of electors and property owners of at least one-half of the proposed area for annexation; and, said Petition for Annexation and Notice contain a legal description of the territory proposed to be annexed sufficiently accurate to determine its location, designates the area to be annexed to the City of Jefferson, designates the area as being proposed to be detached from the Town of Jefferson. And, the proposed petition for annexation was submitted to the State of Wisconsin Department of Administration for review; and, the State of Wisconsin Department of Administration has found the proposed annexation to be in the public interest.

SECTION 2. Territory Annexed. In accordance with s. 66.0217(3) of the Wisconsin Statutes of 2004, the Petition for Annexation described the following territory as being detached from the Town of Jefferson, Jefferson County, Wisconsin, and annexed to the City of Jefferson, Wisconsin:

Please see attached description and map

SECTION 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 2 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 4. Ward Designation. The territory described in Section 2 of this ordinance is hereby made a part of the 1st and 8th Wards of the City of Jefferson, subject to the ordinances, rules and regulations of the City governing wards.

SECTION 5. 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 6. 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 7. Effective Date: This ordinance shall take effect upon passage and publication as provided by law.

This was a first reading.

CONSENT AGENDA

Ald Wagner introduced Resolution No. 133.

**CITY OF JEFFERSON
RESOLUTION NO. 133**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 4, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April 2006 in the amount of \$471,523.23 and Payroll Summary for March 17, 2006 in the amount of \$100,906.62
- ◆ Council Minutes from the Regular and Closed Session of the March 21, 2006 Common Council Meeting.
- ◆ 2006 Petition for County Highway Aids.
- ◆ 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. 133. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF JEFFERSON AND THE COUNTY OF JEFFERSON FOR THE PURCHASE OF HANDICAPPED ACCESSIBLE VOTING EQUIPMENT

Ald. Havill introduced Resolution No. 134.

**CITY OF JEFFERSON
RESOLUTION NO. 134**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin, that the City Clerk is hereby authorized to enter into a Memorandum of Understanding between the City of Jefferson and the County of Jefferson for the Purchase of Handicapped Accessible Voting Equipment.

Ald. Havill, seconded by Ald. Benka moved to recommend Resolution No. 134. On call of the roll, motion carried unanimously.

RESOLUTION ACKNOWLEDGING A PALPABLE ERROR IN THE 2005 ASSESSMENT ROLL, AUTHORIZING A BUDGET ADJUSTMENT TO APPROPRIATE FUNDS FOR THE 2005 TAXES AND AUTHORIZING THE CHARGE BACK OF TAXES TO THE OTHER TAXING JURISDICTIONS

Ald. Coffman introduced Resolution No. 135.

**CITY OF JEFFERSON
RESOLUTION NO. 135**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City acknowledges that an assessing error was made on the property located at 513 West Puerner Street (241-0614-0232-033) under Wisconsin State Statutes 74.33(1)(b),

BE IT FURTHER RESOLVED, that the Council accepts that the property should have been assessed at 50% completion for the 2005 assessment roll and

THEREFORE, approves the following budget amendment and hereby directs the City Clerk/Treasurer to submit an “Inquiry Related to Rescinded or Refunded Taxes” (PC-201) to the Department of Revenue by October 1, 2006.

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMNT	REVISED AMOUNT
<u>General Miscellaneous</u>				
Illegal Taxes	01-51910-70-711	\$0.00	\$3,643.56	\$3,643.56
<u>Funded From</u>				
Contingencies	01-51910-75-789	\$30,000.00	\$3,643.56	\$26,356.44

Ald. Coffman, seconded by Ald. Havill moved to recommend Resolution No. 135. On call of the roll, motion carried unanimously.

RESOLUTION DESIGNATING SPEED LIMITS FOR APPROACHES TO THE HIGHWAY 26 BYPASS

Ald. Gang introduced Resolution No. 136.

**CITY OF JEFFERSON
RESOLUTION NO. 136**

BE IT RESOLVED that the Common Council of the City of Jefferson, Wisconsin, recommends the Department of Transportation to use a 40 mph design speed for the overpass alignment of CTH “J” and CTH “W” in conjunction with the development of the STH 26 Bypass Project.

City Engineer Ludwig explained the impact of the design speed on the vertical alignment of CTH J and CTH W as they cross over the bypass of STH 26. Using a 40 mph design speed, a 35 mph posted speed or lower would be needed on the approaches to the structures over the Highway 26 bypass. He also explained how the structures would be designed on CTH J and CTH W.

City Engineer Ludwig then explained how the 50 mph and 40 mph alternatives affected the design of Kaden Estates. Using the 40 mph design speed, no significant impact was identified to the design of Kaden Estates. Whereas the 50 mph design has significant impacts to the parcels adjacent to the highway.

There was a consensus among the Council to post the speed at 35 miles per hour and to have the high point of the vertical curve on the bridge.

Ald. Gang, seconded by Ald. Wagner moved to recommend Resolution No. 136. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE WAGE STRUCTURE FOR PART-TIME SEASONAL EMPLOYEES

Ald. Beyer introduced Resolution No. 137.

**CITY OF JEFFERSON
RESOLUTION NO. 137**

BE IT RESOLVED by the Common Council of the City of Jefferson that the part-time recreational wages are hereby adopted.

**CITY OF JEFFERSON
WAGE STRUCTURE FOR PART-TIME SEASONAL EMPLOYEES**

	1st Year	2nd Year	3rd Year	4th Year *
Adult Sport Umpire/Referee				
Men/Women Softball one umpire system	17.50	18.00	18.50	19.00
Volleyball "A" League **	11.00	11.50	12.00	12.50
Volleyball "B" League **	7.50	8.00	8.50	9.00
Pony League/Umpire **	25.00	27.50	30.00	32.50
Kickball Umpire	13.00	13.50	14.00	14.50
Youth/Adult Activity-Instructor				
T-Ball/Scorekeeper Coordinator	8.00	8.25	8.50	8.75
Minor League Supervisor	7.00	8.00	9.00	10.00

Aquatics/Lessons Instructor				
Water Exercise	6.90	7.15	7.40	7.65
Senior Water Exercise	6.90	7.15	7.4	7.65
Aquatic Center Manager	8.65	9.15	9.65	10.15
Swim Lesson Coordinator	8.15	8.40	8.65	8.90
Swim Lesson Instructor	7.40	7.90	8.40	8.90
Head Lifeguard	7.65	7.90	8.15	8.40
Concession	5.90	6.15	6.40	6.65
Lifeguard	6.75	7.00	7.25	7.50
YOUTH SPORT UMPIRE/REFEREE				
Flag Football	6.35	6.60	6.85	7.10
Outdoor Soccer	6.35	6.60	6.85	7.10
Youth Baseball – Bases ** Solo	15.00	15.25	15.50	15.75
Youth Softball ** Solo/Volleyball	11.00	11.75	12.50	13.25
Open Gym Supervisor	7.00	7.25	7.50	7.75
Skating Rink Supervisor	6.35	6.60	6.85	7.10
Scorekeeper – Adult Volleyball	7.00	7.25	7.50	7.75
Scorekeeper – Men’s Basketball	7.00	7.25	7.50	7.75
Scorekeeper – Adult Softball	6.85	7.10	7.35	7.60
Youth Activity Helper – T-Ball/Mnr Lge	6.35	6.60	6.85	7.10
Scorekeeper-Youth Baseball	6.60	6.85	7.10	7.35
Indoor Soccer	6.35	6.60	6.85	7.10

*After the 4th year of employment, the rate of increase will only be the cost of living percentage determined by the Common Council. Any employee past the 4th year of employment in 2006 will continue to receive their current wage plus the cost of living percentage determined by the Common Council.

**These activities may be more or less than one hour in duration. The rates reflect game/match amount paid rather than hourly rates.

Ald. Havill, seconded by Ald. Benka moved to table Resolution 137 and take it to the Finance Committee. Motion carried by a vote of 5 to 1: Ald. Beyer cast the dissenting vote.

Ald. Gang seconded by Ald. Benka moved to adjourn to closed session pursuant to section 19.85(1)(e) of the Wisconsin State Statutes for Bargaining as it relates to the proposed Wal-Mart Development Agreement. On call of the roll, motion carried unanimously.

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

RESOLUTION APPROVING A DEVELOPERS AGREEMENT WITH WAL-MART

Mayor Collin Stevens removed this item from the agenda.

Ald. Gang, seconded by Ald. Benka moved to adjourn the Tuesday, April 4, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, April 4, 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