

**MINUTES
ORGANIZATIONAL MEETING
CITY OF JEFFERSON COMMON COUNCIL
APRIL 18, 2006**

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

City Clerk/Treasurer Stewart swore in the newly elected city officials: Gary Myers, Toby Tully, Jr., Chris Havill, Paul Peachey and Eugene Benka.

The Tuesday, April 18, 2006, organizational meeting of the City of Jefferson Common Council was called to order at 9:00 p.m. by Mayor Myers. Members present were: Ald. Wagner, Ald. Tully, Ald. Beyer, Ald. Peachey, Ald. Benka, Ald. McGrath, Ald. Havill and Ald. Stewart. Also present was City Engineer Ludwig, City Attorney Brantmeier, City Administrator Bierma and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

(None)

ELECTION OF COUNCIL PRESIDENT

Ald. McGrath nominated Ald. Wagner for Council President. Ald. Tully nominated Ald. Wagner for Council President. Hearing no other nominations, Mayor Myers closed the nominations. The Council then cast ballots for Council President. First tally of votes revealed 4 votes for Ald. Wagner and 4 votes for Ald. Havill. The Council then recast ballots for Council President. Upon tally for the second time, the count revealed 5 votes for Ald. Wagner and 3 votes for Ald. Havill. Ald. Wagner was then named Council President.

MAYORAL PROCLAMATION

The Mayor then read a proclamation naming April 28, 2006 as Arbor Day.

ORGANIZATIONAL RESOLUTIONS

RULES OF ORDER OF BUSINESS

Ald. Havill introduced Resolution No. 1.

**CITY OF JEFFERSON
RESOLUTION NO. 1**

BE IT RESOLVED that the Rules and Order of Business adopted April 19, 2005, by the preceding Common Council, be and hereby are adopted for the government of the Common Council.

Ald. Havill, seconded by Ald. Benka moved to recommend Resolution No. 1. Motion carried by a voice vote.

DESIGNATING AN OFFICIAL NEWSPAPER

Ald. Beyer introduced Resolution No. 2.

**CITY OF JEFFERSON
RESOLUTION NO. 2**

BE IT RESOLVED that the Watertown Daily Times is hereby designated the official newspaper of the City of Jefferson for publication of Common Council proceedings and legal notices for the ensuing year.

Ald. Beyer stated that last year the Council opted to change our official paper to the Watertown Daily Times. She stated that she was in favor of switching the official paper back to the Daily Union. Beyer stated that the Council should pick an official paper that has the greatest circulation in the municipality. In this case, the Union has a circulation of approximately 1,700 papers in the City, versus 170 for the Daily Times. She added that the paper should be chosen for its circulation and not its editorials.

Ald. Beyer, seconded by Ald. Wagner moved to recommend that the Resolution be changed to read "Jefferson County Daily Union". Motion carried on a voice vote.

Ald. Wagner stated that he would support the amended resolution because the readership over the Times is 3 to 1. He also stated that most of the Seniors get the Union and not the Times.

Ald. Havill stated that he felt that Union was working better with the City in the past year and with readership in mind, he would be supporting the Amended Resolution.

Ald. Benka stated that he felt the Times had done a great job for the City, but also agreed with Ald. Havill's comments. He stated that he also would be supporting the Amended Resolution.

Ald. Beyer, seconded by Ald. Benka moved to approve Amended Resolution No. 2. On call of the roll, motion carried unanimously.

Mayor Myers stated that on behalf of the Council and himself he wished to thank the Daily Times for their service to the City and noted that the City will continue to work with all members of the media.

**DESIGNATING THE PUBLIC DEPOSITORIES WHICH MAY BE UTILIZED FOR
THE INVESTMENT OF PUBLIC FUNDS**

Ald. Coffman introduced Resolution No. 3.

**CITY OF JEFFERSON
RESOLUTION NO. 3**

BE IT RESOLVED that the Premier Bank and the Citizens Bank of Jefferson, Fort Community Credit Union, County City Credit Union, (Chase Bank) Bank One of Milwaukee, State Investment Pool Fund of Madison, First Bank Milwaukee of Milwaukee, the Marshall & Illsley Bank of Milwaukee and the Wisconsin Investment Trust, duly organized under the laws of the State of Wisconsin and approved by the Wisconsin Commissioner of Banking as qualified public depositories, be and hereby are designated for

public depositories pursuant to Section 34.05, of the Wisconsin State Statutes, for all public moneys coming into the City of Jefferson.

Ald. McGrath, seconded by Ald. Benka moved to recommend Resolution No. 3. On call of the roll, motion carried unanimously.

APPOINTMENTS BY MAYOR AND CONFIRMED BY COUNCIL

Ald. Benka, seconded by Ald. McGrath moved to approve the following mayoral appointments:

Appointments by Mayor and Confirmed by City Council:

- A. Street Foreman/Weed CommissionerDave Haffelder
- B. Sewerage Treatment Plant Operator. Mike Kelly
- C. Recreation Director/Forester.Cyndi Keller

Motion carried on a voice vote.

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

Appointments by Mayor and Confirmed by City Council:

- A. Housing Authority (5 yr. term)Myrtle Herrmann
- B. Jefferson Development Commission.....Shirley Dempsey, Business
..... Dennis Siebenhaller, Business
..... Dev Traver, Business
..... Kevin Wenzel, Business
..... Dave Knutson, Business
..... Cheryl Hanson, Business
..... Chris Nash, Business
..... Pat Vandenberg, Financial
..... Jim Van Lieshout, Financial
..... Don Vogel, Utility Commission
..... Toby Tully Jr. Council Representative
..... Kathleen Groskopf, County Board Representative
..... Scott Sadowski, Chamber of Commerce President
..... W. Bruce Bierma, Ex-Officio Member
..... Dan Ludwig (City Engineer), Ex-Officio Member
..... Mike Swartz (School District), Ex-Officio Member
..... Gary Myers (Mayor), Ex-Officio Member
- C. Library Board (3 yr. term) Judy Dellamater
..... Amy Monogue
Council Representative Eugene Benka
- D. Museum Board (1 year term) 3 Council Representatives John Wagner
.....David Stewart
..... Peg Beyer
- E. Park & Recreation Commission Craig Russell
..... Paul Peachey, Council Representative
- F. Plan Commission David Endl

- Park & Rec Comm. Representative Steve Adams
- G. Tourism Committee Toby Tully Jr., Council Representative
..... Chamber Representative TBD
- H. Revolving Loan Committee David Stewart
..... John Wagner, Alternate
- I. Utilities Commission (3 year term)..... Don Vogel
2 Council Representatives..... Peg Beyer
..... Eugene Benka
- J. Zoning Appeals Board (3 year term)..... Brian Hoffman, Alternate
- K. Historic Preservation Commission..... John Wagner, Alderperson
- L. Cable Commission Kathy Volk
..... Eugene Benka, Alderperson
..... Paul Peachey, Alderperson
- M. Landscape Committee Peg Stewart

Motion carried on a voice vote.

Mayor Myers then stated that he would like to appoint Alderperson Toby Tully, Jr. as Council Representative to the Plan Commission. Ald. Benka, seconded Ald. Havill moved to approve the mayoral appointment. The motion carried on a voice vote.

Ald. Beyer, seconded by Ald. Benka moved to approve the mayoral appointments to the Board of Review. The motion carried on a voice vote.

Board of Review: (1 Year Term)

- Mayor Gary Myers
- John Wagner
- David McGrath
- David Stewart
- Paul Peachey
- City Clerk/Treasurer Stewart

Ald. Wagner, seconded by Ald. Havill moved to approve the following appointments to the standing Council Committees. The motion carried on a voice vote.

Council Committees: (Appointed by the Mayor)

- AMBULANCE: *Benka, Beyer, Stewart; Alternate: Wagner
- FINANCE: *Havill, Peachey, Benka; Alternate: McGrath
- REGULATORY: *Wagner, Tully, McGrath; Alternate: Stewart
- PERSONNEL: *Tully, Havill, Stewart; Alternate: Beyer
- STREETS:..... *McGrath, Wagner, Beyer; Alternate: Benka
- FACILITY: *Beyer, McGrath, Peachey; Alternate: Tully

* Denotes Committee Chairperson

**THANKING PAST ALDERPERSONS AND THE MAYOR FOR THEIR SERVICE
ON THE COMMON COUNCIL**

Ald. Wagner introduced Resolution No. 4.

**CITY OF JEFFERSON
RESOLUTION NO. 4**

BE IT RESOLVED that the Common Council of the City of Jefferson, Wisconsin recognizes Former Mayor Collin Stevens, Former Alderperson Robert Coffman, Former Alderperson Chris Gang for their dedicated service to the City of Jefferson and to also know the City of Jefferson owes them a large amount of gratitude

Mayor Myers stated that he wished to extend his gratitude to the outgoing members of the Council. He stated that their service to the City is well appreciated.

Ald. Wagner, seconded by Ald. Beyer moved to recommend Resolution No. 4. Motion carried by a voice vote and a round of applause.

**RESOLUTION TO TERMINATE THE JOINT MUNICIPAL COURT BETWEEN
THE CITY OF JEFFERSON, VILLAGE OF JOHNSON CREEK AND THE
TOWNSHIP OF AZTALAN**

Ald. Peachey introduced Resolution No. 5.

**CITY OF JEFFERSON
RESOLUTION NO. 5**

Resolution to Terminate the Joint Municipal Court Between the City of Jefferson, Village of Johnson Creek and the Town of Aztalan.

WHEREAS, in November 16, 1993 a Joint Municipal Court was created between the City of Jefferson, Village of Johnson Creek and the Town of Aztalan.

WHEREAS, on September 21, 2004 the City of Jefferson raised the annual salary of the Municipal Judge and amended the term to four years.

WHEREAS, on October 18, 2005 the City of Jefferson recodified it's City Municipal Code and the in the process the Municipal Judge Ordinance conflicts as in Section 33-2 it specifies a two (2) year term and also in Section 33-2 specifies a four (4) year term.

WHEREAS, under Wisconsin State Statutes 755.01(4) each municipality must enact an identical ordinance in order to create a Joint Municipal Court.

WHEREAS, the Town of Sumner was interested in joining this Joint Municipal Court, but it currently is a member of another joint municipal court and therefore is currently ineligible.

BE IT RESOLVED, that in order to correct a clerical error, the Joint Municipal Court between the City of Jefferson, Village of Johnson Creek and the Town of Aztalan Joint Municipal Court is hereby dissolved and terminated effective April 30, 2006.

BE IT FURTHER RESOLVED, that effective May 1, 2006 the City of Jefferson, Village of Johnson Creek and Town of Aztalan adopt Ordinance No. 7-06 attached hereto and incorporated by reference as their respective Joint Municipal Court pursuant to Section 755.01(4) Wisconsin Stats.

BE IT FURTHER RESOLVED, after passage and publication as provided by law, the Honorable Bruce Freeberg is hereby appointed to be Judge of the Joint Municipal Court between the City of Jefferson, Village of Johnson Creek and Town of Aztalan effective May 1, 2006 for a period of one year pursuant to Ordinance No. 7-06.

Atty. Brantmeier then gave a brief overview of the Resolution and Ordinance. He stated that identical resolutions and ordinances had been passed by the Village of Johnson Creek and the Township of Aztalan. He also noted that Municipal Judge Freeberg knows what is happening and is aware that he will be on the ballot next Spring.

Ald. Peachey, seconded by Ald. Havill moved to recommend Resolution No. 5. On call of the resolution, motion carried unanimously.

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE REMOVAL OF THE TOWNSHIP OF SUMNER FROM THE CITY'S MULTI-JURISDICTIONAL COURT AND CLARIFICATION OF THE MUNICIPAL JUDGE TERM

Ald. Tully introduced Proposed Ordinance #7-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #7-06**

An Ordinance to Amend Chapter 33 of the Municipal Code of the City of Jefferson Related to the Removal of the Township of Sumner from the City's Multi-Jurisdictional Court and Clarification of the Municipal Judge Term.

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

Section 1. Section 33-1. Creation.

There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis. Stats., to be designated as "Municipal Court for Central Jefferson County," which shall consist of the City of Jefferson, the Village of Johnson Creek, **and** the Town of Aztalan, ~~and the Town of Sumner.~~

Section 2. Section 33-2. Municipal Judge.

Such Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in the City of Jefferson, the Town of Aztalan, or the Village of Johnson Creek. ~~Such Municipal Judge shall be elected at large in the spring election for a term of two years commencing on May 1.~~ The Municipal Judge shall be elected in odd-numbered years for a term of four years commencing ~~March~~ May 1, 2007. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in § 8.10, Wis. Stats., and selection at a primary election if such is held as provided in § 8.11, Wis. Stats. The Common Council of the City of Jefferson, the Village Board of the Village of Johnson Creek **and** the Town Board of the Town of Aztalan ~~and the Town Board of the Town of Sumner~~ shall provide for a primary election in the event that more than two candidates file nomination papers for such position of Municipal Judge as provided in § 8.11(1)(a), Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in § 5.02(22), Wis. Stats.

A. Election. The municipal clerk of each municipality shall see to compliance with §§ 5.58(1c), 5.60(1)(b) and (2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a), Wis. Stats., to provide for the election of a Municipal Judge under § 755.01(4), Wis. Stats.

B. Oath and bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats., and at the same time execute and file an official bond as required by statute. The Judge shall not act until the oath and bond have been filed as required by § 19.01(4)(c), Wis. Stats., and the requirements of § 755.03(2), Wis. Stats., have been complied with.

C. Salary. The salary of the Municipal Judge shall be fixed by the Common Council of the City of Jefferson, the Village Board of Johnson Creek, and the Town Board of the Town of Aztalan at \$7,009 per year which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c) Wis. Stats. The municipalities may, by separate ordinance, allocate funds for the administration of the Municipal Court pursuant to § 66.30, Wis. Stats. For the term ending April 30, 2007, the Village of Johnson Creek shall tender the sum of \$4,500 per year, commencing May 1, 1998, and annually thereafter to the City of Jefferson. The Town of Aztalan ~~and the Town of Sumner~~ shall tender \$25 per case administered to the City of Jefferson. The City of Jefferson shall pay the Municipal Judge's salary as set forth above. The City of Jefferson shall pay the Municipal Clerk's salary as budgeted from time to time.

Section 3. 33-3. Jurisdiction.

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by §§ 755.045 and 755.05 Wis. Stats., and as otherwise provided by state law.

Section 4. 33-4. Hours.

The Municipal Court shall be open at such location and at such times as determined by the Municipal Judge.

Section 5. 33.5. Forfeitures.

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

Section 6. 33-6. Contempt procedure.

A. The Municipal Judge may impose a sanction authorized under § 800.12(2), Wis. Stats., for contempt of court, as defined in § 785.01(1), Wis. Stats., in accordance with the procedures under § 785.03, Wis. Stats.

B. The Municipal Judge may impose a forfeiture for contempt under § 800.12(1), Wis. Stats., in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and costs, fees and surcharges imposed under Ch. 814, Wis. Stats., a jail sentence not to exceed seven days. [**Amended 10-18-2005 by Ord. No. 17-05**]

Section 7. 33-7. Abolition.

The Municipal Court hereby established shall not be abolished while the agreement under § 755.01(4), Wis. Stats., is in effect.

Section 8. 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 is a first reading.

RESOLUTION AWARDING A SEWER CONTRACT ON EAST LINDEN DRIVE

Ald. Havill introduced Resolution No. 6.

**CITY OF JEFFERSON
RESOLUTION NO. 6**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City awards a sewer reconstruction contract for E. Linden Drive to Al Banaszak Inc., Lake Mills, WI in an amount not to exceed \$75,837.60 and that the following budget adjustment is hereby approved for the reconstruction of East Linden Drive.

| BUDGET ITEM | ACCOUNT # | BUDGET | ADJUSTMENT | AMOUNT |
|------------------------------|------------------|---------------|--------------------|---------------|
| Street Reconstruction | 41-50000-40-421 | \$0.00 | \$80,000.00 | \$80,000.00 |

City Administrator Bierma was then asked if this had received the approval of the Finance Committee. Bierma indicated that it was discussed at budget time.

City Engineer Ludwig noted that funds had been requested for the project in the last two years budgets, but had been removed both years. He stated that the engineering for the water main had been done by the utility several years ago and that they had been in a holding pattern waiting for the City. Ludwig indicated that the Council appropriated funds in the 2006 Sewer Utility Budget for the replacement of the sewer in this street. He indicated that it was the departments thought that the road should be reconstructed at the same time.

Ald. Benka then asked where the funds were coming from for this project.

City Clerk/Treasurer Stewart stated that the funds would be coming from the fund balance of the Street Construction Fund. She noted that the resolution should have reflected that.

Ald. Wagner asked why this wasn't sent to Finance Committee; he noted that this should have received their approval first. Ald Stewart concurred.

Mayor Myers stated that it probably should have went to Finance Committee first and then asked Finance Chairperson Havill if he felt uncomfortable going ahead with approval.

Ald. Havill stated that he was aware that the project was in the works from discussions at budget time. He stated that he did have enough comfort to go ahead with the resolution this evening, but asked that in the future these items be referred to Finance for their recommendation first.

Ald. Havill, seconded by Ald. Beyer moved to Recommend Resolution No. 6. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Havill moved to adjourn the April 18, 2006 organizational meeting of the City of Jefferson Common Council. The motion carried unanimously.

Please Publish: ASAP
need an affidavit
not in the legal section