

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, MAY 16, 2006**

The Tuesday, May 16, 2006 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Myers. Members present were: Ald. Wagner, Ald. Tully, Ald. Beyer, Ald. Peachey, Ald. Benka, Ald. Stewart and Ald. McGrath. Absent was: Ald. Havill. Also present were: City Administrator Bierma, City Clerk/Treasurer Stewart and City Attorney Brantmeier.

PUBLIC PARTICIPATION

Tony LocDuca, W4955 Highway 18, addressed the Council regarding the annexation petitions on the Council agenda this evening. Mr. LocDuca stated that St. Coletta's will be present for the meeting and would be available to answer any questions the Council may have. He also added that St. Coletta prefers that the Council approve the second annexation petition in which Ms. Vogel is a co-petitioner.

PRESENTATION: EAGLE SCOUT PROJECT – SCHIFERL PARK

Life Scout Kyle Shannon then stated that as part of his quest to become an Eagle Scout he was undertaking a restoration project of the Schiferl Park Trail. He stated that the beginning part of his project would be to remove invasive species from the trail, such as: queen annes lace and grapevine. He stated that the second part of the project would be to replace some of the boardwalk and add additional sections to the trail. He noted that if enough funds were raised, he would also like to work on a signage project. He commented that he will be looking at minimally trying to raise \$250-\$550 for the initial part of the project.

The Council then took an informal motion by Beyer and Benka to support the Eagle Scout project. The remainder of the Council was in consensus with the project as well.

After the presentation, Mayor Myers then started the restoration fund by donating \$20. Scout Shannon was also contacted after the meeting by Wausau Insurance and John's Disposal both of which offered to help fund the Eagle Scout Restoration Project.

PRESENTATION: EAGLE SCOUT PROJECT – TENSFELDT PARK PAVILLION

Presentation was cancelled.

**PRESENTATION: JDC PRESIDENT DAVE KNUTSON – RECAP OF MAY 3, 2006
JDC MTG AND JDC PRIORITIES**

Dave Knuston, President of the JDC, then reviewed the May 3, 2006 Meeting of the JDC. He stated that the discussions focused upon making things better and visioning Jefferson in the future.

As a result of the meeting and the discussions that took place. The Mayor, in tandem with the JDC, is setting up three working groups. They are the Communication and Promotion Working Group, the Sales and Marketing Group and the Staff and Structure Group. Each of these committees will be comprised of an Alderperson, citizen, JDC member and several other

optional members dependent upon the topic. They will all be given a purpose, timetable and task and asked to evaluate their objectives and report to the necessary bodies.

The information gained will be used by various City bodies, including the JDC, to evaluate things such as the website, the JDC structure, and property sales.

Knutson stated that one of the most notable things coming out of the meeting was an upbeat attitude and a commitment to keep Jefferson growing. He stated that he felt the JDC would be able to report back to the Council by the end of June.

PROCLAMATION: EMS WEEK

Mayor Myers then read a Proclamation naming May 14-20 Emergency Medical Services Week.

ANNEXATION OF LAND PARTIALLY OWNED BY ST. COLETTA OF WISCONSIN, INC. – PETITION #1

Ald. Beyer introduced Tabled Proposed Ordinance #6-06 for its second reading.

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

ANNEXING TERRITORY FROM THE TOWNSHIP OF JEFFERSON

SECTION 1. Annexation Petition. In accordance with s. 66.0217(3)(a) of the Wisconsin Statutes of 2004, the Notice of Intent to Circulate an Annexation Petition was filed with the City Clerk on the 13th day of December, 2005. A Petition for Annexation was presented to the City Clerk of the City of Jefferson on the 27th of March, 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. A temporary zoning classification of R-1--Single Family Residential is being recommended for all annexed land owned by St. Coletta south and north of USH 18 and a temporary zoning designation of AG—Agricultural is being recommended for all annexed land owned by Gladys Vogel north of USH 18 from the Plan Commission.

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.

Ald. Beyer, seconded by Ald. McGrath moved to recommend Tabled Proposed Ordinance #6-06.

City Atty. Ben Brantmeier then explained the two petitions for annexation before the Council this evening. He then explained what a “yes” and a “no” vote would mean for Proposed Ordinance #6-06.

Attorney Bill Vogt, representing St. Coletta, then gave an overview of the events since the April 18th meeting of the Common Council. He stated that at that time, at least three members of the Council indicated that they wanted St. Coletta to go back to the drawing board with Ms. Vogel. He stated that Ms. Vogel and St. Coletta had done just that and the result was petition number two in which Ms. Vogel is a co-petitioner. He stated that for many reasons St. Coletta prefer Petition #2, most notably because it represents an accommodation between Ms. Vogel and St. Coletta (neighbors). He stated that the buyer has also graciously agreed to an extension on the offer to purchase. Atty. Vogt then noted that the State of Wisconsin DOA had just this afternoon faxed a letter stating that they have found Petition #2 in the best interest of the City. He asked the Council to support and approve Petition #2.

Ald. Beyer stated that she would not be supporting Petition #1 and would be approving the petition that was mutually agreed upon by Ms. Vogel and St. Coletta. She stated that she would encourage her peers to vote down Petition #1.

On call of the roll, motion was defeated unanimously.

ANNEXATION OF LAND PARTIALLY OWNED BY ST. COLETTA OF WISCONSIN, INC. – PETITION #2

Ald. Benka introduced Proposed Ordinance #8-06.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #8-06**

ANNEXING TERRITORY FROM THE TOWNSHIP OF JEFFERSON

SECTION 1. Annexation Petition. In accordance with s. 66.0217(3)(a) of the Wisconsin Statutes of 2004, the Notice of Intent to Circulate an Annexation Petition was filed with the City Clerk on the 2nd day of May, 2006. A Petition for Annexation was presented to the City Clerk of the City of Jefferson on the 10th of May, 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:

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SECTION 4. Ward Designation. The territory described in Section 2 of this ordinance is hereby made a part of the 8th Ward 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 first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 14

**CITY OF JEFFERSON
RESOLUTION NO. 14**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 16, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April and May 2006 in the amount of \$1,117.38 and \$231,276.97 and Payroll Summary for April 28, 2006 in the amount of \$111,046.78.
- ◆ Council Minutes from the Regular and Closed Sessions of the May 2, 2006 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. 14. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE NESTLE PURINA WASTEWATER SERVICES AGREEMENT

Ald. Benka introduced Resolution No. 15.

**CITY OF JEFFERSON
RESOLUTION NO. 15**

BE IT RESOLVED, by the Common Council of the City of Jefferson WI that the 2006 Wastewater Services Agreement between Nestles Purina Pet Care Co. and the City of Jefferson be approved.

BE IT FURTHER RESOLVED, that the City Administrator is authorized to sign any related documents

Ald. Benka stated that Resolution No. 15 was unanimously approved at Finance Committee. He applauded both the Utility and Friskies for coming to an amicable agreement. Benka also noted that he knew that entering a long-term commitment for Friskies was difficult and thanked them for making the new agreement work.

Ald. Benka, seconded by Ald. Peachey moved to recommend Resolution No. 15. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF 2006 PICKUP TRUCK BY THE WASTEWATER TREATMENT PLANT

Ald. Peachey introduced Resolution No. 16.

**CITY OF JEFFERSON
RESOLUTION NO. 16**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to purchase a pickup for the Wastewater Treatment Plant at a cost not to exceed \$18,769 from Havill-Spoerl Ford of Fort Atkinson, WI.

WWTP Kelly stated that he had enlisted the help of our resident vehicle expert Ald. Havill when investigating the purchase of a new pickup truck for the plant. Kelly stated that he learned that the bid assistance offered to dealerships (which is passed onto municipalities) varies from manufacturer to manufacturer. He stated that he was recommending the Ford as the bid assistance makes the vehicle cost competitive and that the recommended purchase allows for a better vehicle than the state bid.

Ald. McGrath stated that he was uncomfortable with the use of Ald. Havill as a contact for bids. He questioned who bids were solicited from and indicated concern about the look of impropriety on the part of the Council.

Ald. Beyer stated that she would like to clarify that Ald. Havill and his family have no interest in the Havill-Spoerl Ford dealership in Fort Atkinson.

Ald. Benka then read a letter from Ald. Havill. The letter outlined the bid assistance process and his recommendations in relation to the model year, timing, vehicle type and cost. Ald. Havill noted in his letter that his family (or himself) have no interest in the Ford Dealership in Fort Atkinson. He also stated that he did not have a preference on where the Council chose to buy the vehicle from.

Ald. Wagner stated that he would support the resolution and was happy that we could purchase from a business that is close to Jefferson.

Ald. Peachey, seconded by Ald. Benka moved to recommend Resolution No. 16. On call of the roll, motion carried unanimously.

**RESOLUTION TO RENEW INSURANCE COVERAGE THROUGH WAUSAU
INSURANCE COMPANIES**

Ald. Stewart introduced Resolution No. 17.

**CITY OF JEFFERSON
RESOLUTION NO. 17**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to continue the City-wide insurance coverage through Wausau Insurance for the 2006-2007 insurance year

BE IT FURTHER RESOLVED, that the City Administrator is authorized to sign any related documents

Ald. Benka stated that Finance was recommending Resolution No. 17.

Ald. Beyer asked if any other companies were considered.

Administrator Bierma stated that the City only goes out for bid every few years and that the last time was a couple of years before he came.

Ald. Beyer stated that she was not happy with the coverage.

Beth Matysik of Wausau Insurance inquired why she was displeased.

Beyer stated that she was unhappy with the exclusions on the public officials policy and concerned that the company was not providing any coverage for the City.

Ms. Matysik stated that this concern had also been raised at the Finance Committee Meeting by the City Attorney. She stated that she would be looking into the exclusions on the policy and reporting her findings back to the Administrator.

Ald. Beyer asked Administrator Bierma how much the total package was going to cost the City.

Administrator Bierma stated that Wausau Insurance would have those numbers.

Beth Matysik then reviewed the policy cost. She explained the areas of increase and the reasons why the various policies increased.

The Council indicated that the policies should be bid out in the coming year.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 17. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING GARBAGE, REFUSE AND RECYCLING AGREEMENT WITH JOHN'S DISPOSAL SERVICE

Ald. McGrath introduced Resolution No. 18.

**CITY OF JEFFERSON
RESOLUTION NO. 18**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the agreement with John's Sanitation of Whitewater Wisconsin for the years 2006-2010 be approved and signed by the City Administrator

Ald. McGrath, seconded by Ald. Beyer moved to table Resolution No. 18 because it had not been sent to Street or Finance Committee. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE PURCHASE OF COMPUTER SOFTWARE UPGRADE FOR THE VEHICLE DIAGNOSTIC COMPUTER

Ald. Tully introduced Resolution No. 19.

**CITY OF JEFFERSON
RESOLUTION NO. 19**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the following budget amendment be approved to purchase software upgrade for the vehicle diagnostic computer

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMNT	REVISED AMOUNT
<u>PW Equipment Fund</u>				
Sale of City Property	32-00000-48-610	\$0.00	\$1,035.00	\$1,035.00
Equipment	32-50000-40-415	\$9,455.00	\$995.00	\$10,450.00

Ald. Tully, seconded by Ald. Benka moved to recommend Resolution No. 19. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn to closed session pursuant to section 19.85(1)(c) of the Wisconsin State Statutes to Discuss the Renewed Employment and Compensation of the City Attorney. On call of the roll, motion carried unanimously.

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

RESOLUTION APPROVING THE CITY ATTORNEY CONTRACT FOR 2006-2007

Ald. Tully introduced Resolution No. 20

**CITY OF JEFFERSON
RESOLUTION NO. 20**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that a two-year City Attorney's contract be approved setting the monthly fee at \$4300.00 per month, \$50.00 per month for miscellaneous expenses and \$125.00 per hour for specialized legal service, \$4450.00 per month for the second year, \$50.00 per month for miscellaneous fees and \$125.00 per hour for specialized legal services

Ald. Wagner stated that he feels that Ben does a real good job for the City and that he is well liked as well.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 20. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. McGrath moved to adjourn the Tuesday, May 16, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, May 16, 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