

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JUNE 6, 2006**

The Tuesday, June 6, 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, Ald. Havill and Ald. McGrath. Also present were: City Administrator Bierma, City Engineer Ludwig, City Clerk/Treasurer Stewart and City Attorney Brantmeier.

PUBLIC PARTICIPATION

Dale Oppermann, 1117 Hillebrand Drive, addressed the Council regarding the increase in the PEG fee. Mr. Oppermann provided an overview of the Cable Commission's activities and the favorable response received. He stated that the fee increase will allow the City to request the remainder of the \$22,500 allocated by Charter for broadcasting equipment. Oppermann thanked the Council for their support and thanked the past/present Committee members for their dedication.

Mark Ihlenfeld, 122 North Franklin Street, addressed the Council regarding the disturbances from a local sports bar in his neighborhood. He stated that he knows that the City has an ordinance which allows for review of the renewal liquor licenses on a yearly basis, he requested that the Council pay attention to the violations and police calls that may originate from the establishment in the next year. He then went on to explain the types of incidents that are occurring and added that they are affecting more than just him in the neighborhood. He stated that he hoped that the City could get to the bottom of the problem.

PRESENTATION BY CITY ENGINEER ON WASTEWATER TREATMENT PLANT OPERATIONS AND PUBLIC WORKS OPERATIONS

City Engineer Ludwig then gave a presentation outlining the operations and equipment of the WWTP and Public Works Department.

RECOMMENDATION AND DISCUSSION: CREATING AN ORDINANCE TO PREVENT THE USE OF GOVERNMENT SEIZURE/EMINENT DOMAIN TO TAKE PRIVATE LANDS FOR PRIVATE USE OR ACCESS TO PRIVATE LANDS

Ald. McGrath stated that he had requested that this discussion take place. He stated that currently the US Supreme Court allows municipalities to seize private land for private development. He stated that if land is seized for public good that is one thing, but for private use is entirely different. McGrath stated that this opens anyone up to seizure of their private property. He stated that he does not want to see this in Jefferson and would like to see some safeguards for the future.

Mayor Myers stated that he has asked Atty. Brantmeier to give a little update on what is happening on the legal end of this issue.

Atty. Brantmeier stated that the State is currently debating this issue and talking of drafting additional legislation. Brantmeier stated that he does understand Ald. McGrath's concerns, but in Wisconsin we are somewhat safeguarded from actions like this. He stated that a 1996 case (Grunwald) indicated that a municipality must find that the taking is for the public good or that the property is blighted. He stated that it is his belief that there are safeguards in place in the State to protect property owners from this type of action.

Ald. McGrath stated that he understands that the State is working on something, but questioned what that may end up being and when they may actually do something. He stated that he would like to see something in writing locally which would protect consumers.

Ald. Wagner asked if it would muddy the water to have an ordinance locally.

Atty. Brantmeier stated that it may cause some issues. However, he added that the State currently has measures in place so this doesn't happen in Wisconsin.

Ald. Beyer stated that she was concerned that if the State does expand its legislation on this issue that it may go to far and not offer a "voluntary clause" for property owners which may want action to be taken on their properties.

Mayor Myers then asked if there were any more discussion. Hearing none, the Mayor closed the discussion.

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

Ald. Benka introduced Proposed Ordinance #8-06 for its second reading.

**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:

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 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.

Ald. McGrath questioned the value and zoning of the property. City Clerk/Treasurer Stewart stated that the property is currently zoned at A-1. It was also noted that only a little over 2 acres is currently taxable property in this annexation. It was also noted that the taxes to the Township amounted to approximately \$.57 a year.

A discussion was then held regarding the potential zoning of the property. It was noted that the Plan Commission and Council would have a year from the date of the annexation to approve a permanent zoning designation.

Ald. Havill asked if this annexation was effected by the lawsuit brought upon the City by the Township of Jefferson. Atty. Brantmeier indicated that the Township was only targeting the annexation of the Sherman and Pinnow properties in the current lawsuit.

Ald. Benka, seconded by Ald. Wagner moved to recommend Proposed Ordinance #8-06. On call of the roll, motion carried unanimously.

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

Ald. McGrath introduced Tabled 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. Havill indicated that approval of Resolution No. 18 was unanimous at Finance Committee.

Ald. Beyer then questioned the reference to "brown" toters in the contract. This question was then answered by Brian from Johns Disposal. Beyer then stated that she was concerned regarding the clause allowing for a maximum of 10% increase. Beyer questioned if Johns had ever taken such a large increase. City Clerk/Treasurer Stewart stated that she could not remember any time when such a large increase was requested and/or approved.

Atty. Brantmeier stated that this was also a concern of his, but that Johns was able to explain away his concerns. Brantmeier asked for an explanation for the Council.

Brian from Johns Disposal explained that the contract it is worded so that any requested increase up and over the CPI must be negotiated with the Council. He stated that only time this clause would come into "play" would be if a large tipping fee was instituted and the fee needed to be absorbed. Brian indicated that the average increase for the last four years was 2.4%.

Ald. Beyer stated that she was concerned that despite the Council's desire to have this discussed at Streets Committee it was not.

Administrator Bierma stated that according to the Codebook, Finance Committee approves contracts.

Beyer stated that she wished that the contract had been discussed at Streets Committee as the Council had requested at the previous meeting.

Ald. McGrath, seconded by Ald. Benka moved to remove from the table and recommend Resolution No. 18. On call of the roll, motion carried unanimously.

Mayor Myers stated that he appreciates the service that Johns offers to the City of Jefferson.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 21.

**CITY OF JEFFERSON
RESOLUTION NO. 21**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for June 6, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for June 2006 in the amount of \$177,335.08 and Payroll Summary for May 12, 2006 and May 26, 2006 in the amounts of \$117,148.49 and \$111,346.15.
- ◆ Council Minutes from the Regular and Closed Sessions of the May 16, 2006 Common Council Meeting.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses – New and Renewal.
 - ◆ Special Class B Licenses
 - ◆ Alcoholic Beverage Licenses – New and Renewal.

Ald. Wagner also noted that a 30 day hold had been placed on the Liquor Shanty liquor license.

Ald. Beyer questioned if the concerns of Mr. Ihlenfeld had been discussed at Regulatory Committee.

Ald. Wagner stated that they had not and that a report was not received from the Police Chief regarding the establishment.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 21. On call of the roll, motion carried unanimously. Ald. Havill abstained from the approval of the minutes due to his absence.

**APPROVING 2005 COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE
JEFFERSON WASTEWATER TREATMENT PLANT**

Ald. Stewart introduced Resolution No. 22.

**CITY OF JEFFERSON
RESOLUTION NO. 22**

BE IT RESOLVED, by the Common Council of the City of Jefferson , Wisconsin that the 2005 Compliance Maintenance Annual Report has been reviewed and approved.

WWTP Superintendent Kelly then gave an overview of the CMAR to the Common Council. He indicated that the new report “grades” the plant and that the plant is receiving all “A”s. Kelly noted that this is due to the Council’s support in upgrading the plant as well as a well-trained and reliable staff.

Ald. Peachey then asked several questions of WWTP Kelly regarding the report.

Ald. Wagner questioned if the plant could handle all of the recent annexations.

WWTP Superintendent Kelly indicated that the plant has the capacity for the additional development. However, he noted that the most recent annexation of St. Coletta is a concern due to the type of connection made in the annexation. He stated that he is concerned over the physical separation between the newest annexation and the City.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 22. On call of the roll, motion carried unanimously.

Mayor Myers congratulated the Plant on a great review.

RESOLUTION SUPPORTING AN AGREEMENT BETWEEN THE CITY OF JEFFERSON AND THE WISCONSIN STATE ELECTIONS BOARD REGARDING THE USE OF THE STATEWIDE VOTER REGISTRATION SYSTEM

Ald. Havill introduced Resolution No. 23.

**CITY OF JEFFERSON
RESOLUTION NO. 23**

RESOLUTION SUPPORTING AGREEMENTS BETWEEN THE CITY OF JEFFERSON AND THE WISCONSIN STATE ELECTIONS BOARD REGARDING USE OF THE STATEWIDE VOTER REGISTRATION SYSTEM.

WHEREAS, Congress passed the Help America Vote Act of 2002 (HAVA) to create a more uniform voter registration and voting system in the United States; and

WHEREAS, the Wisconsin State Elections Board (SEB) is charged with implementing a Statewide Voter Registration System (SVRS) that complies with HAVA; and

WHEREAS, local units of government understand their obligations and commitments as mandated by HAVA and state statutes to administer, implement and maintain local voter registration information within a centralized SVRS; and

THEREFORE, BE IT RESOLVED, the City of Jefferson directs the City Clerk to enter agreements stating the municipality's intention to follow the technology, security, maintenance, support, and process guidelines developed by the State Elections Board relating to use of the Statewide Voter Registration System (SVRS).

FURTHER, BE IT RESOLVED, that a copy of this Resolution be sent to the State Elections Board.

Ald. McGrath asked if there was a cost involved.

City Clerk/Treasurer Stewart gave a brief history of the SVRS project. She stated that some municipalities are incurring a cost at this point, but not the City.

She stated that it is entirely likely that in five years from now there may be additional funds which will be needed for upgrading the voting process.

Ald. Beyer questioned if the municipality was acting upon this resolution in a timely fashion.

City Clerk/Treasurer Stewart stated that the State has had real difficulties getting SVRS up and running and that our approval of the resolution is timely. Stewart then explained the process of municipalities going “live” with the SVRS product and indicated that the resolution is mostly being requested to remove liability from the local municipalities.

Ald. Havill, seconded by Ald. Benka moved to recommend Resolution No. 23. On call of the roll, motion carried unanimously.

RESOLUTION INCREASING MONTHLY PUBLIC ACCESS CHANNEL FEE TO 20 CENTS

Ald. Peachey introduced Resolution No. 24.

**CITY OF JEFFERSON
RESOLUTION NO. 24**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Charter Communications Public Access Fee be increased to 20 cents per month and in turn the Cable Commission will purchase additional equipment for the communities Public Access Channels

Ald. Benka stated that he has been involved in the cable project from early on and has seen the great strides taken and good things come from the efforts of the Committee. He stated that even though no one wants to pay more, .05 cents will probably not make a big financial difference for the individual subscriber –but will make a big impact for programming and service that the Cable channels are able to offer.

Ald. Peachey, seconded by Ald. Benka introduced Resolution No. 24. On call of the roll, motion carried unanimously.

APPROVING 2006 ASPHALT BID FOR STREET REPLACEMENT

Ald. Beyer introduced Resolution No. 26.

**CITY OF JEFFERSON
RESOLUTION NO. 26**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign a contract with BR Amon and Sons. The City will asphalt pave the following streets: E. Linden Drive from S. Sanborn Ave to S. Wilson Ave., W. Linden Drive from S. Main St. to UP Railroad Tracks and W. Ryder St. from S. Marshall Ave. to S. Jackson Ave.

Ald. Beyer, seconded by Ald. Havill moved to recommend Resolution No. 26.

It was then clarified that an “up to” dollar amount should be added to the Resolution before roll was taken.

Ald. McGrath, seconded by Ald. Benka moved to amend the resolution to read “the contract is not to exceed \$43,000”. On call of the roll, the amendment carried unanimously.

On call of the roll, motion carried unanimously on Amended Resolution No. 26.

Ald. Wagner, seconded by Ald. Tully moved to adjourn to closed session pursuant to section 19.85(1)(c) of the Wisconsin State Statutes for Considering Employment, Promotion or Compensation of any Public Employee Over Which the Governmental Body has Jurisdiction or Exercises Responsibility. On call of the roll, motion carried unanimously.

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

RESOLUTION APPROVING THE SIDE AGREEMENT FOR THE OFFICE AFSCME

Ald. Tully introduced Resolution No. 27.

CITY OF JEFFERSON RESOLUTION NO. 27

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the side agreement for the office AFSCME is approved and upon approval by the office AFSCME authorization is given to pay back pay for 2004 and 2005 to the office AFSCME union employees

Ald. Tully, seconded by Ald. Benka moved to recommend Resolution No. 27. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Tully moved to adjourn the Tuesday, June 6, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, June 6, 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