

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JUNE 20, 2006**

The Tuesday, June 20, 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.

The Mayor announced that Resolution No. 29 would be moved from item number seven on the agenda to immediately after the discussion on the developer's agreement with Wal-Mart.

The Mayor then stated that Ald. Wagner wished to say a few words prior to Public Participation.

Ald. Wagner stated that he wished to thank Barb Endl and the other organizers of Tomorrow's Hope for all of their hard work. He stated that they had raised almost \$260,000 – most of which will stay in this area. He stated that the event drew many people from every age group imaginable. Wagner added that the weekend long events were all well attended. He concluded by adding that this is a great event for the community.

PUBLIC PARTICIPATION

None

DISCUSSION WITH WAL-MART REGARDING PROPOSED DEVELOPMENT AGREEMENT

Mayor Myers started the discussion by stating that Wal-Mart officials and the City had met today with Department of Transportation to discuss the access break in Highway 26. He stated that the DOT has agreed to allow the intersection to be built with everything except the signal lights. He stated that they would also review the need for signal lights prior to the jurisdictional transfer if traffic counts warrant a review of the intersection.

The Mayor then stated that it is anticipated that the Conditional Use Permits, needed for Wal-Mart, would be discussed at the July 12, 2006 Plan Commission Meeting.

Atty. Hank Gempler and Nathan Bryant then were ready to entertain questions from the Council.

Ald. Benka questioned if a filtering system for the retention basin was going to be used.

Mr. Bryant stated that he knew this was also a concern of Ald. Beyer. He added that minimally all requirements of the DNR would be met. He stated that this plan still needs to be submitted to the City because the structure of the Highway 26 access had not yet been set in concrete.

They then discussed how the current storm water plan would help with the water problem on Collins Road.

Ald. Wagner questioned why the facility needed to be 24 hour.

Mr. Bryant stated that this is part of Wal-Mart Supercenter program and that this reflected Wal-Mart's agenda.

The discussion then turned to the pharmacy, garden, and gas station component of the anticipated Wal-Mart.

Ald. McGrath indicated his concern over the portion of the agreement that states that the building may remain vacant for up to four years. He questioned why such a large corporation would need four years to decide on the fate of a building. He also stated that he hoped that Wal-Mart would employ US citizens for the construction of the facility. Atty. Gempler responded that Wal-Mart would not involve themselves in any situation that may invite litigation with respect to the hiring of workers.

Ald. Beyer stated that during the Plan Commission's previous review of the plans, wildflowers had been suggested for the water tower hill. She stated that she hoped that Wal-Mart would still consider this approach. Mr. Bryant indicated that this was still being considered.

Ald. Stewart asked how long the actual construction would take, he stated that he was a little concerned over the timelines provided for in the contract. Atty. Gempler stated that the verbiage in the contract was to protect his client in the event that they ran into unforeseen circumstances. He stated that the typical construction takes 10 months to complete, with no ground breaking in the 4th quarter.

Atty. Gempler then asked to go back and clarify a statement that he had made earlier with respect to only hiring US citizens for construction. He apologized to Ald. McGrath for not fully understanding his question and clarified that as long as an individual is legally in the country he believed that they would be available for hire for the construction of the facility. He stated that he did not believe that there was anyway to prevent a person who is legally in the country, US citizen or not, from holding a job. He also added that he wanted to clarify that these are not union positions.

Ald. Tully then clarified if any fees or costs will be borne by the City for the construction of the Supercenter. Mr. Bryant stated that to the best of his knowledge, all infrastructure costs and all other associated costs will be completely paid for by Wal-Mart. Atty. Gempler added that in addition to absorption of the actual costs of construction, Wal-Mart is also paying the City funds for engineering, attorney fees and taxes.

Ald. Havill indicated his concern over the delivery times as listed in the agreement. Bryant and Gempler stated that they will do everything to make sure the delivery during the 2 to 6 am timeframe is restricted and minimized.

Hearing no more questions, Mr. Bryant and Atty. Gempler thanked the Council.

RESOLUTION ACCEPTING THE CITY OF JEFFERSON MASTER PLAN AMENDMENT

Ald. Benka introduced Resolution No. 29.

**CITY OF JEFFERSON
RESOLUTION NO. 29**

THE COMMON COUNCIL OF THE CITY OF JEFFERSON, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

WHEREAS, the City of Jefferson has prepared and reviewed a proposed amendment to the Comprehensive Master Plan, and,

WHEREAS, the Plan Commission has conducted a Public Hearing regarding the Plan, pursuant to the requirements of Wis. Stats. 63.23(3), and;

WHEREAS, based on its consideration of the Plan, and comments received at the Public Hearing, the Plan Commission adopted the amendment to the Comprehensive Master Plan;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Jefferson be, and hereby does, approve and certify the amendment to the Comprehensive Master Plan of the City of Jefferson, and;

BE IT FURTHER RESOLVED, that this Resolution shall be recorded as a component of the Comprehensive Master Plan certified here by the identifying signatures of the Mayor, the Common Council President, and the City Clerk of the City of Jefferson.

Ald. Benka, seconded by Ald. Havill moved to recommend Resolution No. 29. On call of the roll, motion carried unanimously.

AN ORDINANCE TO CREATE SECTION 300-28 G. OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON TO ALLOW “POSTAL SERVICES” AS A CONDITIONAL USE IN THE INDUSTRIAL DISTRICTS AS DEFINED IN SECTION 300-22

Ald. Stewart introduced Proposed Ordinance #9-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #9-06**

An Ordinance to Create Section 300-28 G. of the City of Jefferson Municipal Code to Allow “Postal Services” as a Conditional Use in the Industrial District as Defined in Section 300-22

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

Section 1. Section 300-28 G. is hereby Created to Include Postal Services as a Conditional Use:

§ **300-28. Public and quasi-public uses.**

The following public and quasi-public uses shall be conditional uses and may be permitted as specified:

G. Postal Services.

Section 2. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

This was a first reading.

Atty. Brantmeier indicated that the references to 300-28 should all be changed to 300-31. He added that a revised ordinance would be published and brought before the Council in July.

AN ORDINANCE TO AMEND SECTION 300-19B OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE REZONING OF 714 NORTH WATERTOWN AVENUE FROM MH (MOBILE HOME) TO BHN (HIGHWAY COMMERCIAL)

Ald. Beyer introduced Proposed Ordinance #10-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #10-06**

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 MH (Mobile Home) to BHN (Highway Commercial):

Description: BEG. 2436.40FT S & S85DG42'W, 79.50FT of N1/4/P.
S85DG42'W, 74.50FT. S63.70FT. S71DG30'W, 138FT, SE on HGY
ABT 215FT, E ASBT 133FT N326.40FT TO POB.

Parcel #: 241-0614-0224-003

Address: 714 North Watertown Avenue

Current Zoning Designation: MH (Mobile Home)

Permanent Zoning Designation: BHN (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.

This was a first reading.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 28.

**CITY OF JEFFERSON
RESOLUTION NO. 28**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for June 20, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for May and June 2006 in the amounts of \$19,899.17 and \$125,324.50 and Payroll Summary for June 9, 2006 in the amount of \$123,711.33.
- ◆ Council Minutes from the Regular and Closed Sessions of the June 6, 2006 Common Council Meeting.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses – New and Renewal.
 - ◆ Special Class B Licenses

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 28. On call of the roll, motion carried unanimously.

TEMPORARY CLOSURE AND LEASE OF A PORTION OF NORTH MARION AVENUE

Ald. McGrath introduced Resolution No. 30.

**CITY OF JEFFERSON
RESOLUTION NO. 30**

BE IT RESOLVED by the Common Council of City of Jefferson, Wisconsin that the 600 block of North Marion Avenue is hereby temporarily closed on July 22, 2006 from 12:00 pm (noon) to 11:00 pm, to have a neighborhood block party, and

BE IT FURTHER RESOLVED that said right-of-way is hereby leased to Jill Nelson, Penny Miller, Renae Spitzer and Vickie DeJong in the sum of \$50.00 for said time-frame.

Ald. Wagner stated that Resolution No. 30 was unanimous at Regulatory Committee.

Ald. McGrath, seconded by Ald. Benka moved to recommend Resolution No. 30. On call of the roll, motion carried unanimously.

CANCELATION OF COMMON COUNCIL MEETING

Ald. Peachey introduced Resolution No. 31.

**CITY OF JEFFERSON
RESOLUTION NO. 31**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the regular Common Council meeting night of July 4, 2006, is hereby cancelled.

Ald. Peachey, seconded by Ald. Beyer moved to recommend Resolution No. 31. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY (TYSON FOODS)

Ald. Wagner introduced Resolution No. 34.

**CITY OF JEFFERSON
RESOLUTION NO. 34**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that Tyson Foods is hereby allowed to sell brats, homades and soda in Rotary Park (City right-of-way).

Ald. Wagner stated that Resolution No. 34 was unanimous at Regulatory Committee.

Ald. Wagner, seconded by Ald. Benka moved to recommend Resolution No. 34. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Tully moved to adjourn to Closed Session Pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to Consider Employment, Promotion, and compensation or performance evaluation data of the City Administrator and to Consider the Employment of the Administrative Office Assistant. And to Confer with Legal Counsel, pursuant to Section 19.85(1)(g) of the Wisconsin State Statutes, as it Relates to the Town of Jefferson vs. City of Jefferson Lawsuit and the Transfer of the TIF #5 Bond (Jefferson Towers aka "Old Schweiger Office Building"). On call of the roll, motion carried unanimously.

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

RESOLUTION AUTHORIZING AN EMPLOYMENT CONTRACT BETWEEN THE CITY ADMINISTRATOR AND THE CITY OF JEFFERSON

Ald. Tully introduced Resolution No. 32.

**CITY OF JEFFERSON
RESOLUTION NO. 32**

BE IT RESOLVED, by the Common Council by the City of Jefferson that the mayor is authorized to sign the employment contract between the City Administrator and the City of Jefferson. As stated with excluding section III (b) pg. 2 and subject to the Mayor and City Administrator agreeing on accrued vacation time.

Ald. Tully, seconded by Ald. Benka moved to recommend Resolution No. 32. On call of the roll, motion carried 7 to 1. Ald. Havill cast the dissenting vote.

RESOLUTION AUTHORIZING THE HIRE OF SHANNON JURIS AS ADMINISTRATIVE OFFICE ASSISTANT

Ald. Havill introduced Resolution No. 33.

**CITY OF JEFFERSON
RESOLUTION NO. 33**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the employment of Shannon Juris as Administrative Office Assistant at an hourly wage rate of \$11.75, is effective June 26th, 2006. After six-month review of Ms. Juris's employment she is eligible for an increase up to \$12.1873. Furthermore, if the AFSCME Union Contract is settled before the six month review, the employee shall be placed at the appropriate pay level as required by the contract.

Ald. Benka, seconded by Ald. Beyer moved to recommend Resolution No. 33. On call of the roll, motion carried unanimously.

Ald. Tully, seconded by Ald. Wagner moved to adjourn the Tuesday, June 20, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, June 20, 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