

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JULY 18, 2006**

The Tuesday, July 18, 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

Fire Chief John Powell, 111 North High Street, addressed the Council regarding the City's damaged ladder truck. Powell indicated that he had just received information from Pierce that the truck is in the process of being reassembled at that we should take delivery of the reconstructed truck by August 10th. Powell noted that the department really misses their truck and greatly appreciate the investment that the Council has made in the Fire Department.

John Wagner then read correspondence regarding funding for St. Coletta. Wagner went on to read that the State was going to be allocating \$1 million dollars for continued care of 45 residents from the St. Coletta facility.

BOUNDARY AGREEMENT WITH THE CITY OF JEFFERSON

Mayor Myers then asked City Attorney Brantmeier to explain the boundary agreement. Brantmeier stated that he the City had sat down with the Township to discuss the requested boundary agreement. The Township indicated that they were concerned about the tax revenue that they would be losing. Brantmeier indicated that the Township had originally approached the City in 2002 with an agreement that requested 20 years of taxes from the City at the time of application for annexation. The Council discussed and rejected the proposal and then the legislature enacted law that municipalities must pay the territory from which the property was annexed a sum equal to five years of the jurisdictions tax from the year in which it was annexed.

The recent lawsuit filed by the Township against the City has subsequently led to new discussions regarding a new boundary agreement. Brantmeier indicated that an agreement, which has been tentatively discussed, now focuses on the payment of seven years of Town taxes, versus the five required by the State. Atty. Brantmeier then outlined some of the other high points of the agreement.

Atty. Brantmeier noted that further discussions involving how this relates to the lawsuit could be discussed in closed session.

Ald. Wagner questioned why the City did not agree to the boundary agreement when first presented.

Mayor Myers stated that it was not advantageous for the City, in 2002, to agree to the boundary agreement as presented by the Township.

Ald. Beyer stated her concern over the other Townships requesting the same type of agreement. She felt that the proposed agreement looks like we are rewarding the Township for taking us to court. She felt their actions were forceful and that they did not treat the City like a legitimate entity.

Mayor Myers stated that the Township's view of what has transpired over the last several years is much different.

Ald. McGrath then asked for a clarification on how the tax payback works and if the City would still gain tax revenue from these properties.

Ald. Havill also questioned if the tax rate becomes frozen, for the purposes of payback of taxes to the Township.

It was noted that the taxes do become frozen from the year of annexation. It was also clarified that the City is only responsible for the payment of the municipal tax rate portion of the bill, not the entire tax bill. With this in mind, the City (in the instance of the properties annexed for Wal-Mart) would be taking in more taxes on the properties than expending.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO CREATE SECTION 300-31 H. 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

Mayor Myers called the public hearing to order.

City Administrator Bierma read the Notice of Public Hearing.

City Administrator Bierma then gave an explanation of the zoning change.

Mayor Myers then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

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

Ald. Stewart introduced proposed Ordinance #9-06 for its second reading.

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

An Ordinance to Create Section 300-31 H. 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 300-31 H. is hereby Created to Include Postal Services as a Conditional Use:

§ 300-31. Industrial and agricultural uses.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

H. 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.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Proposed Ordinance #9-06. On call of the roll, motion carried unanimously.

PUBLIC HEARING AND ACTION ON 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)

Mayor Myers called the public hearing to order.

City Administrator Bierma read the Notice of Public Hearing.

City Engineer Dan Ludwig gave an explanation of the proposed amendment to the official map.

Mayor Myers then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Tim Weber, 3704 Buckingham Drive, Janesville – stated that he wished to do a bit of clarification with regards to his application. He stated that his desire for rezoning of the property is to allow for the best and most expansive use. He stated that he does not have a specific business or plan for the property at this time, but has had some discussions with potentially interested parties. Mr. Weber wanted the Council to know that he is well aware of the other steps that may be required by the City and/or State regarding reconstruction of this parcel. He asked the Council for their trust while he solicits a suitable opportunity of the property. He stated that the Weber Family has been a good neighbor to the City and he wants to create a win/win situation for his family and the City. Mr. Weber concluded by stating that he is not looking for a quick buck type transaction, but a thoughtful development that will benefit everyone involved.

Hearing from no one else, Mayor Myers closed the public hearing.

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

Ald. Benka stated that he lives in the area and believes that the right development could be a real enhancement to the area and the intersection.

Ald. Wagner stated that the Weber's have done a great job in the past and that he feels that they will do a good job here too. However, he stated that he knows that the neighbors are concerned about lighting and increased noise in the area. He also added that they do not want to see any type of 24-hour operations.

Ald. Beyer, seconded by Ald. Havill moved to recommend Proposed Ordinance #10-06. On call of the roll, motion carried unanimously.

AN ORDINANCE TO REPEAL A PORTION OF SECTION 265-4 B. (3)(A) OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO PARKING RESTRICTIONS ON SOUTH CENTER AVENUE

Ald. Peachey introduced Proposed Ordinance #11-06 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #11-06**

An Ordinance to Repeal a portion of Section 265-4 B. (3)(a) of the City of Jefferson Municipal Code to amend the Two-hour Parking restriction on South Center Avenue

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

Section 1. The following portion of Section 265-4 B(3)(a) is hereby repealed:

- (3) Two-hour parking.
- (a) No vehicle shall be parked for more than two consecutive hours between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except as otherwise stated, on the following streets or portions thereof:

South Center Avenue West ~~From a point 110 feet south of the south right of way of East Dodge Street and extending south 185 feet to the Courthouse access across from East Linden Drive~~

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.

The Mayor indicated that this change was being pursued at the request of the County.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 35.

CITY OF JEFFERSON RESOLUTION NO. 35

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for July 18, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for June and July 2006 in the amounts of \$20,313.00 and \$237,087.65 and Payroll Summaries for June 23 and July 7, 2006 in the amounts of \$130,220.66 and \$129,161.00.
- ◆ Council Minutes from the Regular and Closed Sessions of the June 20, 2006 Common Council Meeting.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Wagner, seconded by Ald. Tully moved to recommend Resolution No. 35. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN AMENDMENT TO THE SITE AGREEMENT WITH SPRINT COMMUNICATION AND HORVATH COMMUNICATION TOWER LLC

Ald. Benka introduced Resolution No. 36.

**CITY OF JEFFERSON
RESOLUTION NO. 36**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign an Amendment to Site Agreement with Sprint Communication and Horvath Communication Tower LLC for cell tower already constructed on City property

Ald. Benka, seconded by Ald. Beyer moved to recommend Resolution No. 36 for discussion.

Ald. Beyer questioned how much the monthly lease would be. City Administrator Bierma clarified the lease payment.

The Mayor questioned how the \$2,240 payment was arrived at. City Administrator Bierma stated that he tried for \$10,000, which was then reduced to \$5,000 and then \$4,000 and then to the current amount of \$2,240.

Ald. Benka stated that this would complete the previous agreement and maximize the capacity of the tower. He also added that these are proven companies who are stable and in for the long haul.

Ald. Wagner questioned why this was not discussed at Finance since it involves money. Ald. Benka stated that the actual contract – which this is a part of was negotiated some time ago between Sprint and the Utility/City (with Finance input).

Mayor Myers asked if this is what is being done in other municipalities.

City Attorney Brantmeier noted that he had just received a copy of the contract and stated that if the Council saw fit, he would review the contract and make any necessary changes before it is signed. He also noted concern that the Exhibits referenced in the contract were not attached.

Ald. McGrath, seconded by Ald. Benka moved to amend the Resolution to allow for Atty. Brantmeier's review prior to signing. On call of the roll, motion carried unanimously.

On call of the roll, motion carried unanimously on Amended Resolution No. 36.

RESOLUTION AUTHORIZING AN AGREEMENT WITH SBC EASEMENT

Ald. Havill introduced Resolution No. 37.

**CITY OF JEFFERSON
RESOLUTION NO. 37**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to sign an agreement with SBC Easement for \$1500.00 on behalf of the City of Jefferson for an easement at the Cell Tower.

City Administrator Bierma stated that the price had started at \$600 and he had been able to negotiate up to \$1,500.

City Attorney Brantmeier clarified that it is a one-time payment of \$1,500. He also noted that the easement provided for the Council's review stated \$1. Brantmeier indicated that he would clean the document up to reflect the \$1,500.

Ald. Havill, seconded by Ald. Benka moved to recommend Resolution No. 37. On call of the roll, motioned carried on a vote of 7 to 0. Ald. McGrath abstained from the vote.

RESOLUTION AUTHORIZING THE HIRE OF A MECHANIC

Ald. Tully introduced Resolution No. 38.

**CITY OF JEFFERSON
RESOLUTION NO. 38**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to hire Jeffery Scherer as a City Mechanic for a starting pay rate of \$17.00 in accordance with the Local 655-D, AFSCME, AFL-CIO Labor Contract.

BE IT FURTHER RESOLVED, that the starting date shall be as soon as practicable and will be determined by Street Superintendent Haffelder.

Ald. Wagner asked about the applicant because nothing was included in the packet.

Street Superintendent Haffelder indicated that the department had received 27 applications. He stated that five were chosen for interviews. Haffelder noted that they were very lucky to have attracted such good candidates. He indicated that after application review and interviews; Engineer Ludwig, Street Superintendent Haffelder and Chief Mechanic Hubbard had selected Mr. Scherer. Haffelder noted that Mr. Scherer does not live within the City limits of Jefferson, but has a Jefferson address and frequents the City businesses.

Ald. Tully, seconded by Ald. Havill moved to recommend Resolution No. 38. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO APPROPRIATE FUNDS FOR A 2005 COUNTY OF JEFFERSON TAX BILL AND AUTHORIZING THE CHARGEBACK OF TAXES TO OTHER TAXING JURISDICTIONS

Ald. Beyer introduced Resolution No. 39.

**CITY OF JEFFERSON
RESOLUTION NO. 39**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City acknowledges that the property located at 424 South Center Avenue (241-0614-1112-092) is exempt by law from taxation under Wisconsin State Statutes 74.33(1)(c),

BE IT FURTHER RESOLVED, that the Common Council hereby 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	\$3,643.56	\$2,275.20	\$5,918.76
<u>Funded From</u>				
Contingencies	01-51910-75-789	\$26,356.44	\$2,275.20	\$24,081.24

Ald. Havill stated that approval of Resolution No. 39 was unanimous at Finance Committee and that the Committee had agreed that this was the best course of action.

Ald. Beyer, seconded by Ald. Peachey moved to recommend Resolution No. 39. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY (Otto Olsen)

Ald. Wagner introduced Resolution No. 40.

**CITY OF JEFFERSON
RESOLUTION NO. 40**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that Mr. Otto Olsen is hereby allowed to sell home grown sweet corn on the corner of Center Avenue and Linden Drive on City right-of-way.

Ald. Wagner indicated that approval of Resolution No. 40 was unanimous at Regulatory Committee.

Ald. Wagner, seconded by Ald. Benka moved to recommend Resolution No. 40. 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)(g) of the Wisconsin State Statutes to Confer with Legal Counsel who is Rendering Legal Advice Concerning Strategy with Respect to Litigation in which it is in as it relates to the Town of Jefferson vs. City of Jefferson lawsuit. On call of the roll, motion carried unanimously.

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

RESOLUTION APPROVING BOUNDARY AGREEMENT WITH THE TOWN OF JEFFERSON AND THE CITY OF JEFFERSON

Ald. McGrath introduced Resolution No. 41.

**CITY OF JEFFERSON
RESOLUTION NO. 41**

BE IT RESOLVED, by the Common Council by the City of Jefferson, Wisconsin that the Mayor is hereby authorized to sign a boundary agreement between the City of Jefferson and the Township of Jefferson conditioned upon the City Attorney and Mayoral approval of the document.

Ald. McGrath, seconded by Ald. Beyer moved to recommend Resolution No. 41. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Havill moved to adjourn the Tuesday, July 18, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, July 18, 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