

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, AUGUST 1, 2006**

Mayor Myers then paid tribute to the late Eugene "Gene" Benka. The Mayor stated what a studious, thoughtful individual he was and that he always voted his conscience. He noted that his humor and devotion will be sorely missed and that he will be very difficult to replace. The Mayor requested that, in honor of Gene, flags be flown at half-mast for the remainder of the week.

The Tuesday, August 1, 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. Stewart, Ald. Havill and Ald. McGrath. Due to the untimely passing of Ald. Eugene Benka, the Council will operate one Councilperson short until the Mayoral Appointment to the position. Also present were: City Administrator Bierma, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Janet Twist, 663 North Dewey Avenue, addressed the Council on the passing of Ald. Benka. Twist stated that she wished to offer the family condolences and stated that she will greatly miss Gene. She stated that he was always very honorable and fair and will be very missed by the community.

Nancy Haberman, 640 Masonic Blvd, addressed the Council on the passing of Ald. Benka. Haberman stated that she has seen a lot of alderpeople come and go, but very few could measure up to Ald. Benka. She remembered his dedication, hardworking spirit and how he studied issues before acting. Haberman noted that he asked citizens their thoughts and worked especially hard for the elderly and the schools. She stated that he was always ready to lend a hand and we were certainly blessed to have had him. His effort and positive influence will live on for a long time in Jefferson.

SPACE AND PARKING NEEDS OF THE JEFFERSON COUNTY COURTHOUSE

The Mayor then stated that the County is finishing its long range master plan and looking at future growth of their facilities. He stated that minimally this involves the 911 Call Center, but realistically the location of this facility may have farther reaching complications for the County services as a whole. He stated that the expansion of the County facilities will have an impact on Jefferson regardless of where they happen.

Mayor Myers stated that he asked to be placed on the County's next Facilities agenda on August 18th. He stated that it is imperative that the City be proactive and work WITH the County on their future plans.

The Council then discussed the impact that an expansion could have on the downtown area and the impact of the 911 Call Center. It was the consensus of the Council that a proactive approach is the best way to keep Jefferson prepared for future changes.

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.

**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.

Ald. Wagner stated that this was unanimous at Regulatory Commitment.

Ald. Beyer questioned if this would effect the “Compact Only” parking. It was indicated that it would not.

Ald. Peachey, seconded by Ald. McGrath moved to recommend Proposed Ordinance #11-06. On call of the roll, motion carried 7 to 0.

Mayor Myers asked Administrator Bierma to follow up quickly on the passed ordinance.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 42.

**CITY OF JEFFERSON
RESOLUTION NO. 42**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for August 1, 2006 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for August 2006 in the amount of \$117,488.12 and Payroll Summary for July 21, 2006 in the amount of \$123,487.12.
- ◆ Council Minutes from the Regular and Closed Sessions of the July 18, 2006 Common Council Meeting.
- ◆ Gemuetlichkeit Days Disbursement - \$3,000.
- ◆ ~~American Legion Band Disbursement – \$6,000.~~
- ◆ 2006-2007 Facility Use Agreement between the City & School District of Jefferson.
- ◆ 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. 42. On call of the roll, motion carried by a vote of 7 to 0.

RESOLUTION APPROVING THE DEVELOPER’S AGREEMENT BETWEEN THE CITY OF JEFFERSON AND WAL-MART REAL ESTATE BUSINESS TRUST

Ald. Beyer introduced Resolution No. 43.

**CITY OF JEFFERSON
RESOLUTION NO. 43**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Mayor is hereby authorized to sign the Developer’s Agreement by and between the City of Jefferson and Wal-Mart Real Estate Business Trust, as approved by the City Attorney.

Atty. Hank Gempler, representing Wal-Mart, then reviewed the developer’s agreement with the Council. He outlined the most recent changes that Atty. Brantmeier and him had discussed.

After explanation he entertained questions.

Ald. Havill questioned if the agreement placed a cap on construction costs for Highway K. Havill stated that he had been approached by some individuals in the community stating that this change had taken place.

Gempler stated that all of the infrastructure costs, on Highway K, related to the Wal-Mart construction would be paid for by Wal-Mart. He added that they would not be improving the east side of Highway K – just the west side abutting their property.

Ald. McGrath stated his desire to have the agreement reflect actual city costs. A discussion regarding this then ensued.

Ald. Tully stated that he felt comfortable with the review given by the City Attorney.

Ald. Havill then discussed how the amounts in the contract were arrived at. City Engineer Ludwig then gave an explanation on the portion that pertains to engineering.

Ald. McGrath, seconded by Ald. Stewart moved to table action on Resolution No. 43. On call of the roll, motion to table was defeated by a vote of 5 to 2. Ald. Wagner, Ald. Tully, Ald. Beyer, Ald. Peachey and Ald. Havill cast the dissenting votes.

Ald. Beyer, seconded by Ald. Tully moved to recommend Resolution No. 43. On call of the roll, motion carried 5 to 2. Ald. McGrath and Ald. Stewart cast the dissenting votes.

RESOLUTION APPROVING THE APPLICATION FOR SALE OF GOODS IN PUBLIC RIGHT OF WAY TO RIVERS EDGE MARKET (SCOTT FISCHER)

Ald. McGrath introduced Resolution No. 44.

**CITY OF JEFFERSON
RESOLUTION NO. 44**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that Rivers Edge Market is hereby allowed to sell sandwiches, salads and desserts on City right-of-way in the downtown area.

Ald. Wagner indicated that Resolution No. 44 was unanimously approved at Regulatory Committee.

Ald. McGrath, seconded by Ald. Wagner moved to recommend Resolution No. 44. On call of the roll, motion carried 7 to 0.

RESOLUTION APPROVING THE APPLICATION FOR SALE OF GOODS IN PUBLIC RIGHT OF WAY TO ANDY'S FAMILY RESTAURANT (NIMI RAMA)

Ald. Stewart introduced Resolution No. 45.

**CITY OF JEFFERSON
RESOLUTION NO. 45**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that Andy's Family Restaurant (Nimi Rama) is hereby allowed to sell burgers and ice cream on City right-of-way in Rotary Park.

Ald. Wagner indicated that Resolution No. 44 was unanimously approved at Regulatory Committee.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 44. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO APPROPRIATE FUNDS FOR A PORTION OF THE 911 CALL CENTER FACILITY PLAN AS BEING CONDUCTED BY THE COUNTY OF JEFFERSON AND VENTURE ARCHITECTS

Ald. Havill introduced Resolution No. 46.

**CITY OF JEFFERSON
RESOLUTION NO. 46**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Council hereby authorizes the following budget adjustment for the participation in a design study being developed by the County of Jefferson and Venture Architects.

| BUDGET ITEM | ACCOUNT # | CURRENT BUDGET | BUDGET ADJUSTMNT | REVISED AMOUNT |
|--------------------------------------|------------------|-----------------------|-------------------------|-----------------------|
| <u>General Administration</u> | | | | |
| Professional Services | 01-51410-20-270 | \$120.00 | \$2,000.00 | \$2,120.00 |
| <u>Funded From</u> | | | | |
| Contingencies | 01-51910-75-789 | \$24,081.24 | \$2,000.00 | \$22,081.24 |

Ald. Havill, seconded by Ald. Peachey moved to recommend Resolution No. 46. On call of the roll, motion carried 7 to 0.

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO APPROPRIATE FUNDS FOR STREET IMPROVEMENTS ON SOUTH CENTER AVENUE AND ROCKVIEW LANE

Ald. Beyer introduced Resolution No. 47.

**CITY OF JEFFERSON
RESOLUTION NO. 47**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Council hereby authorizes the following budget adjustment for the construction of South Center Avenue and Rockview Lane.

BE IT FURTHER RESOLVED, that a budget transfer from the General Fund fund balance will be loaned to TIF #5 for street construction.

| BUDGET ITEM | ACCOUNT # | CURRENT BUDGET | BUDGET ADJUSTMNT | REVISED AMOUNT |
|--------------------|------------------|-----------------------|-------------------------|-----------------------|
|--------------------|------------------|-----------------------|-------------------------|-----------------------|

TIF #5

Infrastructure Improvements 19-50000-40-400 \$0.00 **\$35,000.00** \$35,000.00

Ald. Beyer, seconded by Ald. Tully moved to recommend Resolution No. 47.

Ald. Havill stated that this was discussed at length at Finance. He stated that the Committee made the recommendation that Engineer Ludwig should approach the developer and ask for a potential cost share on the street improvements. He indicated that Ludwig will report back to the Committee on his progress.

Ald. Havill, seconded by Ald. McGrath moved to table Resolution No. 47. On call of the roll, motion was tabled by a vote of 6 to 1. Ald. Beyer cast the dissenting vote.

RESOLUTION AUTHORIZING THE HIRE OF OUTSIDE CONSULTANTS FOR REVIEW OF THE DEVELOPERS AGREEMENT

Ald. Peachey introduced Resolution No. 48.

**CITY OF JEFFERSON
RESOLUTION NO. 48**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin authorizes the following budget adjustment for the hiring of outside consultants, Vandewalle and Associates and Town & Country Engineering each, for actual cost, not to exceed \$5,000.00 for the Wal-Mart project.

| BUDGET ITEM | ACCOUNT # | CURRENT BUDGET | BUDGET ADJUSTMNT | REVISED AMOUNT |
|---------------------------------|------------------|-----------------------|-------------------------|-----------------------|
| <u>EXPENSE</u> | | | | |
| <i>General Administration</i> | | | | |
| Professional Services | 01-51410-20-270 | \$2,120.00 | \$10,000.00 | \$12,120.00 |
| REVENUE | | | | |
| Developer Fees - General | 01-00000-48-970 | \$0.00 | \$49,000.00 | \$49,000.00 |

Ald. Havill noted that the Finance Committee had made a small change to the resolution as was read by Ald. Peachey.

Ald. Peachey, seconded by Ald. Havill moved to recommend Resolution No. 48. On call of the roll, motion carried by a vote of 7 to 0.

SEWER UTILITY FINANCIAL STATEMENT AND AUDIT REPORT

Ald. Wagner introduced Resolution No. 49.

**CITY OF JEFFERSON
RESOLUTION NO. 49**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the 2005 Sewer Utility Financial Statement and Audit Report are hereby accepted.

John Andres of Virchow Krause then gave a presentation on the 2005 Sewer Utility Financial Statement and Audit Report.

After discussion, Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No. 49. On call of the roll, motion carried 7 to 0.

Ald. Peachey seconded by Ald. Beyer moved to adjourn to Closed Session Pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to Consider the Hire of a General Administration LTE Office Clerk/Receptionist and Negotiations as it Relates to the Collective Bargaining of the AFSCME Bargaining Unit. On call of the roll, motion carried 7 to 0.

Ald. McGrath, seconded by Ald. Havill moved to reconvene to open session. On call of the roll, motion carried 7 to 0.

**RESOLUTION AUTHORIZING THE HIRE OF SARAH COPSEY AS GENERAL
ADMINISTRATION LTE OFFICE CLERK/RECEPTIONIST**

Ald. Tully introduced Resolution No. 50.

**CITY OF JEFFERSON
RESOLUTION NO. 50**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Council hereby authorizes the hire of Sarah Copsey as LTE General Administration/Receptionist at an hourly rate of \$10.75.

BE IT FURTHER RESOLVED, that Ms. Copsey will be subject to a six-month probationary employment. After such probation is successfully made and receives department head approval, the limited term employment will be granted for another six months, an increase of \$11.25 will be given and 40 hours of vacation will awarded. The position will be reviewed again in August 2007.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 50. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Tully moved to adjourn the Tuesday, August 1, 2006 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, August 1, 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