

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JANUARY 16, 2007**

The Tuesday, January 16, 2007 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. Absent was: Ald. Endl. Also present were: City Engineer Ludwig, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Janet Werner, N4018 Highway Y, reminded the Council that the Annual Dinner is set for January 29th and encouraged the Council to sign up. She then provided the Council with an update on the “buy a brick” fund drive. She stated that approximately \$7,200 had been raised to date.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO AMEND SECTION 300-19 B OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE REZONING OF 965 NORTH DEWEY AVENUE FROM AG (AGRICULTURAL) TO ML (LIMITED INDUSTRIAL)

Mayor Myers called the public hearing to order.

Interim City Administrator Stewart read the Notice of Public Hearing.

City Engineer Ludwig then gave an explanation of the Proposed Ordinance.

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.

James Ganser, Jr., 965 North Dewey Avenue, addressed the Council in favor of the rezoning. Mr. Ganser stated that at the Plan Commission some concerns were raised by a neighbor regarding the proposed project and accompanying rezoning. Mr. Ganser stated that he sat down and spoke with his neighbor and tried to address his concerns. When all was said and done, his neighbor was not for the project, but could live with it. He stated that he would be willing to increase the side setback to 50’ and the front setback to 125’. He also stated that he provided his neighbor with three landscaping plans and he chose to keep the landscaping to lawn and evergreen trees. He also noted that the doors will face the south, traffic will not generally travel north on Dewey Avenue, parking will be moved to the backside of the building and everything will be stored inside at this time. He concluded by asking the Council to recommend the rezoning request.

Ald. Beyer then clarified that the traffic would primarily be using Puerner Street.

Ald. McGrath questioned the ownership of the property. Mr. Ganser stated that he was acting as agent for his grandmother. Atty. Brantmeier further clarified that the rezoning could be made contingent upon a sale taking place – as we have done in the past.

Ald. Peachey then asked why Mr. Ganser chose this location. Ganser indicated that it was partly economics and partly thinking to the future by trying to think of future growth potential and the possibility of future special assessments.

Ray Seeber, 973 North Dewey Avenue, then addressed the Council regarding his opposition to the rezoning. Mr. Seeber stated that regardless of everything that has been discussed, he believes the proper location for this building is in the industrial park. He questioned why the City would consider rezoning this property since the industrial park is not full. He stated that relying on a document from 1981 should not be the sole reason for rezoning the parcel.

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

Ald. Havill introduced Proposed Ordinance #20-06 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #20-06**

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 AG (Agricultural) to ML (Limited Industrial):

Description: Part of the NW ¼ of the NW ¼ of Section 1, T6N, R14E

Parcel #: 241-06-14-01-22-008

Address: 965 North Dewey Avenue

Current Zoning Designation: AG (Agricultural)

Proposed Zoning Designation: ML (Limited Industrial)

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. McGrath seconded by Ald. Tully moved to recommend that the rezoning be contingent upon the consummation of the sale of the property (within one year). On call of the roll, motion carried unanimously.

Ald. Stewart questioned how flexible Mr. Ganser is with the setbacks. Mr. Ganser stated that he could stay firm to the 125/50 ft layout as discussed prior, however he MAY be

able to add an additional 15 ft to those dimensions. He stated that he would be unable to guarantee that any changes would be made.

Ald. Peachey questioned why this area was designated as future industrial zoning in the Master Plan. Mayor Myers stated that at Plan Commission, Mike Slavney from Vandewalle and Associates noted that several areas in Jefferson are favorable for future industrial park expansion. The greatest potential being the lands that lie to the east of the current industrial park and to the west of North Dewey Avenue.

Engineer Ludwig added that this area has been designated for industrial growth since the 1981 Master Plan and more recently in the 2000 Master Plan. He added that the rezoning is just happening sooner than anticipated.

Ald. Wagner stated that he felt Jim had done a good job working with the neighbor and that he would support the rezoning.

Ald. Havill stated that he did not see the harm in the rezoning of the parcel at this point. He added that it shows a level of respect between the parties and that the entities share mutually beneficial ideas.

Ald. Beyer stated that she will support the rezoning and has talked to both parties at length. Beyer added that this land has been eyed for future industrial growth. She stated that she appreciated the efforts of Mr. Ganser to try to work with the neighbor and “mend fences”.

Ald. Havill, seconded by Ald. Wagner moved to recommend Amended Proposed Ordinance #20-06. On call of the roll, motion carried by a vote of 6 to 1. Ald. Peachey cast the dissenting vote.

PUBLIC HEARING AND ACTION AN ORDINANCE TO AMEND SECTION 68-3 OF CITY OF JEFFERSON MUNICIPAL CODE RELATED TO APPOINTMENT OF CITY OFFICIALS

Mayor Myers called the public hearing to order.

Interim City Administrator Stewart read the Notice of Public Hearing.

Mayor Myers then gave an explanation of the Proposed Ordinance.

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 Myers closed the public hearing.

Ald. Tully introduced Proposed Ordinance #21-06 for its second reading.

**CITY OF JEFFERSON
PROPOSED CHARTER ORDINANCE #21-06**

An Ordinance to Amend Section 68-3 of the Municipal Code of the City of Jefferson Related to Appointment of City Officials.

Section 1. An Ordinance to Change the Terms of the City Forester, Recreation Director, Sewage Treatment Plant Operator and Street Superintendent is hereby amended as follows:

§ 68-3. Appointed officials. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

The following officials shall be appointed in the manner and for the term indicated:

Official	How Appointed	Term
Administrator	See § 68-4	Indefinite
Clerk/Treasurer	See § 68-5	Indefinite
Assessor	Common Council	2 years
Attorney	Common Council	1 year
Building/Zoning Inspector	Mayor, subject to confirmation by Council	1 year
Director of Public Works/Engineer	See § 68-9	Indefinite
Election officials	Mayor, subject to confirmation by Council	2 years
Forester	Mayor, subject to confirmation by Council	1-year Indefinite
Plumbing Inspector	Mayor, subject to confirmation by Council	1 year
Recreation Director	Mayor, subject to confirmation by Council	1-year Indefinite
Sewage Treatment Plant Operator	Mayor, subject to confirmation by Council	1-year Indefinite
Street Superintendent	Mayor, subject to confirmation by Council	1-year Indefinite
Superintendent of Utilities	Utilities Commission	Indefinite
Weed Commissioner	Mayor, subject to confirmation by Council	1 year

Section 2. That in accord with §66.0101(5), Wis. Stats., this Charter Ordinance shall take effect upon the passage of sixty (60) days from the date of adoption hereof or upon the approval of this ordinance by a majority of the electors voting on a referendum on the same if, in accord with the statute and within the sixty (60) day period a petition conforming with the requirements of §8.40, Wis. Stats., and signed by a number of electors equal to 7% of the votes cast in the City in the last gubernatorial election is filed in the office of the City Clerk, calling for this ordinance to be submitted to a referendum vote.

Section 3. This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

Ald. Tully indicated that approval was unanimous at Personnel.

Ald. Wagner asked if a referendum would be binding. Atty. Brantmeier indicated that the petition would be direct legislation and the action would be binding.

Ald. Peachey questioned if a referendum would be required and when it would be held. It was clarified that the referendum would only occur if a petition was received within the 60 day period. It was further noted that if a referendum became necessary; it would be scheduled based upon an adequate amount time to notice a referendum by State Statues

Ald. Wagner made a friendly amendment to add that all indefinite appointments be evaluated yearly.

City Clerk/Treasurer Stewart and City Attorney Brantmeier then indicated that the scope of that amendment would alter the content of the Ordinance enough that it would need to be renoticed.

Mayor Myers offered that a resolution could be drafted for a future Council meeting.

Attorney Brantmeier then asked Ald. Wagner if he wished to pursue his amendment or choose the route offered by the Mayor. Ald. Wagner stated that he would withdraw the amendment with the understanding that a resolution of similar content would be brought forward to the Council.

Ald. Tully, seconded by Ald. Beyer moved to recommend Proposed Ordinance #21-06. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 97.

CITY OF JEFFERSON RESOLUTION NO. 97

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for January 16, 2007 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable December (manuals) 2006 and January 2007 in the amounts of \$56,086.83, \$41,060.17 (manuals) and \$79,956.51 and Payroll Summary for January 5, 2007 in the amount of \$124,742.78.
- ◆ Council Minutes from the Regular and Closed Sessions of the Janaury 2, 2007 Common Council Meetings.
- ◆ 2007 Jefferson County Economic Development Consortium Fees -- \$7,754.
- ◆ 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. 97. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN AGREEMENT WITH VANDEWALLE AND ASSOCIATES FOR THE BEGINNING STAGES OF IMPLEMENTATION OF THE JEFFERSON DOWNTOWN & RIVERFRONT REDEVELOPMENT PLAN

Ald. Beyer introduced Resolution No. 98.

**CITY OF JEFFERSON
RESOLUTION NO. 98**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council authorizes approval of “Jefferson Downtown Redevelopment: Draft Work Order 1” with Vandewalle & Associates for an amount not to exceed \$8,500.00.

BE IT FURTHER RESOLVED, that the residual funds not used under the Contract for the Development of the City of Jefferson Downtown & Riverfront Redevelopment Plan (approximately \$8,500) be reallocated to the 2007 budget as indicated in the budget adjustment below:

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMNT	REVISED AMOUNT
<i>TIF #5</i>				
Consultant Fees	19-50000-20-224	\$0.00	\$8,500.00	\$8,500.00

The Mayor stated that Vandewalle had been asked to come in under budget, if possible, on the original contract to allow for some funds to begin the implementation of the plan. He added that that is what Vandewalle has done and that now, if the Council so chooses, could reallocate the remainder of the original \$40,000 for the beginning implementation stages of the plan.

Ald. Tully stated that he would support the plan and that it was wise to use the funds to begin the implementation of the Plan. He added that it would be unfortunate to see the plan “shelved”.

Mayor Myers stated that he would like to see something come back to the Council for the first meeting in February regarding the CDA – even if it was just a discussion item.

Ald. Beyer clarified that there is no additional monies being used for this work order.

Ald. Wagner stated to the Mayor that if he waited until April this would have been unanimously approved, but he would not support it.

Ald. McGrath stated that he felt we should try to sell the City property by ourselves or use the firm that we have for the industrial park.

Ald. Havill indicated that Resolution No. 98 was passed by a 2 to 1 vote at Finance Committee. He reiterated Ald. Tully's comments and noted that we need to progress on the plan as much as we can.

Mayor Myers stated that the implementation process is too involved and too time intensive for City staff to spear the entire project and therefore, Vandewalle's service is needed.

Ald. Wagner stated that he didn't understand why the future expansion of the City Hall and Library were not more of a consideration in the plan.

Ald. Tully reiterated that Vandewalle's implementation services will help increase the City's chances of success.

Ald. Beyer, seconded by Ald. Havill moved to recommend Resolution No. 98. On call of the roll, motion carried by a vote of 4 to 3. Ald. Stewart, Ald. Wagner and Ald. McGrath cast the dissenting votes.

RESOLUTION AUTHORIZING THE REVOCATION OF THE CLASS A LIQUOR AND BEER LICENSE FOR THE LIQUOR SHANTY (GERALD PASUTIN)

Ald. McGrath introduced Resolution No. 99.

**CITY OF JEFFERSON
RESOLUTION NO. 99**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Council hereby formally releases the Class A Liquor and Beer License issued to Mr. Gerald Pasutin (DBA "The Liquor Shanty") effective January 16, 2007.

Fire Chief John Powell stated that he had an opportunity to "view" the premise a few days earlier and stated that Mr. Pasutin had done a good job cleaning up the property and that the building is in operable condition. He stated that in addition, Mr. Pasutin stated that he would cooperate with the routine six month fire inspections that the City conducts.

Mr. Pasutin indicated that he was not sure what hours he would be open, but that it would be on a regular basis to maintain his license. He noted that since the manufacturing business had left that side of town, his customer base had also been lost. He stated that is not financially feasible to be open full time. He stated that he, as well as other retailers in the area, anxiously await Wal-Mart's plans Pasutin added that he is aware of City ordinances and knows that he must be open to maintain the license.

Ald. McGrath stated that in his opinion this license represents one too many in the community and he did not favor its issuance. He stated that we have two other liquor stores and the grocery store and that is enough.

Atty. Brantmeier stated that Mr. Pasutin has a vested interest in the license and that it would be arbitrary to eliminate or not reissue any license. He stated that the proper way to address this is to change the ordinance so that when the population reaches 8,000 another license is not issued/made available. Atty. Brantmeier then reiterated that the City must have a reason to "take" a license and we no longer have any reason to take Mr. Pasutin's license.

After further discussion, Ald. McGrath, seconded by Ald. Wagner moved to recommend Resolution No. 99. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A CONTRACT FOR THE 2007 TREE PRUNING AND REMOVALS

Ald. Peachey introduced Resolution No. 100.

**CITY OF JEFFERSON
RESOLUTION NO. 100**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Interim City Administrator is hereby authorized to sign a contract with Two Guys Trimming of Jefferson, WI to perform pruning and tree removal for 2007 for an amount not to exceed \$5,860. (\$9,000.00 has been budgeted in 2007 for this service.)

Ald. Havill indicated that approval of Resolution No. 200 was unanimous at Finance Committee.

Ald. Wagner stated that he was happy that we were using a Jefferson business.

Ald. Peachey, seconded by Ald. McGrath moved to recommend Resolution No. 100. On call of the roll, motion carried unanimously.

RESOLUTION SETTING TIME FOR HEARING TO VACATE A PORTION OF NORTH TAFT STREET (FKA NORTH IRVING STREET)

Ald. Stewart introduced Resolution No. 101.

**CITY OF JEFFERSON
RESOLUTION NO. 101**

RESOLUTION SETTING TIME FOR HEARING TO VACATE A PORTION OF NORTH TAFT AVENUE

WHEREAS, Being a part of the SE¼ of the SE ¼ of Section 3, Township 6 North, Range 14 East, City of Jefferson, Jefferson County, Wisconsin, described as follows:

Commencing at the Iron Pipe Monument that marks the SW corner of said SE¼; Thence S86°20'09"E, along the South line of said SE¼, a distance of 1452.28 feet; Thence N03°39'51"E, a distance of 43.77 feet, to a point on the Northerly Right of Way (R.O.W.) line of West Racine Street (U.S.H."18"); Thence S87°04'24"E, along said Northerly R.O.W. line, a distance of 70.02 feet, to the Southwest R.O.W. corner of North Taft Avenue; Thence continue S87°04'24"E, along said Northerly R.O.W. line, a distance of 50.10 feet, to the Southeasterly R.O.W. corner of said North Taft Avenue; Thence N00°38'06"W, along the Easterly R.O.W. line of said North Taft Avenue, a distance of 120.49 feet, and to the Point of Beginning of this description; Thence continue N00°38'06"W, along said Easterly R.O.W. line, a distance of 54.61 feet; Thence S06°40'29"W, a distance of 54.62 feet; Thence S87°02'28"E, a distance of 6.96 feet to the Point of Beginning. Containing 190 Sq. Ft. or 0.004 acres of land, more or less.

AND WHEREAS, the procedures for vacating this right of way will proceed under Section 66.1003 Wisconsin Statutes, and this Board will consider whether the public interest is best served and requires the discontinuance of a portion of said street.

NOW THEREFORE, BE IT RESOLVED, that a public hearing will be held on February 20, 2007 at the Jefferson City Hall to consider passing a resolution vacating a portion of South Taft Avenue as described above and as shown on the attached diagram.

BE IT FURTHER RESOLVED, that notice of said hearing be published in the DAILY JEFFERSON COUNTY UNION.

Ald. McGrath noted that Resolution No. 101 was unanimously approved at Streets Committee.

Mayor Myers then asked for an explanation on how a vacation is procedurally handled.

Ald. Stewart, seconded by Ald. McGrath moved to recommend Resolution No. 101. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A CONTRACT WITH BT2 TO INVESTIGATE SOIL CONTAMINATION IN FRONT OF 220 EAST RACINE STREET

Ald. Havill introduced Resolution No. 102.

**CITY OF JEFFERSON
RESOLUTION NO. 102**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Interim City Administrator is hereby authorized to enter into a contract with BT2 of Madison, WI for the investigation of soil contamination in the City's right of way in an amount not to exceed \$11,400.

Ald. Havill stated that Resolution No. 102 was unanimously approved at Finance Committee.

Ald. Havill, seconded by Ald. McGrath moved to recommend Resolution No. 102. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. McGrath moved to adjourn to Closed Session Pursuant to Section 19.85(1)(c) and (e) of the Wisconsin State Statutes To Discuss the Potential

Hire of a Full-time EMT and to Discuss the Potential Negotiating of a Property Purchase at 116 West Washington Street (aka Old Schweiger Building). On call of the roll, motion carried unanimously.

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

RESOLUTION AUTHORIZING THE HIRE A FULL-TIME EMT

Ald. Tully introduced Resolution No. 103.

**CITY OF JEFFERSON
RESOLUTION NO. 103**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Interim City Administrator is hereby authorized to hire Kim Heine as full time EMT.

BE IT FURTHER RESOLVED, that Ms. Heine will be hired at an hourly rate of \$10.20 and benefits shall be granted in a consistent fashion with other AFSCME City Hall Unit bargained employees.

BE IT FURTHER RESOLVED, that the Council understands that the full-time EMT position is an AFSCME union position and that when the AFSCME Union Contract is settled, the employee shall be placed at the appropriate pay level as required by the contract.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 103. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Tully moved to adjourn the Tuesday, January 16, 2007 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, January 16, 2007, 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