

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, MARCH 6, 2007**

The Tuesday, March 6, 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. Endl, Ald. Havill and Ald. McGrath. Absent was: Ald. Stewart. Also present were: City Engineer Ludwig, City Clerk/Treasurer Stewart and City Attorney Brantmeier.

Ald. Wagner stated that he wanted to congratulate the Jefferson Girls Basketball Team on their 22-2 season. He added that Seniors: Turley, Hemp and Zastrow had a great season.

PUBLIC PARTICIPATION

None.

AN ORDINANCE TO AMEND SECTION 1-4 C. (2) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO MUNICIPAL COURT FEES

Ald. Peachey introduced Proposed Ordinance #2-07 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #2-07**

An Ordinance to Amend Section 1-4 C. (2) of the Municipal Code of the City of Jefferson Related to Citations and Court Fees.

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

Section 1. The following portion of Section 1-4 C. (2) is hereby amended as follows:

§ 1-4. Citations.

C. Schedule of deposits.

- (2) In addition to each base deposit amount set forth above, the total bond shall include the statutory penalty assessment and jail assessment, as amended from time to time by state law. Except for a violation of § 347.48(2m), Wis. Stats., court costs of ~~\$23~~ \$28 (or as delineated yearly by the Council) shall be assessed and collected on each judgment.

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 IS A FIRST READING.

AN ORDINANCE TO AMEND SECTION 68-4 B. OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE APPOINTMENT AND TERM OF THE CITY ADMINISTRATOR

Ald. Tully introduced Proposed Charter Ordinance #3-07 for its first reading.

**CITY OF JEFFERSON
PROPOSED CHARTER ORDINANCE #3-07**

An Ordinance to Repeal and Recreate Section 68-4 B. of the Municipal Code of the City of Jefferson Related to the Appointment and Term of the City Administrator.

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

Section 1. Section 68-4 B. of the City of Jefferson Municipal Code is hereby repealed and recreated as follows:

§ 68-4. Administrator.

B. Appointment and term. The City Administrator shall be appointed by a two-thirds vote of the Common Council from a list of not fewer than three nor more than five candidates, such list to be presented to the Common Council by the Personnel Committee, after coordination with the Mayor. ~~The City Administrator shall hold office for an indefinite term, subject to removal for cause by a majority vote of all the members of the Common Council, pursuant to § 17.12(1)(d), Wis. Stats. The appointment may be terminated by the Administrator upon 90 days' written notice to the Mayor and Common Council prior to such termination or as required in the employment contract. [Amended by Ord. No. 11-04]~~ The City Administrator shall serve as an "at-will employee" for an indefinite term, subject to removal at any time without reason and without cause by a majority vote of all members of the Common Council.

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.

THIS IS A FIRST READING.

CONSENT AGENDA

Ald. Wagner introduced Resolution No. 119.

**CITY OF JEFFERSON
RESOLUTION NO. 119**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for March 6, 2007 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable March 2007 in the amount of \$36,464.88 and Payroll Summary for February 16, 2007 in the amount of \$111,379.86.
- ◆ Council Minutes from the Regular and Closed Sessions of the February 20, 2007 Common Council Meetings.
- ◆ 2007 Fire Contracts.
- ◆ Greenwood Cemetery Subsidy - \$15,650.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses
 - ◆ Class B Beer/Class C Wine License – Riverfront Family Restaurant.

Ald. Wagner, seconded by Ald. McGrath moved to recommend Resolution No 119. On call of the roll, motion carried unanimously.

A RESOLUTION CREATING THE REDEVELOPMENT AUTHORITY OF THE CITY OF JEFFERSON

Ald. Beyer introduced Resolution No. 120.

**CITY OF JEFFERSON
RESOLUTION NO. 120**

**Resolution Creating The Redevelopment Authority of the
City of Jefferson, Wisconsin**

WHEREAS, it is deemed to be in the best interest of the City of Jefferson that the Municipal Code of the City of Jefferson, as heretofore amended, be further modified and amended in the manner hereinafter more particularly set forth:

NOW THEREFORE, the Common Council of the City of Jefferson, finding that a need for blight elimination, slum clearance, urban renewal and community and economic development programs and projects exists in the City, and that a redevelopment authority functioning within the City constitutes an effective and efficient means for carrying out such programs and projects, hereby ordains the following:

Section 1 **Creation of Redevelopment Authority** – Pursuant to Section 66.1333 of Wisconsin Statutes (entitled “Blight elimination and slum clearance”) there is hereby created a redevelopment authority which shall be known as the Redevelopment Authority of the City of Jefferson (RDA).

- Section 1.1 **Status of Redevelopment Authority as a Public Body** – The Redevelopment Authority (RDA) is deemed to be a public body having all the powers, duties, and functions granted to redevelopment authorities by applicable laws of the State of Wisconsin.
- Section 1.2 **Appointment, Confirmation, and Term of Commissioners: Vacancies** – The seven Commissioners of the RDA shall be appointed by the Mayor and confirmed by four-fifths vote of the Common Council. The Commissioners who are first appointed shall be designated by the appointing power to serve for the following terms:
- (1) Two (2) for terms ending on the first Monday in April, 2008,
 - (2) Two (2) for terms ending on the first Monday in April 2009,
 - (3) One (1) for term ending on the first Monday in April 2010,
 - (4) One (1) for term ending on the first Monday in April 2011, and;
 - (5) One (1) for term ending on the first Monday in April 2012.
- (a) One of the Commissioners shall be a member of the Common Council and shall serve during their term of office as members of the Common Council. An additional member may be appointed from the Common Council. The Mayor may serve as one of the Council appointees to the RDA, and shall serve during the Mayor’s term of office.
 - (b) ~~Six (6) of the non-Common Council~~ All of the Commissioners shall be City residents.
 - (c) After the first appointment, the term of office is five (5) years. Commissioners shall serve until a successor has been appointed and qualified, unless such Commissioner’s term is vacated earlier because of change of residence, removal, resignation, or death.
 - (d) Vacancies shall be filled by the Mayor and confirmation by ~~majority~~ four-fifths vote of the Common Council.
- Section 1.3 **By-laws** – The RDA may adopt and from time to time amend or repeal such by-laws and other rules and regulations consistent with applicable law and as it deems necessary in the performance of its functions.
- Section 1.4 **Officers, Agents, and Employees**
- (a) The RDA shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
 - (b) The RDA may contract with the City or any other agency or entity, public or private, for the provision of any necessary services associated with or required by the RDA in the performance of its duties and

functions. Any services provided to the RDA by the City pursuant to such contract shall be coordinated through the City Administrator.

Section 1.5 **Powers and Duties of the RDA**

- (a) **Redevelopment Authority** – The RDA shall have all the powers, duties, and functions of a Redevelopment Authority as set forth in Section ~~66.1331 (Blighted Area Law) and 66.1333(5) (Powers of Redevelopment Authorities)~~ of the Wisconsin Statutes. All redevelopment projects initiated by the RDA and approved by the Common Council shall be undertaken and carried out in accordance with Sections 66.1105, 66.1301, 66.1307, 66.1327, 66.1331, or 66.1333 of the Wisconsin Statutes as determined appropriate to each project by the Common Council.
- (b) **Redevelopment Plan(s)** – The RDA shall implement the retention and development activities as identified in any redevelopment plan(s) or other economic development plans created and approved by the Common Council. The RDA shall be responsible for regularly reviewing any redevelopment or economic development plans, and shall implement any changes or additions to the plans approved by the Common Council.
- (c) The RDA shall submit an annual budget to the City Administrator; such budget shall be subject to review by the City Administrator prior to submission to the Common Council. The approval of the RDA budget by the Common Council permits the RDA to spend budgeted funds for the purposes designated.
- (d) The RDA shall advise the Common Council of funds or assets received by the RDA from all sources, and provide a monthly accounting of expenditures to the Common Council for information purposes. The RDA shall be subject to the City Accounting and Auditing procedures.
- (e) In addition to the foregoing powers, duties, and functions, the RDA shall have such other powers, duties, and functions related to ~~housing,~~ community and economic development as are granted to the RDA by the Common Council.
- (f) The “Commission” to hear any appeal or request for variance under Section 66.1337, Wis. Stats., shall be the Board of Zoning Appeals. The “Local Health Officer” as described in Section 66.1337, Wis. Stats., shall be the City Building Inspector.

Section 1.6 **Severability** – If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 1.7 **Construction** – All powers, duties, and functions of a redevelopment authority, as set forth in Section 66.1333 of the Wisconsin Statutes are deemed to have been granted to the RDA as though set forth in this Resolution, and the powers granted hereunder shall be constructed liberally to effectuate its purpose.

Ald. Beyer, seconded by Ald. Havill moved to recommend Resolution No. 120.

Mayor Myers noted that Jolena Presti of Vandewalle and Associates was present to answer any questions the Council had regarding the RDA setup. Myers indicated that the Council was only being asked to approve the Resolution for the RDA setup and that the other materials were being presented for informational purposes. He also noted that the Council would be acting on the acceptance of the RDA By-laws at an upcoming meeting.

Ald. Havill questioned if a 4/5 vote was required for approval. Atty. Brantmeier clarified that the 4/5 approval was need for confirmation of the mayoral appointments to the RDA.

Ald. McGrath stated that he had a number of problems with an RDA:

- 1) Why was the building inspector being given the duties of the health inspector when he is not qualified?
- 2) Why would we be allowed to spot blight when we are not allowed to spot zone.
- 3) He was concerned with the RDA being able to use eminent domain.
- 4) Concerned with the bylaws concerning the taking of personal and real property
- 5) He wanted to see the regular meetings scheduled for a time that the public could attend.

Atty. Brantmeier stated that he would try to address some of Ald. McGrath's concerns. Brantmeier indicated that the City currently does not have anyone designated as health officer. Ald. McGrath stated that this was why he was concerned and stated that he felt that the City should contract with the County Nurse for this service. A discussion regarding the office of health inspector was then discussed at length.

The discussion then turned to condemnation. Jolena Presti of Vandewalle stated that condemnation is always the last resort for a municipality and it rarely ever ends like this. Ald. McGrath stated that he was just looking out for the little guy that lives on Candise Street who doesn't want to be gobbled up by a TIF District. Atty. Brantmeier stated that the justice system protects individuals from a hostile action and that regardless a strict procedure would need to be followed by the municipality. Brantmeier also added that the City can take this action right now if they deemed it appropriate. Ald. McGrath stated that in this application it was pretty clear that this action would be taken to further redevelopment plans.

Ald. Wagner then questioned the role of TIF Districts and Redevelopment Authorities. He was concerned that the RDA would have complete control of the TIF District and that the Council's authority and power would be so diminished that they would essentially be unneeded.

It was explained that the overall authority of the TIF Districts would still be maintained by the Council and that any action, such as borrowing, that the RDA would take would have to have prior approval from the Council.

Ald. Havill then drew Ald. Wagner's attention to the Recommended Policy for the RDA. He then referred to the Section that noted the powers retained by the Common Council. He stated that this section should help with Ald. Wagner's concerns.

Ald. Havill then clarified the taking of property for Ald. McGrath. Havill suggested that Ald. McGrath review the verbiage before and after the information regarding the "taking" of property. Ald. Havill stated that when the text in question is taken in context it states that property could only be taken if the City held the property in the first place – like a leasing situation.

Ald. Havill stated that he was concerned that under RDA Powers – (powers not retained by Council) that the RDA had all "other powers" not specifically listed. He stated that he would feel much more comfortable if that was moved under powers confirmed by the Council. The other members agreed.

After further discussion roll was called. On call of the roll, motion carried by a vote of 5 to 1 with one abstention. Ald. McGrath cast the dissenting vote and Ald. Wagner abstained from the vote.

RESOLUTION INCREASING THE LOCAL GOVERNMENTAL PROPERTY INSURANCE FUND DEDUCTIBLE

Ald. Havill introduced Resolution No. 121.

**CITY OF JEFFERSON
RESOLUTION NO. 121**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the Common Council hereby sets the Local Governmental Property Insurance Fund deductible to \$25,000 with an annual aggregate.

Ald. Havill stated that Resolution No. 121 was unanimously approved at Finance Committee. He added that the move to the higher deductible was approved in 2004 and that since that time, overall, it has proved to be a wise financial decision.

Ald. Havill, seconded by Ald. Peachey moved to recommend Resolution No. 121. 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) (e) of the Wisconsin State Statutes To Negotiate a Settlement with Wausau Insurance Regarding the Loss of City EMS Property. On call of the roll, motion carried unanimously.

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

EMS CLAIM – WAUSAU INSURANCE PROPOSED SETTLEMENT

Ald. Beyer introduced Resolution No. 116.

**CITY OF JEFFERSON
TABLED RESOLUTION NO. 116**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby accepts the settlement with Wausau Insurance for the EMS vehicle and EMS equipment loss in the amounts of \$55,000 (less deductible) and \$18,869.69 respectively.

Ald. Beyer, seconded by Ald. Endl moved to recommend Resolution No. 116. On call of the roll, motion carried unanimously.

Ald. McGrath, seconded by Ald. Tully moved to adjourn the Tuesday, March 6, 2007 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, March 6, 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