

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, MARCH 18, 2008**

The Tuesday, March 18, 2008 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Myers. Members present were: Ald. Beyer, Ald. Oppermann, Ald. Cross, Ald. Endl, Ald. Havill, Ald. Brandel and Ald. Peachey. Absent was: Ald. Tully. Also present were: City Administrator Freitag and City Clerk/Treasurer Stewart.

PUBLIC PARTICPATION

Janet Werner, N4018 Highway Y, addressed the Council on several issues. First Ms. Werner presented the Council with the 2007 summary of activities for the Room Tax/Tourism Committees. Next she addressed the Council regarding the Highway 18/Racine Street Construction. Ms. Werner stated that the Chamber will be installing approximately 100 signs to direct people around and to Jefferson. She stated that the Chamber had received approval to put signage on the poles and that she would be requesting permission from the City to locate directional signs in the City terrace. Werner then stated that she hoped that people would avoid the downtown area, if possible, during high traffic times, and that they would be patient with the construction. She also stated that she hoped that the public would respect private property and not take unnecessary shortcuts.

John Powell, 111 North High Avenue, addressed the Council regarding the construction and the impact on the Fire Department. He indicated that during the worst of the construction period, the County Shop will be housing four trucks, the City Garage will be sheltering another three and the EMS/Parks Garage will be housing another two. Powell stated that the firefighters have all been given instruction on where to go in case of a call. He stated that once the street has been reduced to a hard surface in front of the station, the trucks will return to the fire department facility.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO AMEND SECTION 230-5 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE WASTEWATER RATES FOR THE CITY OF JEFFERSON

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

John Andres of Virchow Krause and Company then gave an explanation of the proposed rate change.

Mr. Andres that the City is required to review the rates every two years to be in compliance with DNR requirements, bond requirements and industrial contracts. He stated that per the Finance Committee and Staff recommendations, a two phase increase is being recommended which will amount to a \$1.59/month increase immediately with an additional \$.59 per month beginning January 1, 2009. Andres continued by stating that even when both of these rate increases take effect, the City of Jefferson will still have lower sewer rates than the surrounding communities.

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. Havill introduced Proposed Ordinance #3-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #3-08**

An Ordinance to Amend Section 230-5 of the City of Jefferson Municipal Code Related to the Wastewater Rates for the City of Jefferson.

**THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN DO
ORDAIN AS FOLLOWS:**

Section 1. Section 230-5 is hereby amended as it relates to Wastewater Rates for the City of Jefferson

§ 230-5. Amount of user charges. [Amended 10-18-2005 by Ord. No. 16-05; 10-18-2005 by Ord. No. 17-05]

- A. Sewerage service charges. There is hereby levied and assessed upon each lot, parcel of land, building, premises or unit having a connection with the wastewater works a sewerage service charge based upon the quantity of wastewater discharged, pursuant to § 66.0821, Wis Stats., as amended or renumbered from time to time. Such sewerage service charges shall be billed to the person owning, using or occupying the property served. The sewerage service charges shall consist of a fixed monthly charge and a variable charge as set forth in the following sections.
- B. Fixed charge.
 - (1) The fixed charge shall be a minimum monthly charge for all users based in part upon the number of meters connected to the wastewater works and in part upon the size of such meter or meters. Significant contributors shall have a separately computed fixed charge which will exclude the bond depreciation, bond reserve account and new debt retirement (other than I/I) components from the fixed charge shown in the following schedule, such components to be paid for pursuant to § 230-3 of this article.
 - (2) Fixed service charges are as follows:

Meter Size (inches)	Monthly Charges Effective April 1, 2008	Monthly Charges Effective April 1, 2009
5/8	\$13	\$13
3/4	\$19	\$20
1	\$31	\$33
1 1/2	\$62	\$66
2	\$100	\$106

3	\$192	\$199
4	\$313	\$331
6	\$626	\$662
6 contract	\$300	\$361

Rural customer surcharge: 25%

C. Variable charge.

- (1) Users will be billed on a monthly basis for the volume and strength of wastewater discharged to the wastewater works.
- (2) Normal domestic sewage.
 - (a) Effective April 1, 2008: \$2.35 per 1,000 gallons or \$1.76 per 100 cubic feet.
 - (b) Effective April 1, 2009: \$2.45 per 1,000 gallons or \$1.84 per 100 cubic feet.
- (3) Sewage of greater than normal strength.
 - (a) Charges to users discharging wastewater of greater than normal strength will be assessed a surcharge based on the amount by which the wastewater exceeds the normal strength of wastewater, which is 275 milligrams per liter BOD5, 320 milligrams per liter SS, 23 milligrams per liter NH3-N and eight milligrams per liter P. The following rates will be used:

Parameter	Monthly Charges Effective	Monthly Charges Effective
	April 1, 2008	April 1, 2009
BOD5	\$0.311 per lb.	\$0.330 per lb.
SS	\$0.188 per lb.	\$0.196 per lb.
N (ammonia)	\$1.021 per lb.	\$1.062 per lb.
P (phosphorus)	\$3.661 per lb.	\$3.478 per lb.

- (b) Charges to users discharging wastewater of greater than normal strength shall be computed in accordance with the formula presented below:

Effective April 1, 2008:

$$C = \$2.35 \times V + .00834 \times V \times [(\$0.311 \times B) + (\$0.188 \times S) + (\$1.021 \times N) + (\$3.661 \times P)]$$

Effective April 1, 2009

$$C = \$2.45 \times V + .00834 \times V \times [(\$0.330 \times B) + (\$0.196 \times S) + (\$1.062 \times N) + (\$3.478 \times P)]$$

Where:

C = Charge to sewer user for operation, maintenance and replacement costs for treatment works.

V = Wastewater volume in 1,000 gallons.

B = Concentration of BOD from a user above the normal strength of 275 mg/l.

S = Concentration of suspended solids from a user above the normal strength of 320 mg/l.

N = Concentration of ammonia nitrogen from a user above the normal strength of 23 mg/l.

P = Concentration of phosphorus from a user above normal strength of 8

mg/l.

\$2.35/\$2.45 = Charge for that portion of the waste equal to normal strength wastewater. Includes cost for treating 275 mg/l, BOD5, 320mg/l SS, 23 mg/l N and 8 mg/l P.

.00834 = Conversion factor (mg/l to lb).

- (c) Surcharges will be computed by multiplying flow times strength (mg/l) daily and adding the pounds for the month. Total flow for the month will be multiplied by the residential strength and the result compared to the actual pounds discharged. Surcharges will be applied to pounds in excess of residential strength on the basis of the month's results. In no event will a user pay less per 1,000 gallons of flow than the charge for normal strength wastewater, which includes an imputed level of pounds of BOD, SS, NH3-N and P.
- (4) Holding tank and septage waste charges to licensed dischargers shall be computed on the following basis:
 - (a) Holding tank discharges shall include the following:

Charge	Amount	
	April 2008	April 2009
Total volume/strength charge	\$6.27	\$6.51
Dumping charge	\$5.00	\$5.00
Surcharge of 25%	\$2.82	\$2.88
Total charge per thousand gallons	\$14.09	\$14.38

- (b) Septage waste discharges shall include the following:

Charge	Amount	
	April 2008	April 2009
Total volume/strength charge	\$37.48	\$38.91
Dumping charge	\$7.50	\$7.50
Surcharge of 25%	\$11.25	\$11.60
Total charge per thousand gallons	\$56.23	\$54.46

- D. Special assessments. Not included in the sewerage service charges above are the costs associated with providing local collecting facilities to users, which the City may assess by special assessment, in whole or in part, to the property benefited thereby.
- E. Residential summer sewer charge. Residential sewer customers shall pay, in addition to the fixed charge, a variable charge as set forth in Subsection C(1) for the months of September through April, inclusive, which shall be calculated based on the total water usage as determined by the Water Utility. During the months of May through August, inclusive, the following method for calculating the volume shall be used:
 - (1) During the month of May each year, the Water Utility shall calculate the eight-month average water usage for each residential customer. The eight-month average shall be based on the actual water usage during the preceding eight-month period (September through April inclusive). The calculated average shall be used for each respective residential customer's sewer charge during the months of May, June, July and August. In the event that a residential customer's actual monthly water usage is less than the calculated average summer sewer volume charge, the customer's sewer charge shall be based on the actual water usage for each respective month.

- (2) If a residential customer has received water and sewer service for less than an eight-month period, the sewer volume charge for the months of May, June, July and August shall be calculated based on the overall average for all of the City's residential customers, plus 10%. In the event that a residential customer's actual monthly water usage is less than the calculated average summer sewer volume charge, the customer's sewer charge shall be based on the actual water usage for each respective month.
- (3) In those instances where water usage for one or more of the eight months included in the winter base is less than 50% of that customer's average base, said month or months shall be eliminated from the base calculation.

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

Ald. Havill stated that the proposed increase had been brought to the Finance Committee earlier this year and that the Committee was in favor of the two phase increase.

Ald. Beyer asked if we would need to increase our rates again to get in line with other communities. John Andres indicated that the increase requested would fund the City's plant through 2009.

Ald. Havill, seconded by Ald. Brandel moved to recommend Proposed Ordinance #3-08. On call of the roll, motion carried unanimously.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN OF THE CITY OF JEFFERSON, WISCONSIN

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

Jessica Schmidekie and Mike Slavney provided the Council with a Plan overview. Slavney indicated that this process was begun in January of 2007 and the public hearing and Council action are the final steps taken on the document before implementation. They reviewed the various components of the document and explained the Land Use chapter at length for the public and Council.

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.

Mike Kelly, WWTP Superintendent for the City of Jefferson then requested more information on the Urban Utility Service Area. An explanation was then provided by the consultants.

Gene Olsen, Chairperson for the Township of Aztlan, then addressed the effects of annexation on the extraterritorial boundary. It was explained that the City's boundary only expands as property owners request their property to be annexed. City Attorney Brantmeier indicated that, per State Statute, the extraterritorial boundary is always measured a 1 ½ miles for the current City boundary.

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

Ald. Beyer introduced Proposed Ordinance #5-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #5-08**

The City Council of the City of Jefferson, Wisconsin, does ordain as follows:

Section 1. Pursuant to sections 60.22(3) and 62.23(2) and (3) of Wisconsin Statutes, the City of Jefferson is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001 (1)(a) and 66.1001(2) of Wisconsin Statutes.

Section 2. The City Council of the City of Jefferson has adopted and followed written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of Wisconsin Statutes.

Section 3. The Plan Commission of the City of Jefferson, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the City Council the adoption of a document entitled “CITY OF JEFFERSON COMPREHENSIVE PLAN,” containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

Section 4. The City of Jefferson has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes, and provided numerous other opportunities for public involvement per its adopted public participation strategy and procedures.

Section 5. The City Council of the City of Jefferson, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, “CITY OF JEFFERSON COMPREHENSIVE PLAN,” pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

Section 6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication/posting as required by law.

City Administrator Freitag thanked City Engineer Ludwig for his time and efforts on this project.

Mike Slavney also thanked the Mayor, City Attorney and Plan Commission members for their efforts on the Plan.

Ald. Beyer, seconded by Ald. Havill moved to recommend Proposed Ordinance #5-08. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE CONSTRUCTION OF A TEMPORARY ACCESS ROADWAY BETWEEN W. MILWAUKEE STREET AND W. RACINE STREET

Ald. Oppermann introduced Resolution No. 113.

**CITY OF JEFFERSON
RESOLUTION NO. 113**

BE IT RESOLVED, by the Common Council of the City of Jefferson that the City is to construct a temporary access roadway between West Milwaukee Street and West Racine Street using excess funds in the Capital Projects Fund – Public Works Projects.

Mayor Myers then let members of the public speak on this topic.

Ron & Marla Michaelis, 900 West Racine Street addressed the Council regarding the temporary street. They provided the council with a map that outlined the proposed street. They indicated that it would probably be fiscally wise to make the road permanent – as a cost savings could probably be realized due to the construction crews already being mobilized. They also addressed the benefit for the schools and how the additional outlet would relieve school traffic.

Patti Lorbecki, 714 Windsor Terrace, addressed the Council regarding the temporary street. Ms. Lorbecki stated that the additional access to their business and Twice as Nice would be great, but there are also many other reasons for considering an access way. She stated that the School District and the Bus Company also believe that there will be a great benefit to both entities.

Tom & Mary Rueth, 943 West Milwaukee Street, addressed the Council regarding the temporary street. The Rueth's indicated that they are not opposed to a street, but opposed to paying for a street. They also questioned a temporary vs. permanent street. The Rueth's also questioned how long the street will be accessible during the construction. They also raised a question regarding a concrete vs. asphalt street. However, they concluded by stating that they are not opposed to a street, just paying for it.

David Lorbecki, 714 Windsor Terrace, addressed the Council regarding a recommended truck route for his deliveries.

The public comment was then closed.

Atty. Brantmeier then clarified that the current resolution was written for a TEMPORARY street. He also added that the Council has the right to special assess for any project that they wish. However, that would require a separate action.

Ald. Cross stated that the recommendation of the Streets Committee was a temporary access street. After discussion, the Committee moved to recommend the approval of

enough funds to create a temporary access street which is prepared for potential permanency.

Ald. Oppermann clarified that it has been the City's past practice to assess for Street Construction.

Ald. Cross stated that the Committee had discussed the merits of a permanent street. He stated that personally he was concerned about cost overruns on the project and the impact of the expenditure on the "reserve" project funds. However, he stated that he felt that the Council needs to support the businesses in the area and do whatever is reasonable to assist them during the construction process.

Ald. Beyer questioned if a temporary layer of asphalt could be put down to keep dust down?

Ald. Brandel stated that there are time constraints involved with this project and that at this time it seems appropriate to move ahead with a temporary vision for the project. He said the use and merit of the street can then be evaluated by Council at a later date.

Ald. Endl stated that the \$12,500 is just a starting number and there will be many other costs associated with the temporary street. He indicated that he feels we should hold the contractors to the promises in the contract and make them comply with the access provisions.

Ald. Peachey stated that he feels that there is need for additional access in the area, if only for the schools alone. He added that we should do the project right the first time.

Ald. Havill stated that he felt that this is money well spent.

Ald. Oppermann stated that he was struggling with this decision. He questioned spending \$12,000 for six months and also talked about the other avenues to move around the construction. However, he stated that the public right of way is there and there is some expectation that the City would provide access at some point. He also added that the project would need to be assessed if it was made permanent. He added that it may be in the City's best interest to provide the temporary access and explore the merits of a permanent access for the future.

After further discussion, Ald. Oppermann, seconded by Ald. Havill moved to recommend Resolution No. 113. On call of the roll, motion carried by vote of 6 to 1. Ald. Endl cast the dissenting vote.

CONSENT AGENDA

Ald. Peachey introduced Resolution No. 108.

CITY OF JEFFERSON RESOLUTION NO. 108

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for March 18, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable February 2008 in the amount of \$3,567.24 and March 2008 in the amount of 172,344.07 and Payroll Summary for February 29, 2008 in the amount of \$139,250.68.
- ◆ Council Minutes from the Regular and Closed Session Meeting of the March 4, 2008 Common Council Meetings.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator’s Licenses
 - ◆ Special Class B Licenses
 - ◆ Blue Devil – 6 month license

Ald. Peachey, seconded by Ald. Endl moved to recommend Resolution No. 108. On call of the roll, motion carried by a vote of 7 to 0, Ald. Havill abstained from the approval of the minutes and Ald. Beyer abstained from the approval of the Blue Devil License. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING FINAL 2007 BUDGET ADJUSTMENT

Ald. Endl introduced Resolution No. 109.

**CITY OF JEFFERSON
RESOLUTION NO. 109**

BE IT RESOLVED by the Common Council of the City of Jefferson that the following 2007 budget adjustments are hereby authorized and shall be funded out of the General Fund fund balance:

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMNT	REVISED AMOUNT
<i>Municipal Court.</i>				
Dental Insurance	01-51210-15-147	\$842.00	\$1,486.00	\$2,328.00
<i>Insurance</i>				
Workers Compensation	01-51710-20-287	\$60,000.00	\$5,443.00	\$65,443.00
<i>Police Department</i>				
Wages – Part time Sworn	01-52110-10-127	\$24,000.00	\$29,339.00	\$53,339.00
<i>Code Enforcement</i>				
Bldg/Plumb/Electric Insp	01-52410-20-226	\$55,000.00	2,141.00	\$57,141.00
<i>Engineering</i>				
Professional Services	01-54210-20-210	\$38,500.00	\$28,310.00	\$66,810.00

<i>Street & Highway Maint</i>				
Refuse Collection Contract	01-54310-20-237	\$254,280.00	\$8,988.00	\$263,268.00
<i>Senior Center</i>				
Health Insurance Premium	01-55220-15-144	\$0.00	\$3,896.00	\$3,896.00
<i>Aquatic Center</i>				
Electric, Water & Sewer	01-55230-20-254	\$4,300.00	\$2,553.00	\$6,853.00
<i>Park Maintenance</i>				
Electric, Water & Sewer	01-55510-20-254	\$9,000.00	\$2,455.00	\$11,455.00
<i>Forestry</i>				
Landscape Materials	01-55610-30-371	\$2,500.00	\$3,487.00	\$5,987.00
<i>EMS</i>				
Wages-Part-time	01-52550-10-129	\$26,750.00	\$63,183.00	\$89,933.00
Social Security	01-52550-15-142	\$6,653.00	\$1,839.00	\$8,492.00
Serv to Maint Equipment	01-52550-20-265	\$100.00	\$3,511.00	\$3,611.00
EMS Billing Service	01-52550-20-210	\$15,000.00	\$5,759.00	\$20,759.00
Electric Water Sewer	01-52550-20-254	\$400.00	\$10,582.00	\$5,987.00
Travel, Training & Mtgs	01-52550-30-312	\$2,000.00	\$5,910.00	\$7,910.00
Medical Supplies	01-52550-30-320	\$6,000.00	\$8,799.00	\$14,799.00
Gasoline and Oil	01-52550-30-341	\$2,500.00	\$5,775.00	\$8,275.00
Office Equipment	01-52550-40-415	\$0.00	\$2,130.00	\$2,130.00

BUDGET ITEM	ACCOUNT #	CURRENT	BUDGET	REVISED
		BUDGET	ADJUSTMENT	AMOUNT
Fund 08 – TIF #2	08-50000-30-310	\$0.00	\$6,000.00	\$6,000.00
Fund 15 – Shared Ride Taxi	15-50000-50-589	\$96,000.00	\$13,927.00	\$109,927.00
Fund 19 – TIF #5	19-50000-30-310	\$3,000.00	\$5,926.00	\$8,926.00
Fund 19 – TIF #5	19-50000-40-400	\$6,000.00	\$111,428.00	\$117,428.00
Fund 19 – TIF #5	19-50000-50-510	\$19,000.00	\$3,741.46	\$22,741.46
Fund 20 – Economic Dev Fund	20-50000-70-700	\$15,380.00	\$19,034.00	\$34,414.00
Fund 21 – Debt Service	21-50000-61-616	\$80,000.00	\$170,000.00	\$250,000.00
Fund 21 – Debt Service	21-50000-61-617	\$100,000.00	\$1,300,000.00	\$1,400,000.00
Fund 30 – EMS Equipment	30-50000-40-415	\$11,815.00	\$7,299.00	\$19,114.00
Fund 30 – EMS Vehicles	30-50000-40-416	\$0.00	\$39,206.00	\$39,206.00
Fund 31 – Fire Equipment	31-50000-40-416	\$0.00	\$46,256.00	\$46,256.00
Fund 33 – Comp Gen Admin	33-50000-40-447	\$9,400.00	\$3,555.00	\$12,955.00

BE IT FURTHER RESOLVED that the above budget adjustments are funded out of the respective fund balances.

Ald. Havill stated that overall, the 2006 budget ended up \$25,000 better than anticipated. He added that the Finance Committee gave unanimous approval of the resolution.

Ald. Endl, seconded by Ald. Brandel moved to recommend Resolution No. 109. On call of the roll, motion carried

RESOLUTION AUTHORIZING THE PARK & OPEN SPACE PLAN

Ald. Peachey introduced Resolution No. 110.

**CITY OF JEFFERSON
RESOLUTION NO. 110**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the 2008 City of Jefferson Comprehensive Park and Outdoor Recreation Plan is hereby adopted.

City Park, Recreation and Forestry Director Keller then provided the Council with a brief overview of the Plan. Keller indicated that the plan had been put together with realistic goals for the community.

Mayor Myers then thanked Keller and the Park & Recreation Commission for the hard work put into the plan.

Ald. Peachey, seconded by Ald. Oppermann moved to recommend Resolution No. 110. On call of the roll, motion carried unanimously.

CANCELLATION COMMON COUNCIL MEETING

Ald. Cross introduced Resolution No. 111.

**CITY OF JEFFERSON
RESOLUTION NO. 111**

BE IT RESOLVED by the Common Council of the City of Jefferson that the regular Common Council meeting night of April 1st, 2008 is hereby cancelled.

Ald. Cross, seconded by Ald. Beyer moved to recommend Resolution No. 111. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING THE CITY OF JEFFERSON SAFETY POLICIES

Ald. Beyer introduced Resolution No. 112.

**CITY OF JEFFERSON
RESOLUTION NO. 112**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the 2008 City of Jefferson Safety policies for Personal Protective Equipment, Hearing Conservation, Bloodborne Pathogens, Emergency Action Plan, Control of Hazardous Energy, Confined Space Entry, Hazard Communication and Respiratory Hazard programs is hereby adopted.

Park, Recreation and Forestry Director Keller presented the plans to the Council. She stated that the plans are required so all City Departments may be compliant with State regulations. Keller stated that the Departments will now be trained on all of the policies.

Ald. Beyer, seconded by Ald. Peachey moved to recommend Resolution No. 112. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the Tuesday, March 18, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, March 18, 2008, 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