

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, APRIL 15, 2008**

The Tuesday, April 15, 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. Tully, Ald. Brandel, Ald. Havill and Ald. Peachey. Also present were: City Administrator Freitag, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICPATION

James Renz, 805 South Whitewater Avenue, addressed the Council regarding drainage issues. Mr. Renz stated that the apartments next to his home are causing additional water issues to his already saturated property. He noted his concern that the drainage plan that was approved had not been followed. He also asked that the property owner be contacted and asked to contain the garbage, which has been flying everywhere.

Mayor Myers then noted that the current property owner is aware of the issue, but cannot fix the problem until it dries out a bit.

AN ORDINANCE TO CREATE CHAPTER 320 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO SIGNS

Ald. Tully introduced Proposed Ordinance #6-08 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #6-08**

An Ordinance to Repeal All Existing Sign Ordinances including, but not limited to Sections 300-30(13) Article VIII, (“signs”) § 300-49, 300-50, 300-51, 300-52, 300-53, 300-54, 300-55, 300-56, 300-57, 300-58, 300-59 of the City of Jefferson Municipal Code.

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

Section 1. Chapter 320 is hereby created as it relates to Signage for the City of Jefferson:

This was a first reading.

CONSENT AGENDA

Ald. Peachey introduced Resolution No. 114.

**CITY OF JEFFERSON
RESOLUTION NO. 114**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 15, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable March and April 2008 in the amounts of \$3,833.92 and \$700,864.43 and Payroll Summary for March 14 and March 28, 2008 in the amounts of \$123,661.62 and \$139,715.49.
- ◆ Council Minutes from the Regular Session Meeting of the March 18, 2008 Common Council Meetings.
- ◆ 2008 Petition for Cty Highway Aids

Ald. Peachey, seconded by Ald. Havill moved to recommend Resolution No. 114. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE FROM STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) TO WAL-MART STORES EAST LP FOR THE INTERSECTION AT STATE HIGHWAY 26 AND RYAN ROAD

Ald. Beyer introduced Resolution No. 115.

**CITY OF JEFFERSON
RESOLUTION NO. 115**

A RESOLUTION APPROVING AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE FROM STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) TO WAL-MART STORES EAST LP FOR THE INTERSECTION AT STATE HIGHWAY 26 AND RYAN ROAD

WHEREAS, the City of Jefferson is required to agree to the purchase and sale of real estate from WISDOT to Wal-Mart concerning the intersection at State Highway 26 and Ryan Road.

WHEREAS, once the Highway 26 Bypass is concluded around Jefferson, the City of Jefferson will likely have jurisdiction over the Ryan Road intersection.

WHEREAS, WISDOT requires the City of Jefferson, as a municipality, be ultimately responsible for the reconstruction of that intersection should adverse traffic conditions result in motor vehicle crashes associated with the intersection exceed WISDOT's statewide crash rate for this type of intersection.

WHEREAS, in the event adverse traffic conditions result in motor vehicle crashes that exceed the WISDOT's statewide crash rate, the City of Jefferson may be required to implement further engineering studies and be responsible for all expenses, damages, and costs associated with modifying the Ryan Road intersection.

WHEREAS, thereafter if necessary, the City may be required to implement any recommendation of the engineering studies, including modification of the access points to reduce traffic congestion and vehicle crashes below the statewide crash rate threshold.

WHEREAS, the City will be responsible for all expenses, damages and costs associated with modification of this intersection/access point, but, by statute, could through the exercise of its discretion specially assess landowners for the benefits of properties adjoining the intersection, including engineering costs, pursuant to §66.0703, Wis. Stats.

WHEREAS, the City of Jefferson has been asked to agree to the sale of real estate. However, nothing in this agreement affects Wal-Mart's obligation to install, at its cost, the public improvements identified in the Developer's Agreement with the City of Jefferson dated April 24, 2008.

THEREFORE, BE IT RESOLVED that the City Administrator is hereby authorized to sign the attached "Agreement for Purchase and Sale of Real Estate" concerning the Ryan Road at Highway 26 intersection.

Ald. Havill stated that he thought that the TIA was a reimbursable cost under the Developer's Agreement.

Atty. Gempler then stated that a TIA was required under the developer's agreement and that it had been completed and paid for by Wal-Mart. The TIA took into account traffic related to Wal-Mart for the next 15 years. Another TIA would only be required if there were excessive accidents in the area (which may or may not be attributable to Wal-Mart) until the jurisdictional transfer takes place. Gempler further stated that in the unlikely event that a TIA is required, it probably will not only be attributed to the traffic that Wal-Mart is generating.

Ald. Oppermann stated that there is a lot of confusion about the intersection at Ryan Road. He asked for a "plain english" explanation of why the intersection is configured as it is.

Atty. Gempler and Atty. Brantmeier noted that both the City and Wal-Mart petitioned the State for stop and go lights at the intersection. Multiple requests from the City and Wal-Mart were rejected. The intersection is configured the only way that the DOT would allow.

Ald. Endl questioned when and if the jurisdictional transfer would take place. City Engineer Ludwig indicated that he has receiving conflicting responses from the DOT and that the City will probably need to go above the City's current contacts to get a straight answer when the time comes.

Mayor Myers then recused himself from Resolution No. 116. He then left the Chambers and turned the gavel over to Council Chairperson Peg Beyer for the remainder of the meeting.

Ald. Beyer, seconded by Ald. Brandel moved to recommend Resolution No. 115. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A PRE-ANNEXATION AGREEMENT FOR THE BEILKE FARM PROPERTY

Ald. Brandel introduced Resolution No. 116.

**CITY OF JEFFERSON
RESOLUTION NO. 116**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council of the City of Jefferson hereby authorizes a pre-annexation agreement for the Beilke Farm Property.

Randy Schopen of Capn's Corner then provided the Council with a presentation on the facility he has plans of constructing. He stated that the project has been complicated due to changes in the DOT project, wetlands, the need for utilities and setback requirements. He indicated that he is hoping to minimize the downtime between closure of the old premise and grand opening of the new facility. He added that he hoped to return to the Council to present updated drawings and site plan.

Ald. Oppermann asked Ald. Brandel how the Utility felt about the proposed agreement.

Ald. Brandel stated that the agreement had been given its blessing by the Utility Commission. He added that the utility is not in a position to extend utilities at this time, but that as development occurs and the cost becomes recoverable the utility will extend. He stated that the Commission felt that the proposed agreement was fair and they felt comfortable with the document as a whole.

Ald. Tully asked what the timetable for the project was. Schopen responded that if everything was fast tracked he could hope to have the building done by November. He once again reiterated that he does not want to have the business "down" for an extended period of time.

Ald. Endl stated that he felt that the project would be a great addition to the North side of the City.

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

Ald. Tully, seconded by Ald. Havill. moved to adjourn the Tuesday, April 15, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, April 15, 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