

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, DECEMBER 16, 2008**

The Tuesday, December 16, 2008 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Council Chairperson Tully. Members present were: Ald. Beyer, Ald. Cross, Ald. Tully, Ald. Oppermann, Ald. Brandel, Ald. Carnes and Ald. Peachey. Absent: Ald. Endl Also present were: City Administrator Freitag, City Attorney Brantmeier and Assistant City Engineer Jenkins.

PUBLIC PARTICPATION

Janet Werner, N4018 Cty Y, provided the Council with a copy of the room tax report and the new Jefferson Profile.

AN ORDINANCE TO CREATE SECTION 113-23 REGULATING THE KEEPING OF POULTRY

Ald. Cross introduced Proposed Ordinance #19-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE # 19-08**

An Ordinance to Create Section 113-23 of the City of Jefferson Municipal Code Regulating the Keeping of Poultry.

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

Section 1. Section 113-23 is hereby created:

- A. Resident landowners shall be allowed to keep up to four (4) chickens, provided that:
- (1) The principal use is a single-family dwelling for the parcel or lot.
 - (2) No roosters or noisy fowl will be kept. See Sec. 197-8 (j) of this Code.
 - (3) No slaughtering of any chickens shall take place within the Municipal Limits.
 - (4) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or in a fenced enclosure at all times pursuant to Sec. 113-19 & 20 of this Code.
 - (5) No coup, enclosure or pen may be placed within 15 feet from any lot line.
 - (6) This Ordinance shall take effect after posting and publication, as required by Law.

(7) The adoption of this Ordinance shall remove “Poultry” as a prohibited accessory use under Sec. 300-13 (b) of this Code.

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. Brandel read a prepared statement opposing adoption of the ordinance. Mr. Brandel raised the following questions:

- a. How many residents have requested the adoption of such an ordinance;
- b. Have other communities adopted similar ordinances; and
- c. What City staff members would be expected to enforce the ordinance

Mr. Oppermann stated that other communities, including Madison and Ft. Atkinson had adopted similar ordinances and that several residents have requested the adoption of this ordinance. He stated that the Police Department would likely be asked to enforce the ordinance under nuisance provisions of the Jefferson Municipal Code.

Ald. Peachey asked the City Attorney as to whether renters would be able to keep and raise chickens under the ordinance. Attorney Brantmeier stated that the ordinance would apply only to owners of property.

Mr. Peachey also asked whether the ordinance would allow property owners to sell eggs to the public. Mr. Brantmeier stated that the ordinance did not address this issue and that the Jefferson Zoning Code would regulate this activity.

Ald. Beyer stated that these types of ordinances were becoming increasingly popular as people seek to promote sustainability and eco-friendly living habits, including organically raised vegetables and animals. She noted that this ordinance would not likely result in negative consequences for the community.

Ald. Carnes said that he was concerned that the ordinance would increase the number of nuisance predators in the City, including foxes, opossum and raccoon. Mr. Oppermann stated that he did not believe that the ordinance would have any greater impact on predators than the current population of ducks and geese in the City.

Mr. Oppermann stated that he believed that the negative impacts caused by the ordinance would be very negligible on the community.

There being no other comments from the Common Council Members, President Pro Tem Tully requested a roll call.

Ald. Cross, seconded by Ald. Oppermann moved to recommend Proposed Ordinance #19-08. On call of the roll, motion carried by a vote of 4 to 3. Ald. Peachey, Ald. Brandel and Ald. Carnes cast the dissenting votes.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 69.

**CITY OF JEFFERSON
RESOLUTION NO. 69**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for December 16, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for November and December 2008 in the amounts of \$45,169.66 and \$134,271.23 and Payroll Summaries for December 5, 2008 in the amount of \$128,372.55.
- ◆ Council Minutes from the December 2, 2008 Regular and Closed Session Meetings of the Common Council.
- ◆ 2009 Nutrition Site Rental Agreement.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Oppermann, seconded by Ald. Beyer moved to recommend Resolution No. 69. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING PURCHASE OF TWO 2009 SQUAD VEHICLES

Ald. Peachey introduced Resolution No. 70.

**CITY OF JEFFERSON
RESOLUTION NO. 70**

BE IT RESOLVED by the common Council of the City of Jefferson that the City Administrator is hereby authorized to purchase a 2009 Ford Crown Victoria Police Package vehicle for \$22,573.00 and a 2009 Ford Explorer XLT (4x4) Police Package vehicle for \$21,149.00 from Capitol Ford Sales Madison, WI.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 70. On call of the roll, motion carried unanimously.

RESOLUTION WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

Ald. Peachey introduced Resolution No. 71.

**CITY OF JEFFERSON
RESOLUTION NO. 71**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to delete the following delinquent Accounts Receivable:

CITY OF JEFFERSON EMS

Total outstanding TRIP patients.
YEAR 2008 \$16,163.97

Total outstanding COLLECTION patients.
YEAR 2008 \$59,437.46

CITY OF JEFFERSON SEWER UTILITY
NONE

CITY OF JEFFERSON GENERAL FUND
NONE

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 71. On call of the roll, motion carried

RESOLUTION APPROVING THE 2009 CITY OF JEFFERSON SCHEDULE OF FEES

Ald. Carnes introduced Resolution No. 72.

**CITY OF JEFFERSON
RESOLUTION NO. 72**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Council hereby adopts the 2009 Schedule of Fees (as attached).

Ald. Oppermann stated that he would consider increase raising the Class B License to \$50.

Ald. Brandel questioned Janet Werner how much this would hurt the Concerts in the Park. Werner stated that as it is, not much profit is mad at those events.

Ald. Carnes, seconded by Ald. Peachey moved to recommend Resolution No. 72. On call of the roll, motion carried unanimously.

ACCEPTANCE OF SISTERS OF ST. FRANCIS OF ASSISI, INC. PETITION FOR ANNEXATION

Ald. Beyer introduced Resolution No. 74.

**CITY OF JEFFERSON
RESOLUTION NO. 74**

WHEREAS, a petition for direct annexation of the following territory of the Town of Jefferson, Jefferson County, Wisconsin, lying contiguous to the City of Jefferson, Wisconsin, was filed with the City Clerk on December 12, 2008.

That part of Document No.'s 929377, 178135 and 137575 located in part of the Southeast ¼ of the Southeast ¼ of Section 1, Town 6 North, Range 14 East, in the Town of Jefferson, Jefferson County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Southeast ¼ Section, Thence North 88°59'46" West and along the South line of said Southeast ¼ of said Section 1, 599.41 feet to the place of beginning of lands hereinafter described;

Thence continuing North 88°59'46" West along said South line, 73.25 feet to a point in the South Right-of-Way line of "U.S.H. 18"; Thence Northeasterly 79.98 feet along said South Right-of-Way line and the Arc of a curve, whose Center lies Northwest, whose Radius is 538.55 feet, whose Central Angle is 08°30'31", and whose Chord bears North 68°22'17" East, 79.90 feet to a point; Thence South 01°56'02" West, 30.75 feet to the point of beginning of this description.

Said parcel contains 1,047 Square Feet (0.0240 Acres) of land, more or less.

WHEREAS, the City Clerk has investigated the petition and certified to the Common Council that it was signed by the owner of all of the real property in the proposed area in the territory proposed for annexation as of the date of filing of the petition and that the territory to be annexed is properly described in the petition and shown on the scale map attached thereto, is contiguous to the City of Jefferson and is unincorporated;

NOW THEREFORE, the Common Council of the City of Jefferson, Wisconsin, determines that the petition for annexation of the above-described territory is a sufficient and legal petition conforming to the requirements of sec. 66.0217(7)(a)2 of the Wisconsin Statutes.

Ald. Beyer, seconded by Ald. Cross moved to recommend Resolution No. 74. On call of the roll, motion carried unanimously.

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF JEFFERSON FROM THE TOWN OF JEFFERSON

Ald. Brandel introduced Proposed Ordinance #20-08.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #20-08**

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

SECTION 1. Territory Annexed. In accordance with Section 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 12th day of December, 2008, signed by a number of electors residing in the territory equal to at least the majority of votes cast for governor in the territory at the last

gubernatorial election and the owners of at least ½ of the land in area and real property in assessed value in the territory, the following described territory in the Town of Jefferson, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

That part of Document No.'s 929377, 178135 and 137575 located in part of the Southeast ¼ of the Southeast ¼ of Section 1, Town 6 North, Range 14 East, in the Town of Jefferson, Jefferson County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast corner of said Southeast ¼ Section, Thence North 88°59'46" West and along the South line of said Southeast ¼ of said Section 1, 599.41 feet to the place of beginning of lands hereinafter described;

Thence continuing North 88°59'46" West along said South line, 73.25 feet to a point in the South Right-of-Way line of "U.S.H. 18"; Thence Northeasterly 79.98 feet along said South Right-of-Way line and the Arc of a curve, whose Center lies Northwest, whose Radius is 538.55 feet, whose Central Angle is 08°30'31", and whose Chord bears North 68°22'17" East, 79.90 feet to a point; Thence South 01°56'02" West, 30.75 feet to the point of beginning of this description.

Said parcel contains 1,047 Square Feet (0.0240 Acres) of land, more or less.

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in section 1 shall be a part of the City of Jefferson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Jefferson.

SECTION 3. Temporary Zoning Classification. The Plan Commission is directed to designate a temporary zoning for the proposed annexation territory and to submit its recommendation to the Common Council prior to the second reading of such ordinance.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the 8TH Ward, District D of the City of Jefferson, subject to the ordinances, rules and regulation of the City of Jefferson governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provision or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. In lieu of Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually an amount equal to the amount of property taxes that the town levied on the annexed territory as required by the Boundary Agreement between the City of Jefferson and the Town of Jefferson.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

This was a first reading.

Ald. Oppermann, seconded by Ald. Peachey moved to adjourn to Closed Session Pursuant to Section 19.85(1)(c) and 19.85(1)(g) of the Wisconsin State Statutes to Discuss the Compensation of Non-Union Employees and Potential Litigation as it Relates to Stormwater Issues. On call of the roll, motion carried unanimously.

Ald. Oppermann, seconded by Ald. Carnes moved to reconvene to Open Session. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING 2009 NON-UNION COMPENSATION PLAN AND 2009 COST OF LIVING INCREASE

Ald. Tully introduced Resolution No. 73.

**CITY OF JEFFERSON
RESOLUTION NO. 73**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2009 Non-union Compensation Plan be adopted and that the non-union salaries and hourly rates for 2009, not specifically delineated below, be given a merit increase averaging 2.5% from the 2008 Council approved rate.

NON-UNION SALARIES are provided on the attachment...

HOURLY RATES:

2009

<i>Senior Center Coordinator</i>	17.7671
<i>Part-time (Aux) Patrolperson</i>	15.3421
<i>Fire Dept Secretary-LTE</i>	10.0000
<i>Police Typist-FT</i>	11.3095
<i>Police Typist-PT</i>	10.6888
<i>Police Dispatch-PT</i>	11.4348
<i>General Admin Receptionist-LTE</i>	12.5169
<i>Cable Coordinator</i>	12.0000

BE IT RESOLVED, that summer part-time help in the Public Works and Parks Department be hired in accordance with the following schedule:

Year	Without CDL	With CDL
Start	\$7.25	\$8.25
2 nd Year	8.00	9.00
3 rd Year	8.75	9.75
4 th Year*	9.50	10.50

BE IT RESOLVED, that the compost site attendant be hired in accordance with the following schedule:

Year	Wage
Start	\$7.25
2 nd Year	7.50
3 rd Year	7.75
4 th Year*	8.00

BE IT RESOLVED, that the crossing guards* be hired in accordance with the following schedule:

Year	Wage
Start	\$8.00
2 nd Year	8.25
3 rd Year	8.50
4 th Year*	8.75

**increase to be given on employee anniversary of hire*

BE IT RESOLVED, that election personnel be hired in accordance with the following schedule:

Year	Wage
Chf Election Wrkr	\$7.50
Election Wrkr	\$7.25

BE IT FURTHER RESOLVED, that the auxiliary emergency medical technicians and drivers be paid in accordance with the following schedule:

EMT Basic \$2.00/hr on call rate
 \$10.00/hr run time rate

EMT IV Tech \$2.00/hr on call rate
 \$12.00/hr run time rate

Drivers: \$2.00/hr on call rate
 \$8.00/hr run time rate

Standby: \$8.00/hr

BE IT FURTHER RESOLVED, that the part-time recreational wages are hereby adopted.

**CITY OF JEFFERSON
 WAGE STRUCTURE FOR PART-TIME SEASONAL EMPLOYEES**

	1st Year	2nd Year	3rd Year	4th Year *

Adult Sport Umpire/Referee				
Men/Women Softball one umpire system	17.50	18.00	18.50	19.00
Volleyball "A" League **	11.00	11.50	12.00	12.50
Volleyball "B" League **	7.50	8.00	8.50	9.00
Pony League/Umpire **	25.00	27.50	30.00	32.50
KickBall Umpire	13.00	13.50	14.00	14.50
Youth/Adult Activity-Instructor				
T-Ball/Scorekeeper Coordinator	8.00	8.25	8.50	8.75
Minor League Supervisor	7.00	8.00	9.00	10.00
Aquatics/Lessons Instructor				
Water Exercise	6.90	7.15	7.40	7.65
Senior Water Exercise	6.90	7.15	7.4	7.65
Aquatic Center Manager	8.65	9.15	9.65	10.15
Swim Lesson Coordinator	8.15	8.40	8.65	8.90
Swim Lesson Instructor	7.40	7.90	8.40	8.90
Head Lifeguard	7.65	7.90	8.15	8.40
Concession	5.90	6.15	6.40	6.65
Lifeguard	6.75	7.00	7.25	7.50
Youth Sport Umpire/Referee				
Flag Football	6.35	6.60	6.85	7.10
Outdoor Soccer	6.35	6.60	6.85	7.10
Youth Baseball - Bases ** Solo	15.00	15.25	15.50	15.75
Youth Softball ** Solo/Volleyball	11.00	11.75	12.50	13.25
Open Gym Supervisor	7.00	7.25	7.50	7.75
Skating Rink Supervisor	6.35	6.60	6.85	7.10
Scorekeeper - Adult Volleyball	7.00	7.25	7.50	7.75
Scorekeeper - Men's Basketball	7.00	7.25	7.50	7.75
Scorekeeper - Adult Softball	6.85	7.10	7.35	7.60
Youth Activity Helper - T-Ball/Mnr Lge	6.35	6.60	6.85	7.10
Scorekeeper-Youth Baseball	6.60	6.85	7.10	7.35
Indoor Soccer	6.35	6.60	6.85	7.10

*After the 4th year of employment, the rate of increase will only be the cost of living percentage determined by the Common Council.

**These activities may be more or less than one hour in duration. The rates reflect game/match amount paid rather than hourly rates.

***If an employee is making minimum wage during the year and the minimum wage changes, the rate will be changed to comply with State and/or Federal regulations. If substantial changes to the schedule above are required, Personnel Committee approval will be requested.

Excerpt from June 6, 2006 Personnel Committee Minutes:

SEASONAL STAFF WAGE SCALE

Director Keller explained that she has a couple of returning staff members who have worked past the 4th year on the wage scale and have now chosen to receive their lifeguard certification. According to the wage scale their pay would take them to a first year lifeguard, which would result in a pay decrease.

Director Keller asked that any staff involved in this situation be paid their current wage and brought to the second year level next year.

Ald. Havill seconded by Ald. Tully moved to approve paying the seasonal staff their current wage while taking on a different position and to receive the second year level next year. On call of the roll, motion carried unanimously.

Employee contribution to health insurance premium shall be 10% of the premium per month.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 73. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the December 16, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, December 16, 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