

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JANUARY 20, 2009**

The Tuesday, January 20, 2009 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. Cross, Ald. Tully, Ald. Oppermann, Ald. Brandel, Ald. Endl, Ald. Carnes and Ald. Peachey. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer Stewart and Assistant City Engineer Jenkins.

PUBLIC PARTICPATION

Ron & Marla Michaelis, 900 West Racine Street, addressed the Council regarding Resolution No. 84. The Michaelis' indicated their continued support of a permanent street. They added that they felt it would be a waste of taxpayer money to remove the road now that the City has put \$27,000 into the road. They concluded by asking the Council to support the recommendation of the Streets Committee.

MAYORAL APPOINTMENT – CABLE COMMISSION APPOINTMENT

Ald. Brandel, seconded by Ald. Beyer moved to recommend Chad Johnstone to replace Kathy Volk on the Cable Commission. On call of the roll, motion carried unanimously.

MAYORAL APPOINTMENT – RDA APPOINTMENT

Ald. Peachey, seconded by Ald. Oppermann moved to recommend Jeff Johnson to replace Steve Lewis on the RDA. On call of the roll, motion carried unanimously.

UPDATE: CITY ENGINEER APPLICATION/INTERVIEW PROCESS

Mayor Myers indicated that the Personnel Committee had met today and reviewed the applications for the City Engineer/Director of Public Works.

Personnel Committee Chairperson Tully indicated that the meeting with PAA had produced four very qualified candidates for the interview process. He stated that the following individuals would be interviewed for the position: Mark Barden of Lake Mills, Paul Strege of Deerfield, Richard Wirtz of Watertown and Jill Zalar of Jefferson.

Tully noted that interviews would held on January 31, 2009 at 7:45 am. He noted that members of the Council are welcome to sit in on the interviews.

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

Ald. Brandel introduced Ordinance #20-08 for its second reading.

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

The Common Council of the City o 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 1/2 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 1/4 of the Southeast 1/4 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 1/4 Section, Thence North 88°59'46" West and along the South line of said Southeast 1/4 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 has recommended a temporary zoning designation of Mixed Use

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.

Ald. Brandel, seconded by Ald. Cross moved to recommend Proposed Ordinance #20-08. On call of the roll, motion carried unanimously.

CHARTER ORDINANCE TO AMEND CITY OF JEFFERSON MUNICIPAL CODE 68-9 E. RELATED TO THE APPOINTMENT AND TERM OF THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS

Ald. Beyer introduced Proposed Charter Ordinance #1-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED CHARTER ORDINANCE #1-09**

An Ordinance to Amend the City of Jefferson Municipal Code 68-9 E. Related to the Appointment and Term of the City Engineer/Director of Public Works.

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

Section 1. Section 68-9 E. is hereby amended:

E. Appointment and term. The Director of Public Works/Engineer 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 Director of Public Works/Engineer shall hold office for an indefinite term, subject to removal ~~for cause by a three-fourths~~ **by a majority vote of all the members of the Common Council.** ~~pursuant to § 17.21 (1) (d), Wis. Stats.~~ The appointment may be terminated by the Director of Public Works/Engineer upon 90 days' written notice to the Mayor and Common Council prior to such termination.

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 was a first reading.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 78.

CITY OF JEFFERSON RESOLUTION NO. 78

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for January 20, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2008, December 2008 manuals and January 2009 in the amounts of \$115,945.64, \$6,045.01 and \$164,611.49 and Payroll Summary for January 6, 2009 in the amount of \$141,802.18.
- ◆ Council Minutes from the January 6, 2009 Regular and Closed Session Meetings of the Common Council and the January 6, 2009 Committee of the Whole Minutes, Regular and Closed Session.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 78. On call of the roll, motion carried unanimously. Ald. Carnes abstained from the approval of the minutes due to his absence.

RESOLUTION AUTHORIZING THE HIRING PROCESS TO BEGIN FOR TWO PART-TIME PEG ASSISTANTS

Ald. Tully introduced Resolution No. 79.

**CITY OF JEFFERSON
RESOLUTION NO. 79**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to begin the hiring process for two part-time peg assistants.

BE IT FURTHER RESOLVED, that the assistants would be paid at a rate of \$8.00 per hour and that their primary duties would be to record meetings and events, but may also be involved in editing and in the production of original programming. The total compensation for the year will remain within the constraints of the 2009 PEG TV operational budget.

BE IT FURTHER RESOLVED, that the selected candidates will be brought before the Personnel Committee and the Common Council for their consideration.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 79. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE CONTINUATION OF A CLEANING CONTRACT FOR THE POLICE DEPARTMENT, CITY HALL AND SENIOR CENTER

Ald. Carnes introduced Resolution No. 80.

**CITY OF JEFFERSON
RESOLUTION NO. 80**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to enter into a contract for cleaning services for certain municipal facilities with LuAnn Mattke in the amount of \$1,250 subject to review by the City Attorney.

Ald. Carnes, seconded by Ald. Endl moved to recommend Resolution No. 80. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER

Ald. Peachey introduced Resolution No. 81.

**CITY OF JEFFERSON
RESOLUTION NO. 81**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin hereby authorizes the purchase of an Elgin Street Sweeper (per proposal) from Bruce Municipal Equipment in the amount of \$217,261 and hereby directs the City Administrator to submit a Wisconsin Trust Fund Loan Application to the Board of Commissioners of Public Lands for the purpose of financing the purchase of the Street Sweeper for a term of five (5) years at an estimated interest rate of 3.5%. It is expressly noted that the purchase of the sweeper is to be financed through the Jefferson Storm Water Utility.

Ald. Peachey, seconded by Ald. Carnes moved to recommend Resolution No. 81. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A FEMA GRANT AND
AUTHORIZING THE SUBSEQUENT PURCHASE**

Ald. Endl introduced Resolution No. 82.

**CITY OF JEFFERSON
RESOLUTION NO. 82**

BE IT RESOLVED by the City of Jefferson, Wisconsin that the City acknowledges the award of \$142,396 in revenues from a FEMA grant for purchase of upgraded communication equipment. The City Council also hereby acknowledges that the City Fire Department is responsible for a 5% grant match in the amount of \$7,494 which will be taken from the 2009 Fire Department Operating Budget.

Ald. Endl stated that he was thrilled to recommend the approval of this resolution and added that he was very appreciative that the Fire Department takes the time and effort to apply for these type of FEMA grants. Mayor Myers echoed Ald. Endl's comments.

Ald. Endl, seconded by Ald. Brandel moved to recommend Resolution No. 82. On call of the roll, motion carried unanimously.

**RESOLUTION HONORING FIRE CHIEF JOHN POWELL FOR HIS SERVICE
TO THE CITY OF JEFFERSON AS FIRE CHIEF**

Mayor Myers then read Resolution No. 83.

**CITY OF JEFFERSON
RESOLUTION NO. 83**

BE IT KNOWN that the

Citizens of the City of Jefferson, Wisconsin,

wish to recognize and express their appreciation to

L. John Powell

Chief, Jefferson Fire Department

WHEREAS, L. John Powell served the City of Jefferson and surrounding communities as a Chief of the Jefferson Volunteer Fire Department for the past twelve years, he

Was an effective champion for the modernization of the facilities, equipment, turnout gear, breathing apparatus, and other advanced technology of the department;

Was a tireless advocate for the volunteer men and women firefighters under his command;

Built the department into one of the most modern volunteer forces for a community its size, obtaining an ISO Class 4 rating;

Served neighboring towns, villages and cities through his support of effective mutual aid programs;

Was an excellent steward of taxpayer dollars under his control, applying for and earning numerous grants for essential supplies and equipment;

Served selflessly in other command capacities, including hook and ladder sergeant, lieutenant, captain and assistant chief after joining the force in March, 1960, and most significantly

Courageously protected the lives and property of his fellow citizens, always answering the bell, including fighting such notable fires as the Puerner Building, Schweiger Building, Hoffman Lumber, J.C. Penny's, Ladish Malt, and the Watertown tire recycling fire, as well as leading the heroic department performance in the Jefferson Marsh hunter rescue episode of 2006 and the Jefferson flood of 2008.

THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson expresses its deepest gratitude on behalf of our citizens, on this day, January 20, 2009.

Gary A. Myers
Mayor

Timothy Freitag
City Administrator

Council Members

William R. Brandel
Dave Carnes
David Endl

Peggy M. Beyer
Steven Cross
Dale Oppermann

Paul Peachey

Toby Tully, Jr.

Ald. Oppermann, seconded by Ald. Peachey moved to recommend Resolution No. 83. On call of the roll, motion carried unanimously. The Council then stood and offered a round of applause to the outgoing Chief.

Fire Chief Powell thanked the Council and Staff for working together so well over the past 12 years. He stated that he also wanted to thank the 45 volunteer firefighters, because one person does not make a department.

**RESOLUTION RECOMMENDING ACTION ON THE TEMPORARY STREET
LOCATED NEAR WEST ELEMENTARY AND IF NECESSARY DESIGNATING
A FUNDING SOURCE**

Ald. Brandel introduced Resolution No. 84.

**CITY OF JEFFERSON
RESOLUTION NO. 84**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to have the temporary short street, connecting West Milwaukee Street and West Racine Street, completed.

BE IT FURTHER RESOLVED, that the completion of this street shall include sidewalks on both sides of the street, east and west, taking care to avoid damage to any of the mature trees along the east side.

BE IT FURTHER RESOLVED, that the cost of said project shall not exceed \$30,000 and that the cost will be paid for by the City using funds remaining unspent from the City share of the State Highway 18 Reconstruction Project.

Ald. Brandel stated that approval of the resolution was not unanimous at Streets, but that it was the overall recommendation.

Ald. Peachey asked if there was a conflict with Resolution No. 23 being rejected at a previous meeting. Research into this resolution was then done and Atty. Brantmeier's legal opinion was that the nature and language of Resolution No. 84 differed enough to not cause any procedural problems.

Ald. Peachey asked if the completion of this project would use all of the excess proceeds from the Highway 18 Project.

Engineer Jenkins indicated that meeting is scheduled for later this week to go over the final details of the project. However, he indicated that it is anticipated that after overages are paid, the City should have approximately \$50,000 remaining from the project.

Ald. Peachey asked about stormwater issues. Jenkins indicated that stormwater was addressed when the improvements to Highway 18 were being completed.

Ald. Beyer asked for a clarification between the cost to remove the road and the sidewalk cost.

Ald. Oppermann stated that he would support the street as it would benefit not just the property owners adjacent to the roadway, but also the public as whole due to its proximity to the school.

Ald. Brandel, seconded by Ald. Oppermann moved to recommend Resolution No. 84. On call of the roll, motion carried by a vote of 7 to 1. Ald. Endl cast the dissenting vote.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn to closed session pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss the Purchase of Public Property. On call of the roll, motion carried unanimously.

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

RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AT 130 EAST RACINE STREET

Ald. Cross introduced Resolution No. 85.

**CITY OF JEFFERSON
RESOLUTION NO. 85**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin hereby accepts and approves the Offer to Purchase Contract for the property located at 128 East Racine Street/105 South Center Avenue, Jefferson, Wisconsin in the amount of \$100,000 (less any property liens, taxes or delinquent utilities) and directs the City Attorney and City Administrator to prepare and sign documents for the closing of this property as may be required by the Offer to Purchase contract. It is expressly noted that Tax Increment District #5 is to be utilized to purchase this property.

Ald. Cross, seconded by Ald. Brandel moved to recommend Resolution No. 85. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Peachey moved to adjourn the January 20, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, January 20, 2009, 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