

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, DECEMBER 1, 2009**

The Tuesday, December 1, 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. Carnes, Ald. Tully, Ald. Endl, Ald. Peachey, Ald. Cross, Ald. Brandel and Ald. Oppermann. Also present were: City Administrator Freitag, City Engineer Weiss and City Attorney Brantmeier.

**PUBLIC PARTICIPATION**

None.

**WALLACE IDAHO TRIP/PROPERTY**

Mayor Myers summarized the report that he provided for the Council.

**CONSENT AGENDA**

Ald. Oppermann 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 consent agenda for December 1, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2009 in the amount of \$209,340.02 and Payroll Summary for November 20, 2009 in the amount of \$126,786.69.
- ◆ Council Minutes from the November 17, 2009 Meetings of the Common Council.
- ◆ Petition for County Highway Aid.
- ◆ 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. 80. On call of the roll, motion carried unanimously.

**RESOLUTION FOR THE MULTI-JURISDICTIONAL JUDGE APPOINTMENT  
FOR THE CITY OF JEFFERSON, VILLAGE OF JOHNSON CREEK AND THE  
TOWN OF AZTALAN**

Ald. Beyer introduced Resolution No. 78.

**CITY OF JEFFERSON  
RESOLUTION NO. 78**

**JOINT RESOLUTION  
MULTI-JURISDICTIONAL JUDGE APPOINTMENT  
CITY OF JEFFERSON, VILLAGE OF JOHNSON CREEK AND TOWN OF  
AZTALAN**

*Resolution to confirm appointment of interim municipal judge.*

**WHEREAS**, The City of Jefferson, Village of Johnson Creek and Town of Aztalan have created a joint-municipal court pursuant to §755.01(4) Wis. Stats.

**WHEREAS**, on October 12, 2009, the current joint municipal judge, the Honorable Bruce W. Freeberg, informed the City of Jefferson that he had resigned as the joint municipal judge and indicated that it would be in the best interest of the Court to appoint a judge to fill out his term.

**WHEREAS**, pursuant to §8.50(4)(f)(4)(fm) permanent vacancy can be filled by temporary appointment of the governing bodies of the joint municipal court. A person, once confirmed, shall serve out the residue of the unexpired term.

**WHEREAS**, the expiration of the current joint municipal court judge's term will be May 1, 2011.

**WHEREAS**, the municipalities appointment of an interim municipal judge will be effective December 4, 2009 through May 1, 2010 or when a duly elected individual takes the oath of office from the spring election. The duly elected judge will then serve the balance of the term or until May 1, 2011.

**THEREFORE**, we, the legislative branch of our respective jurisdictions within the joint municipal court, hereby confirm the appointment of Joann Miller as our interim joint municipal judge as hereinabove stated.

At the request of Mayor Myers, Attorney Brantmeir summarized the process to confirm an appointment of an Interim Municipal Judge. Mr. Brantmeir explained that the confirmation process requires an appointee to be confirmed by a majority of the Common Council Members. In addition, he noted that an appointee must also be confirmed by all three jurisdictions participating in the joint municipal court.

At the request of Alderman Brandel, Mayor Myers summarized the process which was conducted to interview the candidates applying for the Interim Municipal Judge Position. He stated that the elected Chief Executives of the City of Jefferson, Village of Johnson Creek and Town of Aztalan and Alderman Oppermann conducted the initial interviews of the three candidates for the position. He stated that during a second meeting of these officials the appointment of the candidate initially selected by the interviewers was rescinded due to additional information concerning this candidate that was not made known to the interviewers during the candidate interview process. Subsequent to the

second meeting of the interviewing officials, the Mayor of the City of Jefferson, President of the Village of Johnson Creek and the Chairperson of the Town of Aztalan reached a consensus to appoint Joann Miller as the Municipal Judge and to recommend Ms. Miller's confirmation to the governing boards of the three communities.

Ald. Beyer, seconded by Ald. Peachey moved to recommend Resolution No. 78. On call of the roll, motion failed by a vote of 4 ayes, 2 nays and 2 abstentions. Ald. Oppermann and Ald. Brandel abstained from the vote. Ald. Carnes and Ald. Endl voted against the appointment.

**TEMPORARY CLOSURE AND LEASE OF A PORTION OF SOUTH SANBORN AVENUE**

Ald. Cross introduced Resolution No. 81.

**CITY OF JEFFERSON  
RESOLUTION NO. 81**

**BE IT RESOLVED** by the Common Council of City of Jefferson, Wisconsin that the 300 block of South Sanborn Avenue is hereby temporarily closed on December 13<sup>th</sup>, 2009 from 4:15 p.m. to 5:15 p.m., to have a living nativity church service, and

**BE IT FURTHER RESOLVED** that said right-of-way is hereby leased to St. Mark's Ev. Lutheran Church in the sum of \$1.00 for said time-frame.

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

**RESOLUTION APPROVING A CONTRACT FOR DESIGN ENGINEERING AND CONSTRUCTION SUPERVISION FOR THE WWTP FLOOD MITIGATION PROJECT**

Ald. Endl introduced Resolution No. 82.

**CITY OF JEFFERSON  
RESOLUTION NO. 82**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that it herein awards a contract in a not-to-exceed amount of \$58,200 to Town and Country Engineering of Madison, Wisconsin for design engineering and construction supervision services as relate to the Wastewater Treatment Plant Berm Raising Project.

**BE IT FURTHER RESOLVED** that a separate contract is herein awarded to Automation Service and Design, Inc. of Mequon, Wisconsin in a not-to-exceed amount of \$8,200 to provide electrical and control system engineering and start-up services as relate to the Wastewater Treatment Plant Effluent Pump Station Upgrade Project. Both projects are funded through award of a Community Development Block Grant (CDBG) to the City of Jefferson by the Wisconsin Department of Commerce. The combined

referenced engineering services cost of \$66,400 is less than the budget estimate amount of \$72,400. The City Administrator is authorized to execute the referenced contract documents on behalf of the City of Jefferson upon review by the City Attorney and approval of the CDBG Contract between the City of Jefferson and the Wisconsin Department of Commerce.

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

**RESOLUTION AUTHORIZING THE RESERVE OF A 2009 CUMMINS ISL ENGINE**

Ald. Peachey introduced Resolution No. 83.

**CITY OF JEFFERSON  
RESOLUTION NO. 83**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes Fire Chief Ron Wegner to reserve a 2009 Cummins ISL engine at a cost of approximately \$27,786 in the event that Fire Chief Wegner is informed by Pierce Manufacturing, Inc. that said engine will no longer be made available for future purchase. The Jefferson Fire Department is in the process of completing specifications for a new, replacement fire engine that will replace a 1980 unit. The Department is recommending that a 2009 Cummins ISL engine be reserve to power the fire engine. The purchase of said engine will provide cost savings to the City of Jefferson as it will not have to meet or exceed federal/state air quality and emissions standards that become effective on engines manufactured after 2009. The cost of the 2009 engine is approximately \$30,000 less than a comparable 2010 engine.

Ald. Peachey, seconded by Ald. Endl moved to recommend Resolution No. 83. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Endl moved to adjourn the December 1, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, December 1, 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