

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, APRIL 20, 2010**

The Tuesday, April 20, 2010 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. Tully, Ald. Carnes, Ald. Peachey, Ald. Cross, Ald. Endl, Ald. Oppermann and Ald. Brandel. Also present were: City Engineer Weiss, City Administrator Freitag, City Clerk/Treasurer Stewart and City Attorney Brantmeier.

PUBLIC PARTICIPATION

Sue Reinen, Jefferson EMS, introduced the Council to Mindy Stelse, the recommended candidate for the full-time EMS position.

MAYORAL RECOGNITION

*Mr. L. John Powell and Mr. James Kuehn for 50 years of Service to the City of Jefferson
Fire Department and City of Jefferson/Township Citizens*

A plaque and golden helmet was presented to the pair for their selfless service of 50 years to the City of Jefferson residents.

Both Chief Powell and Mr. Kuehn spoke words of thanks to the citizens, council and their families for the support over the years.

PROJECT REPORT

City Administrator Freitag updated the Council on the City's purchase of the flood damaged properties with FEMA Hazard Mitigation Grant Program Funds.

**PUBLIC HEARING AND ACTION ON AN ORDINANCE TO AMEND SECTION
292-7 D. (3)(C) AND 292-13 B. (2)(A)[3] AND [4] AS IT RELATES TO
PROJECTING SIGNS IN THE HISTORIC DOWNTOWN DISTRICT**

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

City Administrator Freitag gave an explanation of the proposed amendment to the official map.

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. Carnes introduced Proposed Ordinance #5-10 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #5-10**

An Ordinance to Amend Section 292-7 D. (3)(c) and 292-13 B. (2)(a) [3] and [4] as it Relates to Projecting Signs in the Historic Downtown District.

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

Section 1. §292-7 D. (3) Prohibited signs. It shall be unlawful to erect or maintain the following signs:

- (a) Electronic message boards.
- (b) Portable signs (unless temporary).
- (c) **Projecting signs.** (Unless allowed by waiver under §292-13).
- (d) Off-premised signs.
- (e) Roof signs.
- (f) Pennants or streamers (except as regulated in §292-11J).
- (g) Abandoned signs.

Section 2: §292-13. Sign Ordinance Waivers.

- A. Purpose. Sign ordinance waivers are intended to allow flexibility in sign regulation while fulfilling the purpose of this chapter. Nothing in this chapter, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's master plan or relevant portions thereof.
- B. Procedure.
 - (1) Any applicant who desires a waiver from any provision or requirement of this chapter may request an oral hearing before the City Plan Commission by submitting a written request and application therefore to the City Clerk not less than 10 days before the next regularly scheduled meeting of the Commission. A fee in an amount established by resolution of the City Council from time to time shall be required of the applicant at the time that a request for a hearing before the Commission is made. In addition to the fee paid, all professional fees incurred by the City in relation to the request shall be reimbursed by the applicant.
 - (2) The Plan Commission shall review such requests for waivers using the following criteria:
 - (a) Area enhancements.

- [1] The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs;
- [2] The proposed sign is unique and of exceptional design or style, so as to enhance the area.
- [3] When in the exercise of discretion, the Planning Commission recognizes that a sign contributes significantly to the historical Downtown District. It may be allowed provided said projecting signage meets all remaining requirements of the code.
- [4] Any "projecting" sign allowed under this section shall not be larger than 8 sq. ft. and be installed to insure 10 ft. of clearance above sidewalk.

(b) Site difficulties. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.

- (3) Should the Commission find that a waiver should be granted, the application will be forwarded to the Building Inspector with directions to issue a permit in accordance with its decision. If the Commission finds that a waiver should not be granted, it shall inform the applicant of the reasons for such decision, in writing, within 10 days of the date of such decision. The decision of the Commission shall be final unless the Commission requests review of same by the City Council.

Section 3. This ordinance shall take effect upon passage and publication as required by law.

Ald. Carnes, seconded by Ald. Brandel moved to recommend Proposed Ordinance #5-10. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 118.

**CITY OF JEFFERSON
RESOLUTION NO. 118**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for April 20, 2010 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for March and April 2010 in the amounts of \$165,593.02 and \$227,186.91 and Payroll Summary for April 9, 2010 in the amount of \$85,356.29.
- ◆ Council Minutes from the April 7, 2010 Meetings of the Common Council.
- ◆ 2010 Gemuetlichkeit Days Funding - \$3,000.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Peachey indicated that approval of the Gemuetlichkeit Days funding was unanimously approved at Finance Committee.

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 118. On call of the roll, motion carried unanimously. Ald. Peachey abstained from the approval of the minutes due to his absence.

A RESOLUTION AWARING CONTRACT A AND CONTRACT B FOR THE CITY OF JEFFERSON WASTEWATER TREATMENT PLAN FLOOD MITIGATION PROJECT

Ald. Peachey introduced Resolution No. 119.

**CITY OF JEFFERSON
RESOLUTION NO. 119**

WHEREAS, the City of Jefferson advertised and received bids for the City of Jefferson Wastewater Treatment Plant flood mitigation project including raising the dike and upgrading the effluent pumping station.

WHEREAS, the City of Jefferson has received a grant from the State of Wisconsin Community Development Block Grant – Emergency Assistance Program to fund said improvements.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson, Wisconsin does hereby authorize the City Administrator to execute Contract A with Gilbank Construction, Inc Clinton, WI in the amount of \$288,425.00 and Contract B to Terminal-Andrae, Inc. Milwaukee, WI in the amount of \$89,225.00.

Ald. Peachey indicated that Resolution No. 119 was unanimously approved at Finance Committee.

City Administrator Freitag indicated that we had a very good bid opening and that the market helped us receive very favorable bids. At this point it is anticipated that we will be under the amount of grant funds received.

Ald. Peachey, seconded by Ald. Endl moved to recommend Resolution No. 119. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY
(UNITED METHODIST CHURCH)**

Ald. Beyer introduced Resolution No. 120.

**CITY OF JEFFERSON
RESOLUTION NO. 120**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the United Methodist Church is allowed to sell desserts in Rotary Park (as described in the map on the application) during park events.

BE IT FURTHER RESOLVED that this permit shall run for three months (June –August 2010).

Ald. Beyer, seconded by Ald. Cross moved to recommend Resolution No. 120. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING SALE OF GOODS IN PUBLIC RIGHT-OF-WAY
(JEFFERSON ROTARY CLUB)**

Ald. Cross introduced Resolution No. 121.

**CITY OF JEFFERSON
RESOLUTION NO. 121**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Jefferson Rotary Club is allowed to sell brats, hot dogs, potato salad, fruit kebobs, chips and soda in Rotary Park (as described in the map on the application).

BE IT FURTHER RESOLVED that this permit shall run for one event on Saturday, May 15th, 2010.

Ald. Cross, seconded by Ald. Brandel moved to recommend Resolution No. 121. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Beyer moved to adjourn to Closed Session pursuant to Section 19.85(1)(g) of the Wisconsin State Statutes to Discuss the Investment of Public Funds as it Relates to the Revolving Loan Application Submitted by Steve Lewis for the Jefferson Area Business Center and also Discuss Rescheduling the Repayment of a Revolving Loan awarded previously to Jorge & Glory Baker dba: El Chaparral B&P LLC and Adjourn to Closed Session Pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to Discuss the Compensation of the City Hall Asst. Deputy Clerk/Treasurer and Office Administrative Assistant and for the Hire of a Full-time EMT. On the call of the roll, motion carried unanimously.

Ald. Brandel, seconded by Ald. Peachey to reconvene to Open Session. On the call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN RLF LOAN FOR STEVE LEWIS/JEFFERSON AREA BUSINESS CENTER AND SETTING LOAN TERMS

Ald. Carnes introduced Resolution No. 122.

**CITY OF JEFFERSON
RESOLUTION NO. 122**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that a Revolving Loan Fund loan be approved for Steve Lewis/Jefferson Area Business Center with the following conditions:

Loan Amount: \$300,000

Term: 15 years

Interest Rate: Years 1&2: Interest Only 5%

Years 3 through 5: 5%

Years 6 through 10: 6%

Years 11 through 15: 7%

Loan Security: The loan will be secured by the unlimited personal guarantee of Steve Lewis and secure with a second mortgage on the JABC property.

Other Conditions:

- All terms that are in the City of Jefferson Revolving Loan Fund policy.
- Property owner and project applicant required to execute 10 year lease with Winter Woods as a JABC tenant.
- Project to commence within six months of approval of loan by the Common Council
- Entering into a Developers Agreement with City
- Secure written guarantee for Flood Mitigation funds within three months of loan approval (provided circumstances are under the control of the applicant)
- Visible commencement of work within six months of loan approval.

Ald. Carnes, seconded by Ald. Brandel moved to recommend Resolution No. 122. On call of the roll, motion carried unanimously.

RESOLUTION RESTRUCTURING AN RLF LOAN FOR JORGE AND GLORY BAKER/EL CHAPARRAL AND SETTING RESTRUCTURE LOAN TERMS

Ald. Endl introduced Resolution No. 123.

**CITY OF JEFFERSON
RESOLUTION NO. 123**

BE IT RESOLVED by the Common Council of the City of Jefferson that the Revolving Loan Fund loan approved years ago for Jorge and Glory Baker/El Chaparral be restructured with the following conditions:

Loan Amount: \$29,147.58

Term: 10 years

Interest Rate: Years 1 through 5: 5%

Years 6 through 10: 6%

Loan Security: The loan will be secured by a real estate mortgage subordinate only to Johnson Bank for 40,000, a general business security agreement second only to Johnson Bank for the loan balance and unlimited personal guarantees from Glory and Jorge Baker.

Other Conditions: All terms that are in the City of Jefferson Revolving Loan Fund policy.

Ald. Endl, seconded by Ald. Peachey moved to recommend Resolution No. 123. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE HIRE OF A FULL TIME EMT

Ald. Tully introduced Resolution No. 124.

**CITY OF JEFFERSON
RESOLUTION NO. 124**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that it herein approves the promotion of Mindy Stelse from Emergency Medical Technician paid on-call status to Emergency Medical Technician full time status effective April 22, 2010.

BE IT FURTHER RESOLVED, that the starting rate of pay for Ms. Stelse is \$14.52 and that all other terms and conditions of the collective bargaining agreement between the City of Jefferson and Local 655-D, AFL-CIO Wisconsin District Council 40 shall apply to the position.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 124. On call of the roll, motion carried unanimously.

RESOLUTION FOR A WAGE ADJUSTMENT FOR THE ASSISTANT DEPUTY CITY CLERK/TREASURER AND OFFICE ADMINISTRATIVE ASSISTANT

Ald. Peachey introduced Resolution No. 125.

**CITY OF JEFFERSON
RESOLUTION NO. 125**

BE IT RESOLVED, by the Common Council of the City of Jefferson that it herein approves the following wage adjustment for the Assistant Deputy Clerk and Office Administrative Assistant positions:

The wage rates at each step of the Assistant Deputy Clerk/Treasurer and Office Administrative Assistant positions will be increased retroactively by \$0.25 per hour on January 1, 2009, by an additional \$0.25 per hour on July 1, 2009 and prospectively by an additional \$0.50 per hour on January 1, 2011.

Ald. Peachey, seconded by Ald. Endl moved to recommend Resolution No. 125. On call of the roll, motion carried unanimously.

Mayor Myers then took a few moments to offer thanks to the Council, to the City Administrator, the City Attorney and the Department Heads. As a Council, he asked that they continue with Economic Growth as a vision and be proud of what has been accomplished thus far. Mayor Myers also offered a huge thanks to the underappreciated volunteers who staff the many City Committees. Myers then wished the best of luck to new Alderperson Miller and Mayor Oppermann. He offered a special thanks to outgoing Ald. Endl and thanks to the other Council members for their time and efforts. He stated that they may not always have agreed, but that diverse opinions are good. Myers concluded by asking the Council to focus on growth and wished them all the best of luck!

Ald. Endl, seconded by Ald. Peachey moved to adjourn the April 20, 2010 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the April 20, 2010 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