

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY MAY 2, 2017**

The Tuesday, May 2, 2017 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Members present were: Ald. Peachey, Ald. Horn, Ald. Miller, Ald. Krause, Ald. Beyer, Ald. Tully, Ald. Lares and Ald. Brandel. Also present were: City Administrator Freitag, City Attorney Brantmeier and City Clerk/Deputy Treasurer Kuehl.

PUBLIC PARTICIPATION

None.

MAYORAL PROCLAMATION

Mayor Oppermann read a proclamation for 2017 National Police Week.

AN ORDINANCE TO AMEND SECTIONS 208-20 AND 208-21 OF THE CITY CODE TO ADD VIOLATIONS AND PENALTIES FOR POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOID

Ald. Horn introduced Ordinance #8-17 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #8-17**

Section 1. §208-20. Violations and Penalties.

A. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, Article I, of this code.

...

D. In addition to the penalty provided in Subsection A above, if any person violates § 208-19(G), Possession of Marijuana, while in or on or otherwise within 1,000 feet of a state, county, city, village, or town park, a jail or correctional facility, a multiunit public housing project, a swimming pool open to members of the public, a youth center or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises, or while in or on or otherwise within 1,000 feet of a school bus, as defined in Wis. Stat. § 340.01(56) as may be amended, the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

E. In addition to the penalties provided in this section, any person in violation of §208-19(G), Possession of Marijuana, and §208-19(I), Possession of Drug Paraphernalia, shall pay the actual cost of prosecution, including but not limited to the testing of a substance or a person, experts, witness fees and reports, etc.

Section 2. §208-21. Sale or possession of synthetic cannabinoid.

...

- C. Violations and penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Chapter 1, Article I, of this Code. The initial forfeiture is set at \$100 per offense, but shall be set annually by the Council and itemized in § 1-4C(1) of the City Code, together with the actual cost of prosecution, including but not limited to the testing of a substance or a person, experts, witness fees and reports, etc.

- D. In addition to the penalty provided in Subsection C above, if any person violates any provision of this section while in or on or otherwise within 1,000 feet of a state, county, city, village, or town park, a jail or correctional facility, a multiunit public housing project, a swimming pool open to members of the public, a youth center or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises, or while in or on or otherwise within 1,000 feet of a school bus, as defined in Wis. Stat. § 340.01(56) as amended, the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

Section 3. This ordinance shall take effect after passage, publication, and attestation as required by law.

Section 4. This is the first reading.

RESOLUTION NO. 4 - CONSENT AGENDA

Ald. Beyer introduced Resolution No. 4.

**CITY OF JEFFERSON
RESOLUTION NO. 4**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 2, 2017 is hereby adopted.

- A. Vouchers Payable for May in the amount of \$85,228.63. Payroll Summary for April 28, 2017 in the amount of \$140,510.07.
- B. Council Minutes from the April 18, 2017 Meetings of the Common Council.
- C. 2017 Jefferson Live Music Foundation Subsidy.
- D. Licenses as Approved by the Regulatory Committee.
 - 1. Operator's Licenses
 - 2. Special Class B Licenses

Ald. Beyer, seconded by Ald. Tully moved to approve Resolution No. 4. Motion carried unanimously on call of the roll.

RESOLUTION NO. 5 – AUTHORIZING THE SALE OF GOODS AND SERVICES IN CITY RIGHT OF WAY FOR THE COUNCIL OF THE PERFORMING ARTS

Ald. Tully introduced Resolution No. 5.

**CITY OF JEFFERSON
RESOLUTION NO. 5**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Jefferson Council for the Performing Arts is hereby allowed to sell brats, hotdogs, chips and soda on the corner of Dodge and Main Street – 238 South Main Street as a fundraising activity, May, June, July, August and October, 2017.

Ald. Tully, seconded by Ald. Krause moved to approve Resolution No. 5. Motion carried unanimously on a voice vote.

RESOLUTION APPROVING RFP FOR RLF ADMINISTRATIVE SERVICES

Ald. Lares introduced Resolution No. 6.

**CITY OF JEFFERSON
RESOLUTION NO. 6**

BE IT RESOLVED, by the Common Council that it herein approves an agreement with Graef for administrative services for the City's CDBG, RLF and HUD Grant/Loan Administration.

BE IT FURTHER RESOLVED, that this service shall be provided to the City of Jefferson at a rate of \$120 per hour, plus direct expenses incurred. Funding for this service will be allocated to the RLF program fund and will not be considered general fund expenditures.

Ald. Lares, seconded by Ald. Brandel moved to approve Resolution No. 6. Motion carried unanimously on call of the roll.

RESOLUTION APPROVING INVESTMENT SERVICES AND AMENDMENT TO THE CITY'S INVESTMENT POLICY

Ald. Peachey introduced Resolution No. 7.

**CITY OF JEFFERSON
RESOLUTION NO. 7**

BE IT RESOLVED, by the Common Council that it herein approves an agreement with Ehlers Investment Partners for the investment of City funds. This agreement may be terminated with a 30 day written notice to EIP. Fees are as follows:

Investment advisory fees shall be incurred for all assets under the management of Adviser. **Investment advisory fees will be charged according to the schedule below based on average daily assets under management calculated on market value of said assets, payable monthly.** Fees are all inclusive of other services provided by Adviser to the Client under an investment advisory engagement.

ASSETS UNDER MANAGEMENT	ANNUALIZED RATE
Less than or equal to \$2,499,999 at	0.200%
Greater than or equal to \$2,500,000 up to \$9,999,999 at	0.175%
Greater than or equal to \$10,000,000 up to \$19,999,999 at	0.150%
Equal to or greater than \$20,000,000	0.100%

Initial cash forecast services and investment recommendations are provided at no charge. Fees as described above apply to actual assets under management if/when investment plan(s) are implemented. Fee arrangements will be memorialized under the Investment Advisory Agreement.

If Client engages Adviser to perform other services not related to cash forecasting or investment management, all services provided to Client by Adviser will be billed based on hours spent at the rate of \$200.00 per hour, or an agreed-upon flat fee amount.

BE IT FURTHER RESOLVED, that the following amendment is hereby adopted to Section 7.0 of the City's Investment Policy:

In accordance with Wisconsin statues 34.01 (5) and 34.09 all Wisconsin banks, state or federal chartered, as well as the Wisconsin local government pooled-investment fund, are authorized depositories. Any financial institution that is a member of the Federal Deposit Insurance Corporation (FDIC) and defined as "well capitalized" by the FDIC can be designated as an authorized depository.

Ald. Peachey, seconded by Ald. Lares moved to approve Resolution No. 7. Motion carried unanimously on call of the roll.

RESOLUTION AUTHORIZING EXECUTION OF THE DEPARTMENT OF NATURAL RESOURCES PRINCIPAL FORGIVEN FINANCIAL ASSISTANCE AGREEMENT

Ald. Miller introduced Resolution No. 8.

**CITY OF JEFFERSON
RESOLUTION NO. 8**

WHEREAS, the City of Jefferson (the "Municipality") wishes to undertake a project to replace private lead service lines, identified as DNR No. 5463-02 (the "Project"); and

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality of which all the principal will be forgiven at the time that loan disbursements are made to the Municipality, pursuant to the DNR Financial Assistance Agreement; and

WHEREAS, the SDWLP has determined that it can provide a loan with principal forgiveness in an amount up to \$300,000 that it has identified as being eligible for SDWLP funding;

NOW, THEREFORE, the City Mayor and City Clerk are authorized by and on behalf of the Municipality to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the SDWLP award for the Project. The Principal Forgiven Financial Assistance Agreement is incorporated herein by this reference.

Ald. Miller, seconded by Ald. Brandel moved to approve Resolution No. 8. Motion carried unanimously on call of the roll.

Adjourn to Closed Session Pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes Regarding Applications for the RLF Program.

Ald. Horn seconded by Ald. Tully moved to adjourn to Closed Session. On call of the roll, motion carried unanimously.

It was moved by Ald. Brandel and seconded by Ald. Krause to reconvene to open session. Motion carried unanimously on call of the roll.

RESOLUTION AUTHORIZING A LOAN FROM THE CITY OF JEFFERSON REVOLVING LOAN FUND TO JULIA CHADY ON BEHALF OF INDECCO, LLC

Ald. Krause introduced Resolution No. 9.

**CITY OF JEFFERSON
RESOLUTION NO. 9**

WHEREAS, Ms. Julia Chady, on behalf of INDECO, LLC (**the Applicant**) is requesting a \$50,000 loan from the City's Revolving Loan Fund program (**the RLF Program**) to help relocate and expand her commercial and residential interior design services business to real estate located at 111 and 109 S. Main Street. The proceeds from said loan would be utilized among other things to acquire the Waldmann Shoe Store Building located at the above referenced address; and

WHEREAS, the City of Jefferson Revolving Loan Fund Committee (**the RLF Committee**) has reviewed the loan application and the recommendation of Ron Van Straten of GRAEF Engineering Services of Green Bay, Wisconsin who conducted an independent review of the loan application; and

WHEREAS, the **RLF Committee** has determined that the **Applicant** is eligible to obtain funding pursuant to the City's RLF Policies and Procedures Manual and the use of funds for the acquisition of real estate and the renovation of said real estate to provide additional showroom and office space for her business; and

WHEREAS, upon determining that the project will strengthen the economic base of Jefferson by increasing employment and Jefferson's downtown area by adding a dynamic new business, **the RLF Committee** is recommending that Ms. Chady's loan application be approved; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves a **RLF Program Loan** to Julia Chady, owner and operator of INDECO, LLC, per the following conditions and parameters:

- Loan Amount: \$50,000
- Loan Term: Term of 12 years with an amortization period of 20 years. For the first four (4) months following the loan closing the applicant will be required to make monthly interest

only payments. Repayment of the loan principal along with interest shall commence on the fifth monthly following loan closing. Closing to occur on or about August 31, 2017.

- Loan Interest: Two (2) percent
- Loan Security: Unlimited personal guarantee from Julia Chady and a second mortgage on the real estate
- Other Conditions: Loan to be extended in accordance with all terms and conditions of the City of Jefferson Revolving Loan Fund Program Policies and the Project is to commence within six (6) months of loan approval by the Common Council

BE IT ALSO RESOLVED, by the Common Council that the City Administrator and City Attorney are hereby directed to draft all documents and agreements which may be required to place the loan into effect and authorizes the Mayor and City Administrator to execute all said documents and agreements as deemed necessary by the City Administrator and City Attorney on behalf of the City of Jefferson.

Ald. Krause, seconded by Ald. Beyer moved to approve Resolution No. 9. Motion carried unanimously on call of the roll.

RESOLUTION AUTHORIZING A LOAN FROM THE CITY OF JEFFERSON REVOLVING LOAN FUND TO JIM PRATT ON BEHALF OF JDP HVAC, LLC

Ald. Brandel introduced Resolution No. 10.

**CITY OF JEFFERSON
RESOLUTION NO. 10**

WHEREAS, Mr. Jim Pratt on behalf of JDP HVAC, Inc., (**the Applicant**) is requesting a \$35,000 loan from the City's Revolving Loan Fund Program (**the RLF Program**) to help purchase additional inventory for his business located at 810 N. Parkway. The Applicant believes the project will allow JDP HVAC to provide better service to area customers as a result of expanded inventory; and

WHEREAS, the City of Jefferson Revolving Loan Fund Committee (**the RLF Committee**) has reviewed the loan application and the recommendation of Ron Van Straten of GRAEF Engineering Services of Green Bay, Wisconsin who conducted an independent review of the loan application; and

WHEREAS, the RLF Committee has determined that the **Applicant** is eligible to obtain funding pursuant to the City's **RLF Policies and Procedures Manual** and the use of funds for working capital, including inventory purchases, meet **RLF Program** requirements; and

WHEREAS, upon determining that the project will strengthen the economic base of Jefferson by increasing employment and will also improve HVAC services by increasing the availability of product inventory within the City, the **RLF Committee** is recommending that Mr. Pratt's loan application be approved; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves a **RLF Program Loan** to Mr. Jim Pratt, owner and operator of JDP HVAC, Inc., per the following conditions and parameters:

- Loan Amount: \$35,000
- Loan Term: Term of seven (7) years. Closing to take place on or about June 1, 2017.

- Interest Rate: Two (2) percent for the life of the loan
- Loan Security: Unlimited personal guarantee from Jim Pratt
- Other Conditions: Loan is extended in accordance with all terms in the City of Jefferson Revolving Loan Program Policy

BE IT ALSO RESOLVED, by the Common Council that the City Administrator and City Attorney are hereby directed to draft all documents and agreements which may be required to place the loan into effect and authorizes the Mayor and City Administrator to execute said documents and agreements as may be deemed necessary by the City Administrator and City Attorney.

Ald. Brandel, seconded by Ald. Miller moved to approve Resolution No. 10. Motion carried unanimously on call of the roll.

Ald. Peachey seconded by Ald. Lares moved to adjourn the May 2, 2017 meeting of the Common Council at 7:37 p.m. On a voice vote, motion carried unanimously.

The minutes of the May 2, 2017 meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved and referenced above.