

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, SEPTEMBER 5, 2017**

The Tuesday, September 5, 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. Beyer, Ald. Miller, Ald. Krause, Ald. Brandel and Ald. Tully. Absent: Ald. Lares. Also present were: City Administrator Freitag, City Engineer Pinnow, City Attorney Rogers and City Clerk/Deputy Treasurer Kuehl.

**PUBLIC PARTICIPATION**

Philip Ristow, 727 Oakwood Court, spoke to the Council regarding proposed Charter Ordinance #10-17 and the Utilities Commission.

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 14-10, (UTILITIES COMMISSION CHARTER ORDINANCE A310-3 (ADOPTED BY ORDINANCE NO. 17-84; AND AMENDED BY ORDINANCE NO. 2-87) WATER AND ELECTRIC COMMISSION, REPEAL SECTION 1-20 B (8) AND AMEND SECTION 25-11 A (1) C OF THE CITY OF JEFFERSON MUNICIPAL CODE**

Ald. Tully introduced Ordinance #10-17 for its first reading.

**CITY OF JEFFERSON  
PROPOSED CHARTER ORDINANCE #10-17**

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

**Section 1. "14-10 Utilities Commission." is hereby recreated as follows:**

- A. That the Utility Commission is hereby abolished.
- B. That the day-to-day management of the following utilities shall be performed by the Utility Manager(s) duly appointed by the Common Council:
  - (1) Water Utility;
  - (2) Electric Utility;
  - (3) Wastewater Utility
- C. That supervision of the Utility Manager shall be performed by the City Administrator with the assistance of the Streets, Health, Sanitation and Utilities Committee as needed;
- D. That, specifically, the Streets, Health, Sanitation and Utilities Committee shall review and recommend to the Common Council the following matters:
  - (1) Approval of the Budgets as submitted by the Utility Manager(s);
  - (2) Rate Increases for the Utilities;
  - (3) Hiring employees and their compensation;
  - (4) Major projects effecting the Utilities;
  - (5) General Oversight

**Section 2. That Section 1-20 B (8) is hereby repealed.**

~~References to the "Utility Commission," "Water and Electric Commission" and "Water and Light Commission" are amended to read "Utilities Commission."~~

**Section 3.** That **Section 25-11 A (1) c** is hereby amended to read “Streets, Health, Sanitation and Utilities Committee”.

**Section 4.** This is a charter ordinance and shall take effect 60 days after its proper passage and publication, unless within said 60 days a referendum petition shall be filed as provided by §66.0101, Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**Section 5.** This is the first reading.

**AN ORDINANCE TO AMEND SECTION 265-1 OF THE MUNICIPAL CODE CONCERNING STATE TRAFFIC LAWS ADOPTED**

Ald. Brandel introduced Ordinance #11-17 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #11-17**

The Common Council, of the City of Jefferson, Wisconsin hereby ordains as follows:

**Section 1.** §265-1 **State traffic laws adopted** shall be amended as follows:

Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348 **350**, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on highways, streets, and alleys of the state.

**Section 2.** This ordinance shall take effect after passage, publication, and attestation as required by law.

**Section 3.** This is the first reading.

**AN ORDINANCE TO AMEND SECTION 265-4 OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON TO CREATE TEMPORARY NO PARKING/LIMITED TERM PARKING/POLICE AUTHORITY/PARADES OR SPECIAL EVENTS**

Ald. Brandel introduced Ordinance #12-17 for its first reading.

**CITY OF JEFFERSON  
ORDINANCE #12-17**

The Common Council, of the City of Jefferson, Wisconsin hereby ordains as follows:

**Section 1.** Sec. 265-4(J). Temporary No Parking/Limited Term Parking/Police - Authority/Parades or Special Events is hereby created as follows:

The City of Jefferson Police Department Chief of Police or Department of Public Works Director may cause to be erected temporary no parking/limited term parking zones on highways or parts thereof on the day of a parade, procession, or assemblage upon the approval of the City Council.

**State law reference**— Authority to regulate stopping, standing and parking, W.S.A., § 349.13.

**Section 2.** This ordinance shall take effect after passage, publication, and attestation as required by law.

**Section 3.** This is the first reading.

**AN ORDINANCE TO AMEND SECTIONS 270-1, 270-2 AND 270-3 RELATING TO SALES IN PUBLIC RIGHT-OF-WAY, FARMERS MARKET AND TRANSIENT MERCHANTS**

Ald. Krause introduced Ordinance # 13-17 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #13-17**

The Common Council, of the City of Jefferson, Wisconsin hereby ordains as follows:

**Section 1.** Section 270-1 of the City of Jefferson Municipal Code Relating to Sales in Public Right-of-Way is hereby amended as follows:

**§270-1 Sales in Public Right-of-Way**

- A. No persons shall sell any goods or services in any public right-of-way **or public street, city park, or any other city owned property** without being issued a permit by the Common Council. The Common Council may issue a permit if it is satisfied that the sale of goods and/or services, **or mobile food establishment, or mobile dessert establishment services**, in the public right-of-way **or street** shall not be adverse to public safety, health, or the welfare of the City.
- B. The cost of the permit shall be as set by the Common Council, and a permit issued shall only be valid for one year and shall terminate on December 31. ~~The fee for a permit issued after January 1 shall be prorated on a monthly basis.~~
- C. **Any** vendor issued a permit shall not be located on public property for the purposes of the sale of goods or services between the hours of 9:00 p.m. and 5:00 a.m.
- D. Any persons granted a permit hereunder shall be jointly and severally liable for any and all injury to any person or property directly or indirectly caused by their joint and several negligence or activities.

- E. This section shall not apply to the following events: ~~Spring Car Show; May Ball; Cattle Fair~~ **Farmers Market**; ~~Jefferson County Fair; Sommerschlussverkauf; Gemuetlichkeit Days; Fall Car Show; Autumn Fest; Holiday Parade of Lights, and Santa's House Hours.~~ A permit for ~~Cattle Fair~~ **the Farmers Market** is required under § 270-2.

**Section 2.** Section 270-2 of the City of Jefferson Municipal Code Relating to Farmers Market is hereby amended as follows:

**§270-2 Cattle Fair. Farmers Market**

- A. Vendors participating in the ~~Cattle Fair~~ **Farmers Market** shall be limited to the following: **The City Center Parking Lot located south of East Racine Street and West of South Center Street.** ~~South Gardener Street from West Linden Avenue to West Milwaukee Street, two City parking lots located on the east side of South Gardener Street between West Dodge Street and West Linden Drive and two parking lots on the west side of South Gardener Street with one being between West Milwaukee Street and West Dodge Street and the other between West Dodge Street and West Linden Avenue.~~ All vendors are limited to setting up in the painted **designated** parking stalls in the above identified areas.
- B. No vendor participating in the ~~Cattle Fair~~ **Farmers Market** shall be permitted to set up any earlier than 5:00 a.m. ~~on the day of the fair~~ **one hour before the start time of the Market.**
- ~~C. Each vendor or company shall be limited to two spaces.~~
- ~~D. Traditional farm livestock may be sold or traded at the Cattle Fair, subject to all applicable state laws and regulations. Domestic pets, such as cats and dogs, shall not be sold, traded, or given away at the Cattle Fair. Any animal sold or traded at the Cattle Fair shall be, if confined, conveyed in a container which provides adequate support, light and air for such animal.~~
- ~~C. E.~~ The license fee for usage restricted to ~~Cattle Fair~~ **Farmers Market** days held in the City ~~on the third Tuesday of each month~~ shall be as set by the Common Council.
- ~~D. F.~~ The sale of firearms and guns at the ~~Cattle Fair~~ **Farmers Market** is prohibited.

**Section 3.** Section 270-3 of the City of Jefferson Municipal Code Relating to Transient merchants is hereby amended as follows:

**§270-3 Transient merchants.**

- A. Registration required. It shall be unlawful for any transient merchant to engage in sales within the City without being registered for that purpose as provided herein.
- B. Definitions. In this section, the following terms shall have the meaning indicated:

**CHARITABLE ORGANIZATION**

Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

**CLERK/TREASURER**

The City Clerk/Treasurer.<sup>[1]</sup>

### **MERCHANDISE**

Includes personal property of any kind and shall include merchandise, goods or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

### **PERMANENT MERCHANT**

Any person who, for at least six months prior to the consideration of the application of this section to the merchant:

- (1) Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or
- (2) Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his residence.

### **TRANSIENT MERCHANT**

Any individual who engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, "sale of merchandise" includes a sale in which the personal services rendered upon or in connection with the merchandise constitute the greatest part of value for the price received but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

### **MOBILE FOOD ESTABLISHMENT**

A restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, trailer, or boat which periodically or continuously changes location, including movable concession stands designed to operate as a temporary food establishment and/or traveling retail food establishments as those terms are used in Wisconsin Administrative Code Chapter ATCP 75 "Appendix" (the "Wisconsin Food Code").

"Mobile Food Establishment" does not include the following:

- a. A vehicle used solely to transport or deliver meals prepared somewhere other than in or on the vehicle to specific persons.
- b. A common carrier regulated by the state or federal government.
- c. An establishment under hire, contract or special request to provide food service to a private group, organization or business and is not serving to members of the general public provided the establishment is in full compliance with all state applicable food and health code requirements.

### **MOBILE DESSERT ESTABLISHMENT**

A sub-class of mobile food establishment which serves only individual portions of ice cream, ice milk, frozen custard, yogurt, dessert mix, sundaes, or other frozen desserts that are prepackaged and totally enclosed in a wrapper or container and which have been manufactured, prepared and wrapped in a licensed food establishment.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

**C. Exemptions.** The following shall be exempt from all provisions of this section:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (2) Any person selling merchandise at wholesale to dealers in such merchandise.
- (3) Any person selling agricultural products which the person has grown.
- (4) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in his regular course of business.
- (5) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by the person.
- (6) Any person who has had or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.
- (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (9) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the organization, provided that there is submitted to the Clerk/Treasurer proof that such charitable organization is registered under § 440.42, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 440.42, Wis. Stats., or which is exempt from that statute's registration requirements shall be required to register under this section.
- (10) Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk/Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk/Treasurer proof that such person has leased for at least one year or purchased the premises from which he has conducted business in the market area for at least six months prior to the date the complaint was made.
- (11) Any individual licensed by an examining board as defined in § 15.01(7), Wis. Stats.

**D. Registration.**

- (1) The applicant for registration must complete and return to the Clerk/Treasurer a registration form furnished by the Clerk/Treasurer which shall require the following information:

- (a) Name, permanent address and telephone number and temporary address, if any.
  - (b) Age, height, weight, and color of hair and eyes.
  - (c) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents, is employed by or whose merchandise is being sold.
  - (d) Temporary address and telephone number from which business will be conducted, if any.
  - (e) Nature of business to be conducted and a brief description of the merchandise and any services offered.
  - (f) Proposed methods of delivery of merchandise, if applicable.
  - (g) Make, model and license number of any vehicle to be used by the applicant in the conduct of his business.
  - (h) Most recent cities, villages, and towns, not to exceed three, where the applicant conducted his business.
  - (i) Place where the applicant can be contacted for at least seven days after leaving the City.
  - (j) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years and the nature of the offense and the place of conviction.
- (2) Applicants shall present to the Clerk/Treasurer for examination:
- (a) A driver's license or some other proof of identity as may be reasonably required.
  - (b) A state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.
  - (c) A State Health Officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law, such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for registration is made.
- (3) At the time the registration is returned a fee as set by the Common Council shall be paid to the Clerk/Treasurer to cover the cost of processing the registration. The applicant shall sign a statement appointing the Clerk/Treasurer his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the

direct sales activities of the applicant in the event the applicant cannot after reasonable effort be served personally. Upon payment of the fee and the signing of the statement, the Clerk/Treasurer shall register the applicant as a transient merchant and date the entry. The registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Subsection **E(2)** below.

[Amended 12-16-2003 by Ord. No. 17-03]

**E. Investigation.**

- (1) Upon receipt of each application, the Clerk/Treasurer may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
- (2) The Clerk/Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Subsection **D(2)** above.

**F. Appeal.** Any person refused or denied registration may appeal the denial through the appeal procedure approved by ordinance or resolution of the Common Council or, if none has been adopted, under the provisions of §§ 68.01 through 68.15, Wis. Stats.

**G. Regulation of transient merchants.**

(1) Prohibited practices.

- (a) A transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (b) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the merchandise.

- (c) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (d) No transient merchant shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (e) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(f) Mobile Food Establishments shall be allowed to sell from public streets, but shall not impede the free use of streets or sidewalks by vehicles or pedestrians. All traffic and parking regulations shall be observed. If an on-duty officer of an authorized law enforcement agency determines that a safety problem exists related to the selling activities at a specific location(s) by a Mobile Food Establishment Vendor, the officer shall have the right to order the vendor to cease selling at that location(s). Mobile Food Establishment vendors shall not remain in one location, either on a city street, street right-of-way, or in a public park, for a period of longer than (90) ninety consecutive minutes. Mobile Food Establishment vendors shall comply with all state and federal food and health code requirements as applicable to the establishment, including but not limited to having in force any license required under state law. All required State and City of Jefferson licenses and permits shall be conspicuously displayed on the Mobile Food Establishment while in operation.

All Mobile Food Establishments including Mobile Dessert Establishments shall be required to provide one leak proof container for the deposit of waste. Mobile Food Establishment operators are required to remove or otherwise properly dispose of all waste, litter, or garbage generated by their operations and patrons on a daily basis including that which may be reasonably be seen from the location of the operation on the ground or otherwise not in a proper disposal container.

All Mobile Food Establishments must have signage posted, in lettering not less than three inches in height, in plain view to all patrons, which provides the name of the operator.

Mobile Food Establishments shall also be permitted to operate on private property in Commercial, Industrial, or Industrial Park zoning districts and only with the consent of the owner or person in legal possession of the property.

Licensed Mobile Food Establishments shall be allowed to operate only between the hours of 9:00 a.m. and 9:00 p.m. No sales shall be permitted within 300 feet of an established, operating concession stand operated by a non-profit or charitable organization, such as civic, school, or other similar organizations.

(g) Mobile Dessert Establishments may operate on public streets within any City zoning district provided it is parked on a street only while serving customers present or approaching for service or while it is open for service.

Mobile Dessert Establishments operating on public streets shall not obstruct any public street, sidewalk, trail access, or visibility of crosswalks, street corners, driveways or intersections and operators shall take affirmative steps to direct customers waiting for service to refrain from causing any such obstructions.

(h) If a waiver of any requirements of this section is requested, it must be presented to the Regulatory Committee of the Common Council for approval or denial. If a request is denied by the Regulatory Committee, it shall be final.

In exigent or extreme circumstances, the City Administrator shall have the authority to waive any requirements of § 270-3 in the instance a community event requires modification.

## (2) Disclosure requirements.

- (a) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.
- (b) If any sale of merchandise is made by a transient merchant or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedures as set forth in § 423.203, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.
- (c) If the transient merchant takes a sales order for the later delivery of merchandise, he shall at the time the order is taken provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

**H. Records.** The Chief of Police shall report to the Clerk/Treasurer all convictions for violation of this section, and the Clerk/Treasurer shall note any such violation on the record of the registrant convicted.

## **I. Revocation of registration.**

- (1) Registration may be revoked by the Common Council, after notice and hearing, if the registrant made any material omission or materially

inaccurate statements in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales; violated any provision of this section; or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

- (2) Written notice of the hearing shall be served personally or pursuant to Subsection **D(3)** above on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the acts upon which the hearing will be based.

**Section 4. §270-4 Violations and penalties.**

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.

**Section 5.** This ordinance shall take effect after passage, publication, and attestation as required by law.

**Section 6.** This is the first reading.

**RESOLUTION NO. 41 - CONSENT AGENDA**

Ald. Beyer introduced Resolution No. 41.

**CITY OF JEFFERSON  
RESOLUTION NO. 41**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for September 5, 2017 is hereby adopted.

- A. Vouchers Payable for September in the amount of \$236,610.18. Payroll Summary for August 18, 2017 in the amount of \$147,298.74 and September 1, 2017 in the amount of \$146,220.80.
- B. Council Minutes from the August 15, 2017 Meetings of the Common Council.
- C. Licenses as Approved by the Regulatory Committee.
  1. Operator's Licenses
  2. Special Class B Licenses
  3. Agent Transfer – Kwik Trip

Ald. Beyer, seconded by Ald. Tully moved to approve Resolution No. 41. Motion carried unanimously on call of the roll.

**RESOLUTION NO. 42 – AUTHORIZING THE TEMPORARY CLOSURE OF CITY RIGHT-OF-WAY TO ROCK BOTTOM EXPRESS**

Ald. Horn introduced Resolution No. 42.

**CITY OF JEFFERSON  
RESOLUTION NO. 42**

**WHEREAS**, Vince Krause with Rock Bottom Express is looking to close off South Gardner Avenue from West Milwaukee Street to the parking lot immediately south of Rock Bottom Express for an outdoor band and Gemuetlichkeit celebration. Mr. Krause is asking that the portion of South Gardner Avenue is closed Sunday, September 17, 2017 from 8:00 a.m. to 8:00 p.m.

**WHEREAS**, Section 240-8 of the City of Jefferson Municipal Code refers to the City's regulations regarding the temporary closure of public right-of-way.

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that South Gardner Avenue from West Milwaukee Street to the entrance of the public parking lot immediately south of Rock Bottom Express is hereby temporarily closed on September 17, 2017 from 8:00 a.m. to 8:00 p.m., and

**BE IT FURTHER RESOLVED**, that said right-of-way is hereby leased to Rock Bottom Express in the sum of \$50.00 for said time-frame.

Ald. Horn, seconded by Ald. Brandel moved to approve Resolution No. 42. Motion carried unanimously on call of the roll with Ald. Krause abstaining.

**RESOLUTION NO. 43 – AUTHORIZING THE TEMPORARY CLOSURE OF CITY RIGHT-OF-WAY TO ST. MARKS EV. LUTHERAN CHURCH**

Ald. Tully introduced Resolution No. 43.

**CITY OF JEFFERSON  
RESOLUTION NO. 43**

**WHEREAS**, St. Mark's Ev. Lutheran Church is looking to close off the 300 block of South Sanborn Avenue for an outdoor worship service and picnic. St. Mark's is asking that the portion of South Sanborn Avenue is closed Sunday, September 10, 2017 from 9:00 a.m. to 3:00 p.m.

**WHEREAS**, Section 240-8 of the City of Jefferson Municipal Code refers to the City's regulations regarding the temporary closure of public right-of-way.

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the 300 block of South Sanborn Avenue is hereby temporarily closed on September 10, 2017 from 9:00 a.m. to 3:00 p.m., to have a worship service and picnic, 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.

Motion was made by Ald. Tully, seconded by Ald. Miller to approve Resolution No. 43. On call of the roll, motion carried unanimously.

**RESOLUTION NO. 44 – AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT CONTINUING THE JEFFERSON COUNTY ECONOMIC DEVELOPMENT CONSORTIUM**

Ald. Krause introduced Resolution No. 44.

**CITY OF JEFFERSON  
RESOLUTION NO. 44**

**WHEREAS**, the Jefferson County Economic Development Consortium (JCEDC) was created to foster and encourage responsible, economic development activities that result in job creation, retention, increased tax base and an improved sustainability and quality of life for the citizens of Jefferson County; and

**WHEREAS**, the JCEDC was created as a public intergovernmental enterprise organized under the authority of Wisconsin Statutes 66.0301, and as the same may be amended from time to time; and

**WHEREAS**, the JCEDC is composed of the towns, villages, cities and county governments of Jefferson County, Wisconsin (municipalities) that choose to become members. The current membership consists of Jefferson County, the cities of Fort Atkinson, Jefferson, Lake Mills, Waterloo, Watertown, Whitewater and the Villages of Johnson Creek and Cambridge; and

**WHEREAS**, the JCEDC came into existence upon approval by Jefferson County and a two-third (2/3<sup>rd</sup>) majority of the following: the cities of Fort Atkinson, Jefferson, Lake Mills, Watertown, Whitewater and the Village of Johnson Creek; and

**WHEREAS**, the member communities now desire to update the Intergovernmental Agreement governing the creation of the JCEDC and request that said members reauthorize the participation of their community in the JCEDC; and

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that it herein approves the Intergovernmental Agreement Continuing the Jefferson County Economic Development Consortium and authorizes Mayor Oppermann to execute said Agreement on behalf of the City of Jefferson.

Ald. Krause, seconded by Ald. Brandel moved to approve Resolution No. 44. Motion carried unanimously on call of the roll.

**RESOLUTION NO. 45 – APPOINTING DANIELLE THOMPSON ASSISTANT CITY ATTORNEY AND AUTHORIZING AN AGREEMENT BY AND BETWEEN DANIELLE THOMPSON AND CHRISTOPHER ROGERS FOR ASSISTANT CITY OF JEFFERSON ATTORNEY SERVICES**

Ald. Miller introduced Resolution No. 45.

**CITY OF JEFFERSON  
RESOLUTION NO. 45**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that it hereby confirms the appointment of Danielle Thompson as Assistant City Attorney and does further approve and affirm the Engagement Agreement by and between Danielle Thompson and Christopher Rogers for Ms. Thompson to serve as Assistant City Attorney during the absence of Mr. Rogers. It is understood that Ms. Thompson will act as an independent contractor and not as an employee of the City of Jefferson and, as such, shall not be entitled to any benefits of employment other than the monetary remuneration set for in the Engagement Agreement.

Ald. Miller, seconded by Ald. Tully moved to approve Resolution No. 45. Motion carried unanimously on call of the roll.

**RESOLUTION NO. 46 – AUTHORIZING AN AWARD OF CONTRACT FOR THE PURPOSE OF CONDUCTING A PRIVATE SECTOR LABOR AVAILABILITY ANALYSIS AND PROPOSED COST OF WAGE AND COMPENSATION STUDY FOCUSED ON MANUFACTURING**

Ald. Peachey introduced Resolution No. 46

**CITY OF JEFFERSON  
RESOLUTION NO. 46**

**WHEREAS**, the Economic Development Administration (EDA) awarded the City of Jefferson a planning grant to conduct an Economic Recovery Plan following the closing of the Tyson Food Processing Facility; and

**WHEREAS**, the EDA Grant Award also included partial funding in the amount of \$13,000 for the Jefferson County Economic Development Consortium (JCEDC) to conduct a Labor Availability Analysis and a Wage and Benefit Survey focused primarily on manufacturing for Jefferson County and areas located adjacent to the County; and

**WHEREAS**, the JCEDC has committed funding for the above described project in the amount of \$10,000 and Jefferson County has agreed to assume the cost above the EDA Grant funds and JCEDC funds necessary to retain a qualified professional consultant to complete the project; and

**WHEREAS**, as the EDA Grant recipient the City of Jefferson solicited a Request for Proposals from qualified consultants to complete the JCEDC project and received a total of five (5) proposals; and

**WHEREAS**, a review team comprised of the JCEDC Executive Director, County Administrator, and City Administrator reviewed and scored the proposals in accordance with the procurement procedures of the EDA and City of Jefferson and is recommending an award of contract to the Docking Institute of Public Affairs of Fort Hayes, Kansas in the amount of \$52,000 to complete the project; and

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that it herein authorizes and awards a contract in an amount not to exceed \$52,000 to the Docking Institute of Public Affairs to complete the follow Study:

- Cost of Labor Availability Analysis .....\$34,000
- Cost of Wage and Compensation Analysis .....\$18,000
- Total .....\$52,000

**BE IT FURTHER RESOLVED**, by the Common Council that it is understands that Jefferson County has committed to pay those costs in excess of the EDA Grant Award (\$13,000) and JCEDC funding (\$10,000) required to complete the project and authorizes the Mayor and City Administrator to execute documents related to this matter on behalf of the City of Jefferson upon the review and consent of the City Attorney.

Ald. Peachey, seconded by Ald. Krause moved to approve Resolution No. 46. Motion carried unanimously on call of the roll.

Ald. Peachey, seconded by Ald. Krause moved to adjourn the September 5, 2017 meeting of the Common Council at 7:32 p.m. On a voice vote, motion carried unanimously.

The minutes of the September 5, 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.