

**MINUTES**  
**CITY OF JEFFERSON COMMON COUNCIL**  
**JANUARY 20, 2004**

The Tuesday, January 20, 2004, meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Brawders. Members present were: Ald. Carnes, Ald. Wagner, Ald. Bare, Ald. Gang, Ald. McGrath, Ald. Stewart, Ald. Coffman and Ald. Stevens. Also present were: City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICIPATION**

Mayor Brawders read a letter from John & Gerianne Thielemann, W4994 East Junction Road, Johnson Creek, the Thielemann's stated their opposition to the Wal-Mart proposed for Jefferson. They stated that they felt that it would adversely alter the quality of life in Jefferson County.

Mayor Brawders then read a thank you letter from the Library staff to the Council.

Nancy Haberman, 536 East North Street, addressed the Council on several issues. Mrs. Haberman questioned how the search for a City Administrator was going. Mrs. Haberman also stated that she was concerned about the relationship between the City and the County. She stated that she feels that it is important to stress the importance of a strong partnership and good communication between the two entities. Mrs. Haberman also indicated that she was concerned that the County had looked at purchasing two more city parcels, which would further reduce the City's taxing base.

Janet Werner, Chamber of Commerce Director, addressed the Council regarding the Chamber Annual Dinner. Ms. Werner once again invited the Council to the dinner and encouraged them to RSVP soon.

Bill Koehler, Highway K, addressed the Council regarding his opposition to Wal-Mart. Mr. Koehler brought the Council several publications regarding Wal-Mart. He also noted that an informational meeting regarding Wal-Mart was being held in Stoughton on Tuesday night.

**DISCUSSION: CITY REEVALUATION**

City Assessor Munson stated that he was asked to be here this evening to help clear up any misunderstandings with the City reevaluation. At this point, Mr. Munson asked for questions from the Council.

Ald. Bare submitted a list of properties to Assessor Munson that he felt there may be inequities with.

Assessor Munson stated that all properties are given a value as of January 1 of each year. He stated that using a market analysis approach the City's overall evaluation came out at 101%--very close to 100%, therefore, the assessment was done correctly. He admitted that the process

is not perfect, nor are they. However, thru open book and Board of Review, the assessment process should be near perfect.

Munson stated that he did anticipate that the City would experience problems with the reassessment. He noted that homes that are smaller and were at the “lower end” of assessments prior to the reval experienced the largest jump in assessment. Munson noted that homes that may have sold for \$60,000 in 1997 are now selling for \$100,000 and up. He stated that the drop in interest rates over the last couple years has made home ownership more attainable and renting, in some instances, less desirable. Therefore, the homes that are often classified as “starter homes” experienced the greatest rate of sales—at prices much higher than the properties were previously assessed at. He stated that the City of Jefferson is not the only municipality that experienced this type of change. Munson noted that the City of Oconomowoc also experienced the same thing.

He stated that after the new market data for 2003 is received and the state applies the new equalized ratio, he was certain that the City would once again be under 100% of fair market value.

Ald. Gang asked Assessor Munson to clarify how the assessment process works.

Assessor Munson stated that originally the City had considered a “walk-thru” assessment, which would be done over a two-year period. He stated that it was his and the Council’s opinion that the City would not pick enough additional value to cover the additional cost associated with a “walk-thru” assessment. Therefore, a one-year revaluation process was undertaken. He stated that all of the properties in the City were given a drive-by review. He stated that the site information is then combined with sales data from the neighborhood (and other similar City properties) and then an assessment is then allocated to the property.

Ald. Gang stated that he had talked to many people about the assessment and no one said they saw anyone looking at their property.

Ald. Wagner stated that he didn’t understand how a home could go from an assessment of \$70,000 to \$130,000 and stated that he felt sorry for all of the individuals living in these homes, some of which are on fixed incomes. Assessor Munson stated that he too felt bad for these individuals, but that his job is to apply the market data to arrive at a value and that is what the market was dictating for those homes. Munson stressed that the market determines the assessed value of the homes, not his agency.

Mayor Brawders stated that individuals in the community need to follow the process if they feel their property is unfairly assessed. Mayor Brawders stated if you feel that there is a problem with your assessment, it is your right and responsibility to come to the open book and/or Board of Review to get the discrepancies aired.

Assessor Munson stated that they perform their duties as close to perfect as they can. However, regretfully, occasionally errors are made. He encouraged anyone who feels that an error has

been made on their property to contact the appraisal service of City Hall so that the property may be reevaluated for the coming years.

Ald. Bare asked if there would be a more “friendly” way for members of the public to come in and compare properties for the purpose of evaluating their assessments. Assessor Munson stated that the property assessment cards are always available from staff and that his office is working the bugs out of a computer program which would allow staff to bring up properties in a much more efficient way.

Ald. Bare asked how new construction is valued. Assessor Munson stated that the inspection of new construction takes place the beginning of January. Ald. Bare stated that he never remembers anyone coming thru his construction. Assessor Munson stated that if construction takes place in years after the reassessment a modifier from the year of assessment is used to “deflate” the property assessment to 2003 dollars.

Ald. Gang then questioned the inequity in land values. He asked how the same size lots across town can be valued differently. Assessor Munson stated that several years ago the State changed the law which made property owners unable to protest the value of land only. He stated that the assessors in the state, along with the Wisconsin Department of Revenue, have been trying to work towards a one-figure assessment—rather than the breakdown between land and improvements. He stated that for the basis of assessing, he is considered about the total assessment of the property, not if one land value is more than another. He reiterated that his concern is that the overall total assessment of the property is fair and equitable.

City Clerk/Treasurer Stewart questioned what roll a warranty deed plays in the assessment of properties. Assessor Munson stated that he receives this information and uses in his market approach to property valuation. He stated that Statutes allow assessors to throw out any “unusually high and unusually low” sales.

Assessor Munson then took questions from members of the public.

### **DISCUSSION – COUNTY ANNEXATION**

Corporate Counsel Phil Ristow then discussed the potential annexation of about 600 acres of County property into the City of Jefferson. He stated that the annexation of the property would make the property more marketable and would be a great benefit to both the County and the City.

Atty. Ristow noted that the State Department of Transportation was willing to allocate some personnel to help the County/City reconfigure the existing development plan to accommodate the Highway 26 bypass. He also asked for the Council to support the use of this service.

Ald. Wagner asked if the County was in favor of the annexation, since they have opposed the idea of development in the past. Counsel Ristow stated that they are in favor of the annexation, at least at a Committee level, and are surprised that the annexation has not already taken place. Ristow added that even if the property is annexed now, it is likely that all or a portion of the property will continue to be farmed for sometime.

Ristow stated that the County is thinking about the long-range needs of the County offices, as well as, the jail. He stated that they are trying to project where they may be in 50-75 years (administration wise). He also noted that the Sheriff predicts that the jail may be full by 2009 and it is uncertain where they would expand at the current location.

Atty. Ristow added that the development of the property would be in the best interest of everyone.

Mayor Brawders then asked for a consensus on if the Council wished to pursue a potential annexation of the County property.

Ald. Wagner stated that he is not in favor of annexing all of the property into the City.

Ald. Coffman stated that he was in favor of the annexation, but wanted to approach the process cautiously. Ald. Coffman added that the City wanted to pursue the development of this area some years ago, but the County was hesitant. He stated that the City should be pursuing the potential annexation because it is in the best interest of the City, not because it works for the County right now.

Corporate Counsel Ristow stated that he viewed this as a joint venture. With everyone winning from the potential development.

Ald. Bare stated that he would support the planning portion of the project, but stated that he needed a clarification of the process the County was looking to pursue.

Ald. Gang stated that he felt that the land should be annexed, however, felt that the County should share in the development costs. He stated that as Mrs. Haberman said, the County and the City need greater communication.

Ald. Stevens stated that he saw this as a great opportunity to work together and a tremendous opportunity for the City. He stated that he felt that the annexation would be very positive for the City.

Ald. McGrath asked if the property had been put up for sale. Attorney Ristow stated that some casual inquiries had been made with regards to the property, but that a condition of the sale would be annexation into the City. He stated that the old Countryside Building is officially for sale. Ald. McGrath stated that his concerns over the tax-exempt status of the new countryside facility. He asked if the County would always own the facility. Attorney Ristow stated that nursing home ownership is not an extremely attractive business, so in order for the County to ever consider selling the facility, a couple things would need to occur: 1) a change in political outlook of the County Board and 2) the financial posture of the industry. Ald. McGrath stated that he felt that the City had bore the cost of the development and that he was cynical of the situation. Attorney Ristow stated that the County had entered into a developer's agreement with

the City for the installation of the road stub for the new countryside facility. He stated that County paid for all of those costs

Ald. Carnes stated that he thought this was a win-win situation. He stated that he also hoped that we would take advantage of the DOT planning services.

Ald. Stewart asked how much property the County anticipates keeping. Attorney Ristow stated that the County is preliminarily looking at keeping 100-200 acres.

City Engineer Ludwig stated that the development of the area would not only benefit the County, but all City residents—as it would add to the City's tax base.

Discussion then turned to a future resolution to support the continued planning and the potential annexation of the parcel. It was stated that a resolution should be placed on a future agenda.

### **ANNEXATION OF LAND OWNED BY DALE & JANET GAUGERT**

Ald. Stevens introduced Proposed Ordinance #18-03 for its second reading.

#### **CITY OF JEFFERSON PROPOSED ORDINANCE #18-03**

#### **ANNEXING TERRITORY FROM THE TOWNSHIP OF AZTALAN**

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

**SECTION 1: Territory Annexed.** In accordance with s. 66.021 of the Wisconsin Statutes of 1989, the unanimous petition for direct annexation filed with the City Clerk on the 1st day of December, 2003, signed by the owner of all of the land in the territory (no electors reside therein), the following described territory in the Town of Aztalan, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

Part of the SE ¼ of the SE ¼ of Section 34 and SW ¼ of the SW ¼ of Section 35, T7N, R14E, Town of Aztalan, Jefferson County, Wisconsin, to wit: Beginning at the SE corner of said Section 34; thence Westerly along the South line of said SE ¼ to the centerline of CTH "N"; thence Northly along said centerline 100 feet more or less to the SW corner of the parcel described in Vol. 319 of Deeds on Page 327; thence Easterly along the South line of said parcel to the Rock River; thence Southerly along the West line of said Rock River 100 feet more or less to the South line of said SW ¼; thence Westerly along said South line to the point of beginning, subject to a road right of way across the Westerly 33 feet.

**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. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the 3rd Ward of the City of Jefferson, subject to the ordinances, rules and regulations of the City governing wards.

**SECTION 4. Zoning Classification.** The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for zoning of the annexed area and submit its recommendations to the council. A temporary zoning classification of R-1 is being recommended from the Plan Commission.

**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 provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 6. Effective Date:** This ordinance shall take effect upon passage and publication as provided by law.

City Engineer Ludwig provided the Council with an overhead outlining the area of annexation.

Ald. Stevens, seconded by Ald. McGrath moved to recommend Proposed Ordinance #18-03. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO AMEND SECTION 7.03(4)(H) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO PARKING ON EAST JOHN STREET**

Ald. McGrath introduced Ordinance #1-04 for its first reading.

**CITY OF JEFFERSON  
ORDINANCE #1-04**

An Ordinance to Amend Section 7.03(4)(h) of the Municipal Traffic Code Related to No Parking Zones.

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

**Section 1.** Section 7.03(4)(h) is hereby amended to add the following no parking zones:

- John Street, south side, from the east right-of-way line of Highway K, 73' easterly to beginning of west driveway

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

This is a first reading.

**CONSENT AGENDA**

Ald. Wagner introduced Resolution No. 125.

**CITY OF JEFFERSON  
RESOLUTION NO. 125**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the consent agenda for January 20, 2004 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2003 & January 2004 in the amounts of \$76,017.02 and \$325,998.23 and Payroll Summary for January 9, 2004 in the amounts of \$99,885.15
- ◆ Council Minutes from the January 6, 2004 Regular & Closed Session Meetings of the Common Council.
- ◆ 2004 Contract for County Library Services.
- ◆ Licenses as Approved by the Regulatory Committee
  - ▣ Operator's Licenses
  - ▣ Special Class B Licenses

Library Director Lorenz gave an explanation of the 2004 County Library Services.

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

Ald. Coffman then asked if the second reading of Ordinance #1-04 could be held this evening.

City Clerk/Treasurer Stewart stated that she did not believe that waiving the second reading was a problem.

Atty. Brantmeier stated that he also believed that waiving the second reading did not present a problem, especially since this ordinance addresses a safety issue.

Ald. Coffman, seconded by Ald. Gang moved to waive the second reading of Ordinance #1-04. Motion carried on a voice vote.

Ald. Coffman, seconded by Ald. McGrath moved to recommend Ordinance #1-04. On call of the roll, motion carried unanimously.

**RESOLUTION DEDICATING PARKLAND IN LIEU OF PAYMENT OF PARK DEVELOPMENT FEES**

Ald. Gang introduced Resolution No. 126.

**CITY OF JEFFERSON  
RESOLUTION NO. 126**

***Resolution No. 126 accepting "Schiferl Park" land dedication in lieu of the payment of Park Development Fees for approximately 160 units.***

**WHEREAS**, William Schiferl has approached the City of Jefferson with a proposed land dedication to be made in lieu of Park Development fees for approx 160 units.

**WHEREAS**, the planning commission and the Parks, Recreation and Forestry Commission of the City of Jefferson have approved (with the following changes) the request to the City Council.

**WHEREAS**, Mr. Schiferl understands that he or a future developer are required to survey the land, provide a legal description and deed the dedicated property to the City. The dedicated property will consist of the property highlighted in green on attachment A and be given to the city at the time the Certified Survey Map is approved.

**WHEREAS**, the land dedicated shall be kept by the City as a Passive Park and called "Schiferl Park"

**WHEREAS**, Mr. Schiferl or any subsequent developer are obligated to upgrade the culvert system in the park to one approved for pedestrian travel and approved by the city engineer as part of the development process as part of the developer's agreement.

**WHEREAS**, the City will grant a water main easement to the Developer across the creek bottom as indicated by the word "water" on attachment A. Developer understands that State and county permits may have to be obtained as well by the developer.

**WHEREAS**, Mr. Schiferl or any subsequent developer are obligated to provide 100' of frontage on a public street to provide access into "Schiferl Park".

Ald. Wagner stated that he had a chance to walk the proposed park this week. He questioned who would be responsible for picking up all of the downed trees.

Park, Recreation and Forestry Director Keller stated that if the parcel dedication is accepted by the Council, maintenance then becomes the City's responsibility.

Ald. Bare questioned if the trees needed to be cleaned up.

Director Keller stated that there is already a path through the proposed park and as long as the trees were not covering the path, there really isn't a problem. She added that the State Parks do not clean up downed trees unless they interfere with the walkways.

Ald. Gang stated that he felt uncomfortable accepting more parkland when we already have more than we can maintain, but stated that he has had the opportunity to walk through the park and stated that it is "one heck of a gift" to the City.

Ald. Carnes questioned if 100ft of frontage was adequate for parking.

It was then explained that this requirement was done in accordance with the City municipal code.

Ald. Bare stated that the land was being dedicated so that the adjacent properties could be developed without having to pay the park dedication fee.

Ald. Gang, seconded by Ald. Bare moved to recommend Resolution No. 126. On call of the roll, motion carried unanimously.

Ald. Wagner, seconded by Ald. Stevens moved to adjourn to closed session pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes. On call of the roll, motion carried unanimously.

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

#### **HIRE OF AUXILIARY POLICE OFFICER**

Ald. Coffman introduced Resolution No. 128.

#### **CITY OF JEFFERSON RESOLUTION NO. 128**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson that the Acting City Administrator is hereby authorized to hire Mr. Erik Hansen as Auxiliary Police Officer at a pay rate of \$13.2026/hour.

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

Ald. Carnes, seconded by Ald. McGrath moved to adjourn the January 20, 2004 meeting of the Jefferson Common Council. Motion to adjourn carried on a voice vote.

The minutes of the January 20, 2004, meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved.