

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, MAY 1, 2007**

**OATH OF OFFICE TO NEWLY ELECTED OFFICIAL**

City Clerk/Treasurer Stewart swore in newly elected District B Alderperson: Dale Oppermann.

The Tuesday, May 1, 2007 meeting of the City of Jefferson Common Council was called to order at 7:39 p.m. by Mayor Myers. Members present were: Ald. Oppermann, Ald. Tully, Ald. Beyer, Ald. Peachey, Ald. Endl, Ald. Brandel, Ald. Havill and Ald. Cross. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICIPATION**

Jill Sireno, 427 East Linden addressed the Council regarding "Bike to Work Week". Ms. Sireno stated that she was happy to see the Council support for the issue and addressed the many benefits of biking.

Janet Werner, N4018 Highway Y addressed the Council regarding the City-wide Rummage Sale. She encouraged the members of the Council to come out and enjoy the day.

Steve Lewis, 218 Wisconsin Drive addressed the Council regarding "Bike to Work Week". Mr. Lewis stated that he would like to encourage everyone to bike to work or carpool next week. He then outlined the kickoff of the festivities tomorrow at the High School and encouraged as many people as possible to attend and encourage the students to ride to school.

**EXPLANATION OF PROPERTY REASSESSMENT**

Administrator Freitag stated that the Council, in 2005, approved a contract with a new assessing agency that would bring the City up to 100% of market value for four years in a row. He stated that last year the average increase was approximately 19% and this year approximately 9%.

City Clerk/Treasurer Stewart indicated that an increase in assessment does not necessarily precipitate an increase in taxes. She also stated that if the assessment is not reflective of what they could sell their home for that they should attend the "Open Book" for an adjustment. She encouraged residents to visit the assessor's or the City's website to obtain assessing information for properties in the City of Jefferson.

**STORMWATER UTILITY/GRANT PRESENTATION**

Gene Laschinger of Town and Country Engineering provided the Council with a presentation regarding the City's potential stormwater utility/grant. Laschinger indicated that Town and Country should have a draft ordinance available for review by June or July of this year and they hoped to have the entire study complete by year end.

After the presentation, Mr. Laschinger entertained questions from the Council.

**SENIOR CENTER ACCREDITATION PRESENTATION**

Senior Center Coordinator Frohmader then provided the Council with a presentation about the Senior Center. Frohmader noted that the Center is one of 23 Senior Centers which have received accreditation in the State of Wisconsin.

**BIKE TO WORK WEEK PROCLAMATION**

Mayor Myers then read a proclamation naming May 12-18 as Bike to Work Week and Friday, May 18, 2007 as Bike to Work Day.

**BE KIND TO ANIMALS WEEK PROCLAMATION**

Mayor Myers then read a proclamation naming May 6-12 as Be Kind to Animals Week.

**APPOINTMENTS**

**RDA APPOINTMENTS**

Ald. Havill, seconded by Ald. Tully moved to recommend the following appointments to the Jefferson Redevelopment Authority:

Chuck Klug - Term ending April 2008  
Collin Stevens - Term ending April 2008  
Mary Haag - Term ending April 2009  
Steve Lewis - Term ending April 2009  
Dr. David Volk - Term ending April 2010  
Ald. Steve Cross - Term ending April 2011  
Ald. William Brandel - Term ending April 2012

**Ex-Officio**

Jeff Johnson  
Pat VandenBerg  
Jim VanLieshout

On call of the roll, motion carried unanimously.

**COUNCIL PLANNING COMMISSION APPOINTMENT**

Ald. Oppermann, seconded by Ald. Beyer moved to recommend that Ald. Toby Tully be appointed to the Plan Commission to replace Ald. Steve Cross. On call of the roll, motion carried by a vote of 7 to 0. Ald. Tully abstained from the vote

**AN ORDINANCE TO REPEAL SECTION 14-11 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE JEFFERSON DEVELOPMENT COMMISSION**

Ald. Tully introduced Proposed Ordinance #1-07 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #1-07**

An Ordinance to Repeal Section 14-11 of the Municipal Code of the City of Jefferson Related to the Jefferson Development Commission.

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

**Section 1.** Section 14-11 of the City of Jefferson Municipal Code is hereby repealed:

**§ 14-11. Jefferson Development Commission.**

- A. Composition. The Jefferson Development Commission shall be comprised of five members. The members shall be appointed from the business and/or financial community. The City Administrator, City Director of Public Works/Engineer, Chamber representative, school representative, utility representative, Mayor and Common Council representative shall serve as ex officio members. The Commission may have additional ex officio members as appointed by the Mayor and confirmed by the Common Council. **[Amended 9-16-2003 by Ord. No. 13-03; 10-18-2005 by Ord. No. 17-05; 9-19-2006 by Ord. No. 12-06]**
- B. Appointments and terms. Members shall be appointed annually by the Mayor subject to confirmation of the Common Council.
- C. Powers and duties. The Jefferson Development Commission shall serve as an advisory commission to the Common Council, advising the Council on all matters pertaining to economic development. Areas of responsibility shall include but are not limited to:
  - (1) Planning and directing economic development activities to foster continuing economic, commercial and industrial development within the City.
  - (2) Assisting existing businesses and industries in their growth and expansion by providing planning, promotion, liaison with the City of Jefferson municipal government, assistance in the procurement of sites and facilities (if needed) and assistance in the procurement of financing.
  - (3) Assisting and encouraging desirable industries and businesses to locate in the City by providing planning, promotion, liaison with the City of Jefferson municipal government, assistance in the procurement of sites and facilities and assistance in the procurement of financing.

**Section 2.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

Ald. Tully, seconded by Ald. Brandel moved to recommend Proposed Ordinance #1-07. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO CREATE SECTION 139-75 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE INSTALLATION OF KNOX BOX SYSTEMS AND AMEND SECTION 1-4 C. (1) RELATED TO THE SCHEDULE OF FEES**

Ald. Havill introduced Proposed Ordinance #5-07 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #5-07**

An Ordinance to Create Section 139-75 Related to the Installation of Knox Box Systems and Section 1-4 C. (1) Related to the Schedule of Fees.

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

**Section 1.** Section 139-75 of the City of Jefferson Municipal Code is hereby created:

**§ 139-75. Key lock box system.**

- A. The following structures shall be equipped with a Knox box at or near the main entrance or such other location required by the Fire Chief:
  - (1) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
  - (2) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
  - (3) Governmental structures and nursing care facilities.
- B. All newly constructed structures subject to this section shall have the Knox box installed and operational prior to the issuance of an occupancy permit. This ordinance does not apply to permits pulled prior to the date of adoption.
- C. The Fire Chief shall designate the type of Knox box system to be implemented within the City and shall have the authority to require all structures to use the designated system.
- D. The owner or operator of a structure required to have a Knox box shall at all times keep a key in the lock box that will allow for access to the structure.
- E. The Fire Chief shall be authorized to implement rules and regulations for the use of the Knox box system.
- F. Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in § 139-8 of this chapter for any violation of this section.

**Section 2.** Section 1-4 C. (1) of the City of Jefferson Municipal Code is hereby amended:

**§ 1-4. Citations.**

- C. Schedule of deposits.
  - (1) The following schedule of cash deposits is established for use with citations issued under this section: **[Amended 8-6-2002 by Ord. No. 8-02; 5-20-2003 by Ord. No. 8-03; 7-1-2003 by Ord. No. 9-03]**

<b>Section Number</b>	<b>Offense</b>	<b>Deposits and Costs</b>
139-75	Failure to Install Knox Box System	\$100

**Section 3.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

Chief Powell stated that he was in support of this ordinance and that it is a great tool to improve the safety of citizens as well as protect properties which may be vacant overnight.

Powell asked however, if the Council would entertain a change which would require knock boxes on any structure which has not yet received occupancy.

City Clerk/Treasurer Stewart stated that the ordinance had been reviewed by the building inspection department and that they were in agreement with the ordinance, but did not want to see any type of retroactivity in the ordinance.

Atty. Brantmeier then stated that legally, the City could not make any type of legislation with a retroactive effect.

After discussion, it was the consensus of the group to encourage all businesses to install knock boxes for the safety of their property, however, a change to the ordinance would not be pursued.

Ald. Havill, seconded by Ald. Brandel moved to recommend Resolution #5-07. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO AMEND SECTIONS 256-1 B. AND 256-2 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO TREES**

Ald. Peachey introduced Proposed Ordinance #6-07 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #6-07**

An Ordinance to Amend Section 256-1 and 256-2 Related to Trees.

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

**Section 1.** Section 256-1 of the City of Jefferson Municipal Code is hereby amended:

**§ 256-1. Planting, removal and maintenance of trees and shrubs.**

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

PARK TREE — Trees or shrubs on land in parkways and public parks having individual names and all areas belonging to the City to which the public has free access as a park.

PUBLIC NUISANCE — Any tree, shrub or part thereof which by reason of its condition and/or situation interferes with the use of the public area; those which jeopardize public health and safety are most commonly declared to be public nuisances.

(1) Hazardous trees and trees which obstruct travel or line of sight fall into this category.

- (2) Trees that harbor disease or insect infestation that may readily spread to adjacent trees; examples: Dutch elm disease (~~Ceratocystis ulmi~~), ~~and oak wilt (Ceratocystis fagacearum)~~, Gypsy moth and Emerald Ash Borer, etc.

STREET TREE — Trees or shrubs on land lying between the lot line and the curb or in the median of all boulevards, cul-de-sac and parkways belonging to the City.

TREE TOPPING — Severe cutting back of limbs to remove the normal canopy and disfigure the tree.

**Section 2.** Section 256-2 of the City of Jefferson Municipal Code is hereby amended:

**§ 256-2. ~~Dutch elm disease.~~ Tree Diseases**

- A. Public nuisance. ~~The Common Council having determined that the health of the elm trees within the City is threatened by a fatal disease known as "Dutch elm disease" hereby declares the following to be public nuisances:~~ Any tree or shrub or part thereof located upon any public or private property, which by reason of its condition obstructs reasonable and comfortable use of property, is infected with an infectious plant disease, is infested with injurious insects or pests, is injurious to public improvements, is dead or cannot substantially support foliage, or endangers the life, health or safety of persons or property
- (1) ~~Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles Scolytus multistriatus (Eichh) or Hylurgopinus rufipes (Marsh).~~
  - (2) ~~Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material, from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.~~
- B. Nuisances prohibited. No person shall permit any public nuisance as defined in Subsection A to remain on any premises owned or controlled by him within the City.
- C. Inspection. The City Forester shall inspect or cause to be inspected all premises and places within the City at least twice each year to determine whether any public nuisance as defined in Subsection A exists thereon and shall also inspect or cause to be inspected any ~~elm tree reported or suspected to be infected with Dutch elm disease or any elm bark bearing material reported or suspected to be infested with the elm bark beetle.~~ trees.
- D. Abatement of nuisances.
- (1) If the City Forester, upon inspection and examination, determines that any public nuisance as herein defined exists in or upon any public street, alley, park or other public place and that the danger to other elm trees within the City is imminent, they shall immediately cause it to be removed and burned or otherwise abate the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) If the City Forester determines with reasonable certainty that any public nuisance as herein defined exists in or upon private premises and that the danger to other ~~elm~~ trees within the City is imminent, they shall immediately serve upon the owner of such property, if they can be found, or upon the occupant thereof a written notice to abate such nuisance within five days of the service of said notice. If such owner or occupant does not abate said nuisance within the time limit, the City Forester shall cause the same to be abated. No damage shall be awarded to the owner for destruction of any ~~elm~~ tree, ~~elm~~ wood, or any part thereof pursuant to this section.
  - (3) If the City Forester is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with ~~Dutch-elm~~ a disease, they shall forward specimens from said tree for diagnosis and report to the Wisconsin Department of Agriculture ~~as in~~ Madison, Wisconsin, and shall proceed as provided in Subsection D(2) upon receipt of a positive report from the Department.
  - (4) In all cases where the City Forester shall determine upon inspection that any public nuisance as defined herein exists in or upon any public or private premises but that the danger to other ~~elm~~ trees within the City is not imminent because of ~~elm~~ dormancy, they shall make a written report of his findings to the Common Council and shall proceed as provided in § 27.09(4), Wis. Stats.
- E. Spraying of ~~elm~~ trees. Whenever it is determined in accordance with Subsection D that any ~~elm~~ tree or part thereof is infected with ~~Dutch-elm~~ disease fungus, the City Forester may cause to be sprayed all high-value ~~elm~~ trees within a radius of 1,000 feet thereof with an effective ~~elm bark beetle~~ insect destroying concentrate, provided that such spraying shall be performed prior to July 31.
- F. Assessment of costs of abatement and spraying.
- (1) The entire cost of abating any public nuisance as defined herein or of spraying any ~~elm~~ tree or part thereof may be chargeable to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands. The cost of abating any such nuisance or spraying any ~~elm~~ tree or part thereof which is located in or upon any park or public grounds shall be borne by the City.
  - (2) The City Forester shall keep strict account of the costs of work done under this section and shall report monthly to the City Clerk/Treasurer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The City Clerk/Treasurer shall include in his report to the Common Council the aggregate amounts chargeable to each lot or parcel so reported to him, and such amounts shall be levied and assessed against said parcels or lots in the same manner as other special taxes. Before such assessments are entered on the tax roll, the Common Council shall hold a public hearing on the proposed assessments and shall give advance notice thereof not less than 14 days before the time set for such hearing by publication in the official newspaper.
- G. Transporting of ~~elm~~ infected wood prohibited. No person shall transport within the City any bark bearing ~~elm~~ wood or material without first securing the written permission of the City Forester.
- H. Interference with City Forester. No person shall prevent, delay, or interfere with the City Forester or any of their agents or employees while they are engaged in the performance of duties imposed by this section.
- I. Penalty. Any person who shall violate any provision of this section or permit or cause a public nuisance shall be subject to a penalty as provided in Chapter 1, Article I of this Code.

**Section 3.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

This was a first reading.

**AN ORDINANCE TO AMEND SECTION 68-3 OF THE CITY OF JEFFERSON MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO THE REZONING OF THE ANNEXED PARCELS FROM THE ST. COLETTA PROPERTY**

Ald. Cross introduced Proposed Ordinance #7-07 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #7-07**

An Ordinance to Amend Section 300-19 B. of the Municipal Code of the City of Jefferson Related to Rezoning.

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

**Section 1.** Section 300-19 B. of the zoning map, City of Jefferson, Wisconsin, which is herein made a part, is amended to change district boundaries by designating a formal zoning designation of AG (Agricultural):

**Description:** (On file in the office of the City Clerk)

**Parcel #:** 241-0614-1211-000, 241-0614-1214-000, 241-0615-0722-001  
241-0615-0732-001, 241-0614-1241-000, 241-0614-0723-000  
241-0614-1244-000, Portion of 241-0614-1243-000

**Address:** Multiple Addresses

**Proposed Zoning Designation:** AG (Agricultural)

**Section 2.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation of the district boundary changes incorporated herein the zoning map, City of Jefferson.

This was a first reading.

**AN ORDINANCE TO AMEND SECTION 33-2 C. OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE MUNICIPAL JUDGE SALARY**

Ald. Oppermann introduced Proposed Ordinance #8-07 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #8-07**

An Ordinance to Amend Section 33-2 C. Related to the Salary of the Municipal Judge.

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

**Section 1.** Section 33-2 C. of the City of Jefferson Municipal Code is hereby created:

**§ 33-2. Municipal Judge. [Amended 10-18-2005 by Ord. No. 17-05; 10-18-2005 by Ord. No. 18-05; 5-2-2006 by Ord. No. 7-06]**

C. Salary. The salary of the Municipal Judge shall be fixed by the Common Council of the City of Jefferson, the Village Board of Johnson Creek, and the Town Board of the Town of Aztalan at ~~\$7,009~~ \$7,254 per year which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c) Wis. Stats. The municipalities may, by separate ordinance, allocate funds for the administration of the Municipal Court pursuant to § 66.30, Wis. Stats. For the term ending April 30, 2000, the Village of Johnson Creek shall tender the sum of \$4,500 per year, commencing May 1, 1998, and annually thereafter to the City of Jefferson. The Town of Aztalan shall tender \$25 per case administered to the City of Jefferson. The City of Jefferson shall pay the Municipal Judge's salary as set forth above. The City of Jefferson shall pay the Municipal Clerk's salary as budgeted from time to time.

**Section 2.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

This was a first reading.

**CONSENT AGENDA**

Ald. Peachey 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 consent agenda for May 1, 2007 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for May 2007 in the amount of \$100,078.61 and Payroll Summary for April 13, 2007 in the amount of \$116,904.17.
- ◆ Council Minutes from the Regular Session and Organizational Meeting of the April 17, 2007 Common Council Meetings.
- ◆ Licenses as Approved by the Regulatory Committee.
  - ◆ Operator's Licenses
  - ◆ Special Class B Licenses

Ald. Peachey, seconded by Ald. Havill moved to recommend Resolution No. 5. On call of the roll, motion carried unanimously. Ald. Oppermann, Ald. Peachey, Ald. Brandel and Ald. Cross abstained from the approval of the minutes.

**RESOLUTION TO RENEW INSURANCE COVERAGE THROUGH WAUSAU INSURANCE COMPANIES**

Ald. Havill introduced Resolution No. 6.

**CITY OF JEFFERSON  
RESOLUTION NO. 6**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to continue the City-wide insurance coverage through Wausau Insurance for the 2007-2008 insurance year.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to sign any related documents.

Ald. Havill stated that this was unanimously approved in Finance Committee. He added that the worker comp premium had declined significantly causing a slight decrease in the overall policy cost. Ald. Havill stated that the City Administrator would be pursuing other insurance alternatives for 2008.

Ald. Havill, seconded by Ald. Peachey moved to recommend Resolution No. 6. On call of the roll motion carried unanimously.

**RESOLUTION ACCEPTING A STATE/MUNICIPAL AGREEMENT FOR THE HIGHWAY 18/RACINE STREET RECONSTRUCTION PROJECT**

Ald. Brandel introduced Resolution No. 7.

**CITY OF JEFFERSON  
RESOLUTION NO. 7**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to enter into a contract with the State of Wisconsin Department of Transportation for the Reconstruction of Highway 18/Racine Street.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to sign any related documents.

Ald. Havill indicated that he was concerned that the City was signing an agreement which bound the Water/Electric Utility to fund the \$942,000 in improvements included in the contract. He questioned if we have any type of signed agreement with the Utility.

Ald. Beyer, representative of the Utility Commission indicated that the Utility is committed to the project and the financial expenditure.

City Engineer Ludwig then gave a brief overview of the project for the public in attendance.

Ald. Beyer clarified that we were agreeing to a contract, not the issuance of debt.

Ald. Brandel, seconded by Ald. Beyer moved to recommend Resolution No. 7. On call of the roll, motion carried unanimously.

Ald. Brandel, seconded by Ald. Havill moved to adjourn to closed session pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to Discuss the Hire of a Police Department Receptionist. On call of the roll, motion carried unanimously.

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

**RESOLUTION AUTHORIZING THE HIRE A POLICE DEPARTMENT  
DISPATCHER**

Ald. Tully introduced Resolution No. 8.

**CITY OF JEFFERSON  
RESOLUTION NO. 8**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to hire Leigh-Ann Hauser as police department dispatcher.

**BE IT FURTHER RESOLVED**, that Leigh-Ann Hauser will be hired at an hourly rate of \$10.93 and benefits shall be granted in accordance in the negotiated contract.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 8. On call of the roll, motion carried unanimously.

Ald. Tully, seconded by Ald. Beyer moved to adjourn the Tuesday, May 1, 2007 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, May 1, 2007, 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