

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, MAY 15, 2007**

The Tuesday, May 15, 2007 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Myers. Members present were: Ald. Oppermann, Ald. Tully, Ald. Beyer, Ald. Peachey, Ald. Brandel, Ald. Havill and Ald. Cross. Absent was: Ald. Endl. Also present were: City Administrator Freitag, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

None.

EMS WEEK PROCLAMATION

Mayor Myers then read a proclamation naming May 20-26 as EMS Week.

Ald. Oppermann stated that he wished to give the EMS a round of applause for all of their hard work.

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 second 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.

Ald. Beyer stated that the ordinance changed “Dutch Elm Disease” to reference any type of tree disease.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Proposed Ordinance #6-07. On call of the roll, motion carried unanimously.

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 second 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.

Ald. Havill stated that approval of Ordinance #8-07 was unanimous at Finance Committee and that the Committee also discussed looking at the fee structure for Aztalan and Johnson Creek for the coming budget year.

Ald. Oppermann, seconded by Ald. Havill moved to recommend Proposed Ordinance #8-07. On call of the roll, motion carried unanimously.

AN ORDINANCE TO ANNEX TERRITORY FROM THE TOWNSHIP OF AZTALAN TO THE CITY OF JEFFERSON

Ald. Brandel introduced Proposed Ordinance #9-07 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #9-07**

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 66.0217(3)(a) of the Wisconsin Statutes of 2004, the unanimous petition for direct annexation filed with the City Clerk on the 27th day of April, 2007, signed by the owners of all of the land in the territory (1 electors reside therein), the following described territory is in the Town of Aztalan, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

Lot 18 in Block C of Riverview Heights, in the Town of Aztalan, as recorded in Vol. 7 of Plats on Page 45, Jefferson County, Wisconsin – N5018 Thrush Lane, Jefferson – 002-0714-3531-043

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.

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.

This is a first reading.

CONSENT AGENDA

Ald. Peachey introduced Resolution No. 9.

CITY OF JEFFERSON RESOLUTION NO. 9

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 15, 2007 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April and May 2007 in the amounts of \$33,317.45 and \$120,485.44 and Payroll Summary for April 27, 2007 in the amount of \$121,743.75.
- ◆ Council Minutes from the Regular and Closed Session Meetings of the May 1, 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. 9. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT FOR POLICE DEPARTMENT TRAINING

Ald. Havill introduced Resolution No. 10.

**CITY OF JEFFERSON
RESOLUTION NO. 10**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby authorizes the following budget adjustment for the disbursement of pass thru training funds:

BUDGET ITEM	ACCOUNT #	CURRENT BUDGET	BUDGET ADJUSTMNT	REVISED AMOUNT
Travel, Training & Meetings	01-52110-30-312	\$4,000.00	(\$2,611.70)	\$6,611.70
Misc. Police Revenues	01-00000-45-291	\$3,000.00	\$2,611.70	\$5,611.70

Ald. Havill indicated that Resolution No. 10 was unanimously approved at Finance Committee and that the funding received was just a “pass thru” funding.

Ald. Havill, seconded by Ald. Peachey moved to recommend Resolution No. 10. On call of the roll, motion carried unanimously.

Ald. Oppermann, seconded by Ald. Brandel moved to adjourn to closed session pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss the Potential Purchase of the former Schweiger Property. On call of the roll, motion carried unanimously.

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

Ald. Tully, seconded by Ald. Peachey moved to adjourn the Tuesday, May 15, 2007 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, May 15, 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