

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, JUNE 5, 2007**

The Tuesday, June 5, 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. 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**

John Foust, 235 South Main Street, addressed the Council regarding the RDA Bylaws. Mr. Foust expressed concern over the 7:30 am meeting time and asked that the group reconsider moving their meeting time to a time which would allow for greater accessibility to the public and media.

**PUBLIC HEARING AND ACTION ON THE PROPOSED AMENDMENT TO  
SECITON 68-3 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED  
TO THE REZONING OF THE ANNEXED PARCELS FROM THE ST.  
COLETTA PROPERTY**

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

City Engineer Dan Ludwig gave an explanation of the proposed amendment to the official map.

Mayor Myers then announced that if any citizen wished to address the Common Council on this issue, they could stand and give their name and address and address the Council at this time.

Hearing from no one, Mayor Myers closed the public hearing.

Ald. Cross introduced Proposed Ordinance #7-07 for it second 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:

Being a part of the NW 1/4 of the SW 1/4 and the NW 1/4 and SW 1/4 of the Fractional NW 1/4 of Section 7, T6N, R15E, also a part of the NE 1/4 and SE 1/4 of the NE 1/4 and the SE 1/4 and SW 1/4 and NW 1/4 and NE 1/4 of the SE 1/4 of Section 12, T6N, R14E, all located in Town of Jefferson, Jefferson County, Wisconsin, described as follows:

Beginning at the Aluminum Monument that marks the NW corner of the Fractional NW 1/4 of said Section 7; Thence S88°32'19"E, along the North line of said Fractional NW 1/4, a distance of 499.78 feet, to the Northeast corner of the West 1/2 of the West 1/2 of the NW 1/4; Thence S00°26'26"E, along the East line of said West 1/2, a distance of 2641.70 feet, to the South line of said Fractional NW 1/4; Thence N88°26'22"W, along the said South line, a distance of 155.06 feet; Thence S01°04'07"E, parallel with the West line of the SW 1/4 of said Section 7, a distance of 866.25 feet; Thence N88°26'22"W, parallel with the South line of said fractional NW 1/4, a distance of 330.00 feet, to a point on the East line of the SE 1/4 of Section 12, Thence N88°10'01"W, parallel with the South line of the NE 1/4 of Section 12, a distance of 173.25 feet; Thence S01°04'26"E, parallel with the East line of the SE 1/4 of said Section 12, a distance of 1670.68 feet; Thence N87°16'26"W, parallel with the South line of said SE 1/4, a distance of 101.33 feet, to the Easterly Right of Way (R.O.W.) line of C.T.H. "Y"; Thence N41°51'28"W, along said R.O.W. line, a distance of 424.02 feet, to an angle point in said R.O.W.; Thence N48°08'32"E, along said R.O.W. line, a distance of 17.00 feet, to an angle point in said R.O.W.; Thence N41°51'28"W, along said R.O.W. line, a distance of 300.00 feet, to an angle point in said R.O.W.; Thence S48°08'32"W, along said R.O.W. line, a distance of 17.00 feet, to an angle point in said R.O.W.; Thence N41°51'28"W, along said R.O.W. line, a distance of 385.60 feet, to an angle point in said R.O.W.; Thence N48°08'32"E, along said R.O.W. line, a distance of 7.00 feet, to a point of curvature, said curve having it's center point in the Easterly direction, a radius of 1392.40 feet, a delta angle of 22°11'48", a chord that bears N30°45'33"W, and a chord length of 536.06 feet; Thence Northwesterly along said R.O.W. and the arc of said curve, a distance of 539.42 feet; Thence S63°51'50"W, a distance of 1556.68 feet, to a point on the West line of the SE 1/4 and to the City of Jefferson City Limits; Thence N00°58'19"W, along the West line of said SE 1/4, and along the City of Jefferson City Limits, a distance of 72.92 feet; Thence N63°51'50"E, a distance of 1534.77 feet, to a point on a curve on the Easterly R.O.W. line of C.T.H. "Y", said curve having it's center point in the Easterly direction, a radius of 1392.40 feet, delta angle of 11°38'15", a chord that bears N11°06'01"W, and a chord length of 282.33 feet; Thence Northwesterly, along said R.O.W. line and the Arc of said curve, a distance of 282.81 feet; Thence S84°43'06"W, along said R.O.W. line, a distance of 5.69 feet, to the West line of the East 1/2 of said SE 1/4; Thence N01°01'14"W, along said West line, a distance of 937.42 feet, to the South line of the NE 1/4 of Section 12; Thence S88°10'01"E, along said South line, a distance of 24.91 feet, to the Easterly R.O.W. line of said C.T.H. "Y"; Thence N01°06'52"E, along said R.O.W. line, a distance of 159.09, to a point of curvature, said curve having it's center point in the Westerly direction, a radius of 8390.25 feet, a delta angle of 02°44'30", a chord that bears N00°15'23"W, and a chord length of 401.46 feet; Thence Northwesterly along said R.O.W. line and the arc of said curve, a distance of 401.50 feet; Thence N01°37'38"W, along said R.O.W. line and said R.O.W. line extended, a distance of 2082.45, to the North line of NE 1/4 of said Section 12; Thence S88°09'23"E, along said North line, a distance of 1332.49 feet, to the Point of Beginning, containing 7,584,185 Sq. Ft. of land, more or less

**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.

Ald. Cross, seconded by Ald. Havill moved to recommend Proposed Ordinance #7-07. 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 second 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 3<sup>rd</sup> 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 has recommended a temporary zoning classification of R-1--Single Family Residential.

**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. Tax Payment.** In compliance with Section 66.0217(14)(a) Wis. Stats., the City of Jefferson acknowledges that it must pay annually the Town of Aztalan, for 5 years, an amount equal to the amount of property taxes that the town levied on the

annexed territory, as shown by the 2006 tax roll under Section 70.65 Wis. Stats., said amount being approximately \$2,132.80 in total for said 5 years.

**SECTION 7. Effective Date:** This ordinance shall take effect upon passage and publication as provided by law.

Ald. Brandel, seconded by Ald. Endl moved to recommend Proposed Ordinance #9-07. On call of the roll, motion carried unanimously.

**CONSENT AGENDA**

Ald. Peachey introduced Resolution No. 11.

**CITY OF JEFFERSON  
RESOLUTION NO. 11**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for June 5, 2007 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for June 2007 in the amount of \$327,367.62 and Payroll Summaries for May 11 & 25, 2007 in the amounts of \$130,732.23 and \$113,086.73.
- ◆ Council Minutes from the Regular and Closed Session Meetings of the May 15, 2007 Common Council Meetings.
- ◆ Licenses as Approved by the Regulatory Committee.
  - ◆ New & Renewal Operator's Licenses
  - ◆ Special Class B Licenses
  - ◆ New & Renewal Alcoholic Beverage Licenses

Ald. Peachey, seconded by Ald. Oppermann moved to recommend Resolution No. 11. On call of the roll, motion carried unanimously. Ald. Endl abstained from the approval of the minutes due to his absence.

**RESOLUTION AUTHORIZING THE APPLICATION FOR SALE OF GOODS IN PUBLIC RIGHT OF WAY TO TYSON FOODS**

Ald. Oppermann introduced Resolution No. 12.

**CITY OF JEFFERSON  
RESOLUTION NO. 12**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that Tyson Foods is hereby allowed to sell brats, hot dogs and burgers on public right-of-way.

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 12. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING OPTIONAL ADDITIONAL LIFE INSURANCE  
THRU THE WISCONSIN DEPARTMENT OF EMPLOYEE TRUST FUNDS  
PAID BY EMPLOYEE**

Ald. Tully introduced Resolution No. 13.

**CITY OF JEFFERSON  
RESOLUTION NO. 13**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that pursuant to the provisions of Chapter 40 of the Wisconsin Statutes such Common Council hereby determines to be included under the following group life insurance program provided by Chapter 40 of the Wisconsin Statutes for its eligible personnel:

Supplemental Group Life Insurance  
Additional Group Life Insurance (Units 1-3)  
Spouse and Dependent Group Life Insurance

**BE IT FURTHER RESOLVED**, that the proper officers are herewith authorized and directed to take all actions and make such deductions and submit such payments as are required by the Group Insurance Board of the State of Wisconsin to provide such group life insurance.

**BE IT FURTHER RESOLVED**, that the City of Jefferson WRS Agent submit a certified copy of this resolution to the State of Wisconsin Department of Employee Trust Funds.

Ald. Tully then read an excerpt from City Administrator Freitag's memo. Tully reiterated that the benefit would be offered at employee cost and it would be at no cost to the City.

Ald. Tully, seconded by Ald. Beyer moved to Resolution No. 13. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE JEFFERSON REDEVELOPMENT  
AUTHORITY TO PERFORM DUTIES OF THE PLANNING COMMISSION  
UNDER THE TAX INCREMENT LAW**

Ald. Endl introduced Resolution No. 14.

**CITY OF JEFFERSON  
RESOLUTION NO. 14**

**RESOLUTION AUTHORIZING THE  
REDEVELOPMENT AUTHORITY OF THE CITY OF JEFFERSON**

**TO PERFORM THE DUTIES OF THE  
PLANNING COMMISSION UNDER THE TAX INCREMENT LAW**

**WHEREAS** the City of Jefferson, Jefferson County, Wisconsin (the "City") has created the Redevelopment Authority of the City of Jefferson (the "RDA") pursuant to Section 66.1333 of the Wisconsin Statutes for the purpose of carrying out blight elimination, slum clearance, urban renewal and community and economic development programs and projects in the City; and

**WHEREAS** the City utilizes tax incremental financing pursuant to Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law") as a means of undertaking and promoting blight elimination and community and economic development projects; and

**WHEREAS** Section 66.1105(3)(f) of the Wisconsin Statutes authorizes cities to designate the local redevelopment authority, as agent of the city, to perform all acts, except the development of the master plan of the city, which are otherwise performed by the planning commission; and

**WHEREAS** the ordinance pursuant to which the RDA was created provides that the RDA shall have such additional powers, duties and functions related to community and economic development as are granted to the RDA by the Common Council; and

**WHEREAS**, because of the RDA's role in connection with blight elimination and community and economic development projects in the City, it is in the best interest of the City to designate the RDA to perform the duties otherwise performed by the Plan Commission under the Tax Increment Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that pursuant to Section 66.1105(3)(f) of the Wisconsin Statutes, the RDA is hereby designated to act, as agent of the City, to perform all acts, except development of the master plan of the City, which are otherwise performed by the Plan Commission under the Tax Increment Law.

Ald. Havill stated that approval was unanimous at Finance Committee.

Mayor Myers stated that this assignment of power on deals with tax incremental duties.

Ald. Beyer stated that the Council would still have the final say on the creation or amendments to a TIF District.

Ald. Endl, seconded by Ald. Brandel moved to recommend Resolution NO. 14. On call of the roll, motion carried unanimously.

**RESOLUTION ADOPTING THE JEFFERSON REDEVELOPMENT  
AUTHORITY BY-LAWS**

Ald. Beyer introduced Resolution No. 15.

**CITY OF JEFFERSON  
RESOLUTION NO. 15**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby adopts the Jefferson Redevelopment Authority By-Laws.

Ald. Havill indicated his concern over section (j.) of the bylaws noting that the statement seems vague. He questioned if there was a definition of “general powers & duties”.

Atty. Brantmeier indicated that the ultimate spending authority is at the discretion of the Council. He agreed that the statement was somewhat vague, but that the RDA goals are somewhat specific. He also noted that the Council has the ultimate authority on which projects the RDA undertakes. Brantmeier noted that he is unable to define “other duties” because it is impossible to know what the future might hold for the RDA.

Ald. Havill stated that he did not feel that the elimination of “j” as tying the hands of the RDA since many, many other powers are described in the bylaws.

Ald. Brandel indicated that this clause is put in this Statute as well as many other Statutes to cover the “what if” scenarios that might occur during the course of the RDA activities. He noted that the RDA would still need to exercise responsibility and operate inside the bylaws when using this section (j) to effectuate their goal(s).

Ald. Havill stated that he would like to see Council approval added to (j) – he stated that he felt that the statement was just too vague. Ald. Havill then stated that he felt it would not cause too many problems to have to wait a couple of weeks for the necessary Council approval.

Atty. Brantmeier stated that the legislators put this clause in the law to act as a safety net, not to undermine the Council’s authority. He added that this clause was put into place to account for unforeseen circumstances – situations that have not yet presented themselves.

Ald. Beyer asked if the legislature had specific examples which prompted them to add this section to the law.

Attorney Brantmeier stated that Ald. Brandel was correct. This is common language in many statutes and is included to help the “body” carryout its intended purpose. Brantmeier concluded by stating that he understood Ald. Havill’s concern on its vague nature and that if he desired, the bylaws could be amended.

Ald. Havill made a motion to amend section 2 j of the bylaws to read "...subject to Council approval". Motion died for lack of a second.

Ald. Oppermann then asked for an elaboration on the eminent domain powers.

Administrator Freitag indicated that if the powers were granted to the RDA, the blight determination must first be made by the Council and the same legal processes must be adhered to.

Ald. Oppermann stated that he felt uncomfortable with an appointed body making these decisions versus an elected body.

Ald. Havill stated that the Council has indirect approval thru the blight determination process, thereby having a chance to weigh in on the RDA's intentions.

Ald. Brandel stated that he wanted to take a moment to address the meeting time of the RDA. He stated that the time was set because all of the Committee members could be present at that time. He added that the time could be changed by a majority vote of the RDA at a future meeting. Brandel indicated that if a mutually agreeable time could be determined at a future meeting he would not be opposed to changing the time to later in the day.

Ald. Beyer, seconded by Ald. Tully moved to recommend Resolution No. 15. On call of the roll, motion carried by a vote of 7 to 1. Ald. Havill cast the dissenting vote.

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

Ald. Peachey, seconded by Ald. Brandel moved to adjourn the Tuesday, June 5, 2007 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, June 5, 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