

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, FEBRUARY 5, 2008**

The Tuesday, February 5, 2008 meeting of the City of Jefferson Common Council was called to order at 7:30 p.m. by Mayor Myers. Members present were: Ald. Beyer, Ald. Oppermann, Ald. Havill, Ald. Cross, Ald. Tully, Ald. Brandel and Ald. Peachey. Absent was: Ald. Endl. Also present were: City Administrator Freitag, City Engineer Ludwig and City Clerk/Treasurer Stewart.

**PUBLIC PARTICPATION**

Bob DeWolfe, 311 North Center provided the Council with a “Year in Review of the EMS Operations.

Marv Moldenhauer, N5039 Hillebrand Drive, addressed the Council regarding the annexation of Riverview Heights.

Wayne Hartwig, N5149 Hillebrand, addressed the Council regarding the annexation of Riverview Heights.

Bob Rupprecht, W5391 Jahn Drive, Johnson Creek, addressed the Council regarding the Riverview Heights annexation.

**RIVERVIEW HEIGHTS ANNEXATION OPTIONS**

Mayor Myers led a brief discussion regarding various connection options for the residents of Riverview Heights seeking annexation.

**KUEHN DEVELOPMENT AGREEMENT**

Attorney Brantmeier summarized the developer’s agreement that was sent to Atty. Zick who is representing Mr. Kuehn.

**ACCEPTANCE OF COUNTY OF JEFFERSON PETITION FOR ANNEXATION**

Ald. Beyer introduced Resolution No. 94.

**CITY OF JEFFERSON  
RESOLUTION NO. 94**

**WHEREAS**, a petition for direct annexation of the following territory of the Town of Jefferson, Jefferson County, Wisconsin, lying contiguous to the City of Jefferson, Wisconsin, was filed with the City Clerk on December 27, 2008.

Commencing at the North ¼ corner of Section 15, T6N, R14E; Thence S01°37'47" E, along the N-S ¼ line of Section 15, 59.89 feet to the Point of Beginning; Thence S01°37'47" E, along the N-S ¼ line of Section 15, 601.80 feet to the N/L of the South half of the NW ¼ NE 1/4 of Section 15; Thence S86°17'58"E, along the N/L of the South half of the NW ¼ NE ¼ and the N/L of the South half of the NE ¼ NE ¼, 2657.64

feet; to the E/L of Section 15; Thence S01°18'23"E, along the E/L of Section 15, 1985.80 feet to the East ¼ corner of Section 15; Thence S88°38'56"E, along the E-W ¼ line of Section 14, 343.40 feet to the west line of a railroad right of way; Thence S15°58'53"W, along the W/L of said railroad right of way, 2720.47 feet to the S/L of Section 15; Thence N86°14'18"W, along the S/L of Section 15, 2164.35 feet to the South ¼ corner of Section 15; Thence N01°37'47"W along the N-S ¼ line of Section 15, 995.64 feet to the S/L of the North quarter of the SE ¼ SW ¼; Thence N86°07'43"W, along the S/L of the North quarter of the SE ¼ SW ¼ and the S/L of the North quarter of SW ¼ SW ¼, 1688.60 feet to the East right of way line of C.T.H. "W"; Thence N18°23'14"E, along the East right of way line of C.T.H. "W", 1039.95 feet to the S/L of CSM #2076, Vol. 7 Page 27, Jefferson County Registry; Thence S72°28'44"E, (Rec. as S77°32'00"E), along the S/L of said CSM, 200.96 feet to the SE corner of said CSM; Thence N12°06'25"E, (Rec. as N07°03'01"E), along the E/L of said CSM, 302.53 feet to the NE corner of said CSM; Thence N85°49'18"W, (Rec. as S89°07'26"W), along the N/L of said CSM, 177.64 feet to the East right of way line of C.T.H. "W"; Thence N17°22'38"E, along the East right of way line of C.T.H. "W", 518.34 feet; Thence N72°25'42"W, across C.T.H. "W", 66.00 feet to the West right of way line of C.T.H. "W"; Thence N17°34'18"E, along the West right of way line of C.T.H. "W", 1305.28 feet; Thence N20°39'16"E, along the West right of way of C.T.H. "W", 523.11 feet to a point of curvature; Thence along the arc of a curve and the West right of way line of C.T.H. "W", having a radius of 1333.00 feet and a chord of 594.18 feet that bears N33°31'56"E to a point of tangency; Thence N46°24'36"E, along the West right of line of C.T.H. "W", 219.98 feet to the Point of Beginning.

**WHEREAS**, the City Clerk has investigated the petition and certified to the Common Council that it was signed by the owner of all of the real property in the proposed area in the territory proposed for annexation as of the date of filing of the petition and that the territory to be annexed is properly described in the petition and shown on the scale map attached thereto, is contiguous to the City of Jefferson and is unincorporated;

**NOW THEREFORE**, the Common Council of the City of Jefferson, Wisconsin, determines that the petition for annexation of the above-described territory is a sufficient and legal petition conforming to the requirements of sec. 66.0217(7)(a)2 of the Wisconsin Statutes.

Ald. Beyer, seconded by Ald. Brandel moved to recommend Resolution No. 94. On call of the roll, motion carried unanimously.

**AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF JEFFERSON FROM THE TOWN OF JEFFERSON**

Ald Tully introduced Proposed Ordinance #1-08 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #1-08**

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

**SECTION 1. Territory Annexed.** In accordance with Section 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 27<sup>th</sup> day of December, 2007, signed by a number of electors residing in the territory equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election and the owners of at least ½ of the land in area and real property in assessed value in the territory, the following described territory in the Town of Jefferson, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

Commencing at the North ¼ corner of Section 15, T6N, R14E; Thence S01°37'47" E, along the N-S ¼ line of Section 15, 59.89 feet to the Point of Beginning; Thence S01°37'47" E, along the N-S ¼ line of Section 15, 601.80 feet to the N/L of the South half of the NW ¼ NE ¼ of Section 15; Thence S86°17'58"E, along the N/L of the South half of the NW ¼ NE ¼ and the N/L of the South half of the NE ¼ NE ¼, 2657.64 feet; to the E/L of Section 15; Thence S01°18'23"E, along the E/L of Section 15, 1985.80 feet to the East ¼ corner of Section 15; Thence S88°38'56"E, along the E-W ¼ line of Section 14, 343.40 feet to the west line of a railroad right of way; Thence S15°58'53"W, along the W/L of said railroad right of way, 2720.47 feet to the S/L of Section 15; Thence N86°14'18"W, along the S/L of Section 15, 2164.35 feet to the South ¼ corner of Section 15; Thence N01°37'47"W along the N-S ¼ line of Section 15, 995.64 feet to the S/L of the North quarter of the SE ¼ SW ¼; Thence N86°07'43"W, along the S/L of the North quarter of the SE ¼ SW ¼ and the S/L of the North quarter of SW ¼ SW ¼, 1688.60 feet to the East right of way line of C.T.H. "W"; Thence N18°23'14"E, along the East right of way line of C.T.H. "W", 1039.95 feet to the S/L of CSM #2076, Vol. 7 Page 27, Jefferson County Registry; Thence S72°28'44"E, (Rec. as S77°32'00"E), along the S/L of said CSM, 200.96 feet to the SE corner of said CSM; Thence N12°06'25"E, (Rec. as N07°03'01"E), along the E/L of said CSM, 302.53 feet to the NE corner of said CSM; Thence N85°49'18"W, (Rec. as S89°07'26"W), along the N/L of said CSM, 177.64 feet to the East right of way line of C.T.H. "W"; Thence N17°22'38"E, along the East right of way line of C.T.H. "W", 518.34 feet; Thence N72°25'42"W, across C.T.H. "W", 66.00 feet to the West right of way line of C.T.H. "W"; Thence N17°34'18"E, along the West right of way line of C.T.H. "W", 1305.28 feet; Thence N20°39'16"E, along the West right of way of C.T.H. "W", 523.11 feet to a point of curvature; Thence along the arc of a curve and the West right of way line of C.T.H. "W", having a radius of 1333.00 feet and a chord of 594.18 feet that bears N33°31'56"E to a point of tangency; Thence N46°24'36"E, along the West right of line of C.T.H. "W", 219.98 feet to the Point of Beginning.

**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. Temporary Zoning Classification.** The Plan Commission is directed to designate a temporary zoning for the proposed annexation territory and to

submit its recommendation to the Common Council prior to the second reading of such ordinance.

**SECTION 4. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the 6<sup>TH</sup> Ward, District C of the City of Jefferson, subject to the ordinances, rules and regulation of the City of Jefferson governing wards.

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

**SECTION 6. Payment to Town.** In lieu of Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually an amount equal to the amount of property taxes that the town levied on the annexed territory as required by the Boundary Agreement between the City of Jefferson and the Town of Jefferson.

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

This was a first reading.

**AN ORDINANCE TO AMEND SECTION 14-2. A. OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE COMPOSITION OF THE PLAN COMMISSION**

Ald. Cross introduced Proposed Ordinance #2-08 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #2-08**

An Ordinance to Amend a portion of Section 14-2. A. of the City of Jefferson Municipal Code Related to the Composition of the Plan Commission:

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

**Section 1.** The following portion of Section 14 A. is hereby amended as follows:

**§ 14-2. Plan Commission.**

A. Composition. The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, ~~the City Director of Public Works/Engineer~~, the Chairman of the Parks and Recreation Commission, an Alderperson and ~~three~~ **four** citizens. Citizen members shall be persons of recognized experience and qualifications.

**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. 95.

**CITY OF JEFFERSON  
RESOLUTION NO. 95**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for February 5, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable December 2007 in the amount of \$209,198.81 and January 2008 in the amount of \$101,662.29 and Payroll Summary for January 18, 2008 in the amount of \$121,087.51.
- ◆ Council Minutes from the Regular and Closed Session Meeting of the January 15, 2008 Common Council Meeting and the December 15, 2007 Committee of the Whole.
- ◆ Licenses as Approved by the Regulatory Committee.
  - ◆ Operator's Licenses
  - ◆ Special Class B Licenses

Ald. Peachey, seconded by Ald. Tully moved to recommend Resolution No. 95. On call of the roll, motion carried unanimously.

**2008 TREE PRUNING AND REMOVAL**

Ald. Havill introduced Resolution No. 96.

**CITY OF JEFFERSON  
RESOLUTION NO. 96**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City Administrator is hereby authorized to contract with Two Guys Trimming of Jefferson, WI to perform pruning and tree removal for 2008 at a not to exceed price of \$8,500 (\$9,200.00 has been budgeted in 2008 for this service).

Ald. Havill, seconded by Ald. Brandel moved to recommend Resolution No. 96. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE 2008 FIREWORKS DISPLAY**

Ald. Brandel introduced Resolution No. 97.

**CITY OF JEFFERSON**

**RESOLUTION NO. 97**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the Parks, Recreation and Forestry Director is hereby authorized to accept the proposal from Five Star Fireworks in the amount of \$4,500 for the services to provide a firework display on July 3 at Pitzner Parkway in the City of Jefferson.

Ald. Brandel, seconded by Ald. Beyer moved to recommend Resolution No. 97. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING A CONTRACT WITH TOWN AND COUNTRY ENGINEERING FOR RACINE STREET SANITARY SEWER CONSTRUCTION SERVICES**

Ald. Brandel introduced Resolution No. 98.

**CITY OF JEFFERSON  
RESOLUTION NO. 98**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin authorizes the City Administrator to execute the Agreement for Construction Administration Services and Resident Engineering Services for the Racine Street Sanitary Sewer Replacement Construction Project with Town and Country Engineering, Inc. in an amount not to exceed \$62,100.

Ald. Brandel, seconded by Ald. Beyer moved to recommend Resolution No. 98. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING A STORM WATER RUNOFF ANALYSIS FOR THE FAIRWAY CIRCLE/BRICKYARD COURT CONDOMINIUM AREA**

Ald. Oppermann introduced Resolution No. 99.

**CITY OF JEFFERSON  
RESOLUTION NO. 99**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin hereby authorize the City Administrator to retain the services of Town and Country Engineering, Inc. to complete a storm water runoff analysis for the Fairway Circle/Brickyard Court Condominium Area for an amount not to exceed \$12,000.

Ald. Oppermann, seconded by Ald. Brandel moved to recommend Resolution No. 99. On call of the roll, motion carried by a vote of 6 to 0, with one abstention. Ald. Cross abstained from the vote.

Ald. Brandel, seconded by Ald. Tully moved to adjourn the Tuesday, February 5, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, February 5, 2008, 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