

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, JUNE 3, 2008**

The Tuesday, June 3, 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. Cross, Ald. Endl, Ald. Tully, Ald. Brandel, Ald. Carnes and Ald. Peachey. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Engineer Ludwig and City Clerk/Treasurer Stewart.

PUBLIC PARTICPATION

Marv Moldenhauer, N5039 Hillebrand Drive, addressed the Council regarding an Editorial which appeared in the Tuesday edition of the Jefferson County Daily Union. Mr. Moldenhauer indicated that the editorial incorrectly stated that the homes with failing septics in the Riverview Heights Subdivision were polluting the river. Moldenhauer stated that this was not the case at all – the septic systems in the area are failing, but not causing any discharge to the river. He also noted that the editorial incorrectly stated that the Township of Aztalan had come to the City to set up a sanitary sewer district. He stated that this was also incorrect – noting that the Township planned to set the district up and then dedicate it to the City.

Janet Werner, N4018 Highway Y, addressed the Council regarding the Great Chair Caper and the next Concert in the Park. Werner stated that the events are scheduled for next Wednesday and she hoped to see everyone there.

Mayor Myers then noted that item number 6 on the agenda would be dealt with immediately after Ordinance #7-08. He stated that he would be turning the meeting over to Council President Tully at this time and then left the Chambers (7:42pm)

AN ORDINANCE TO ANNEX TERRITORY FROM THE TOWNSHIP OF AZTALAN COMMONLY REFERRED TO AS THE “BEILKE PROPERTY”

Ald. Tully introduced Proposed Ordinance #7-08.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #7-08**

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 21st day of April, 2008, 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 Aztalan, Jefferson County, Wisconsin, is annexed to the City of Jefferson, Wisconsin:

The SE ¼ of the NE ¼ and part of the SW ¼ and NW ¼ of the NE ¼ and Government Lots 1 and 2 of Section 35, T7N, R14E, Town of Aztalan, Jefferson County, Wisconsin to-wit:

Commencing at the E¼ corner of said Section 35; thence N1°16'57"E, along the east line of said SE ¼ of the NE ¼, 1330.58 feet to NE corner thereof; thence N89°27'47"W, along the north line of said SE ¼ of the NE ¼ and the north line of said SW ¼ of the NE ¼, 1870.56 feet to the southerly line of the proposed S.T.H. "26" Jefferson Bypass; thence N3°53'22"E, along said southerly line, 12.37 feet; thence N17°54'06"W, along said southerly line 124.60 feet; thence N68°39'02"W, along said southerly line, 84.75 feet; thence S66°07'31"W, along said southerly line, 425.13 feet to the centerline of W. Junction Road; thence S89°51'10"E, along said centerline, 425.70 feet to the NE corner of Lot 1, C.S.M. #2796; thence S0°08'50"W, along the east line of said Lot 1, 430.00 feet to the SE corner thereof; thence N89°51'10"W, along the south line of said Lot 1 and the south line of Lot 1, C.S.M. #894, 657.49 feet to the SW corner thereof; thence along the easterly line of S.T.H. "26", being the arc of a curve, concave easterly, having a radius of 11,369.19 feet and a chord that bears N4°14'41"E, 270.38 feet; thence S65°57'30"W, along said southerly line of proposed S.T.H. "26" Jefferson Bypass, 205.25 feet to the westerly line of said S.T.H. "26"; thence along said westerly line, being the arc of a curve, concave easterly, having a radius of 11,549.19 feet and a chord that bears N8°25'13"E, 1606.28 feet to the north line of said NE ¼; thence S68°36'53"W, 170.66 feet to the east line of Watertown Road; thence N76°15'28"W, 33.00 feet to the centerline of said Watertown Road; thence along said centerline being the arc of curve, concave easterly, having a radius of 3600.00 feet and a chord that bears S10°09'47"W, 421.42 feet more or less to the point of tangency; thence S7°15'08"W, along said centerline, 87.10 feet more or less to the SE corner of the parcel described in Jefferson County Document #839609; thence N89°18'52"W, along the southerly line of said parcel, 59.50 feet; thence S7°15'08"W, along said southerly line, 157.50 feet; thence N89°18'52"W, along said southerly line, 132.00 feet; thence N83°55'52"W, along said southerly line, 140.90 feet; thence N75°58'52"W, along said southerly line, 510 feet more or less to the Rock River; thence southerly along said Rock River to the NW corner of the parcel described in Jefferson County Document #1160936 a closing bearing and distance of S15°04'05"W, 1623.63 feet; thence S50°45'43"E, along the northerly line of said parcel, 75 feet more or less; thence S70°29'43"E, along said northerly line, 351.00 feet; thence S1°19'43"E, along said northerly line, 277.07 feet; thence S89°25'43"E, along said northerly line, 604.20 feet to the centerline of said Watertown Road; thence S7°06'09"W, along said centerline 66.43 feet to the E-W ¼ line of said Section 35; thence S89°25'43"E, along said E-W ¼ line 3064.36 feet to the point of beginning, containing 130 acres more or less.

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 has recommended a temporary zoning designation of A-1.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the 3rd Ward, District B 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. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to 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 tax roll under Wis. Stat. sec. 70.65 in 2007.

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

Ald. Tully, seconded by Ald. Endl moved to recommend Proposed Ordinance #7-08. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND SECTION 300-19B OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE REZONING OF THE PROPERTY COMMONLY REFERRED TO AS THE “BEILKE PROPERTY”

Ald. Cross introduced Proposed Ordinance #11-08 for its first reading.

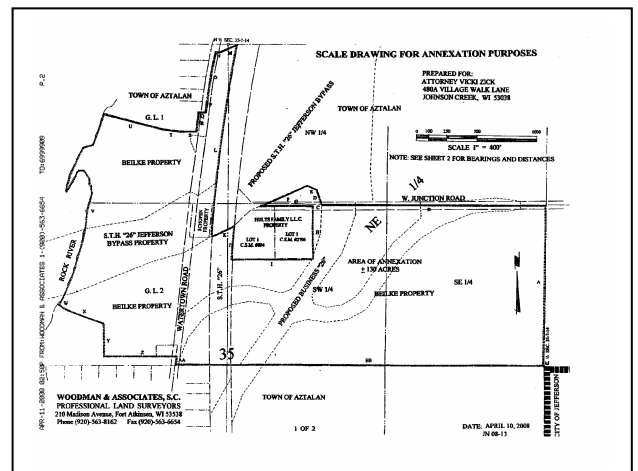
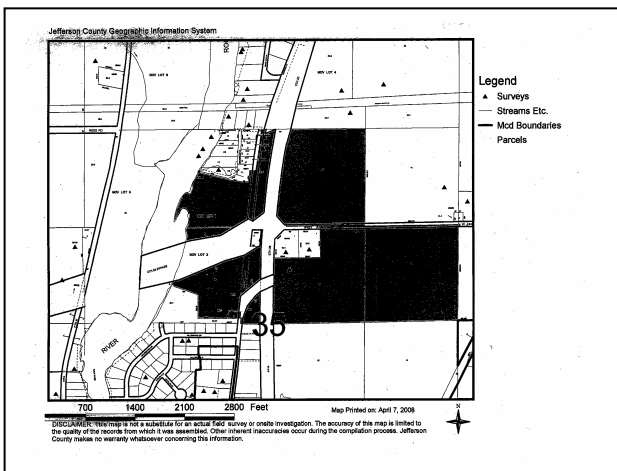
**CITY OF JEFFERSON
PROPOSED ORDINANCE #11-08**

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 designations of AG (Agriculture) and BHN (Highway and Neighborhood Business District)

- Description:** Map Below
- Parcel #:** Multiple
- Address:** N5111 Watertown Road
- Proposed Permanent Zoning Designation:** All property West of Watertown Road to be zoned AG (Agriculture) and All property to the East of Watertown Road to be zoned BHN (Highway & Neighborhood Business District) excluding property belonging to the State of Wisconsin for highway purposes and property belonging to Randy Schopen (Capn’s Corner)



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.

Mayor Myers then returned to the meeting (7:46 pm).

ACCEPTANCE OF PETITION FOR ANNEXATION

Ald. Carnes introduced Resolution No. 18.

**CITY OF JEFFERSON
RESOLUTION NO. 18**

WHEREAS, a petition for direct annexation of the following territory of the Town of Aztalan, Jefferson County, Wisconsin, lying contiguous to the City of Jefferson, Wisconsin, was filed with the City Clerk on May 21, 2008.

PETITION FOR ANNEXATION OF TERRITORY TO CITY OF JEFFERSON, WI

TO: Tanya Parlow Stewart, Clerk
City of Jefferson
317 South Main Street
Jefferson, WI 53549

In accordance with Wis. Stats. 66.0217(5), this petition is for annexation to the City of Jefferson of a portion of Riverview Heights in the Town of Aztalan, Jefferson County, Wisconsin described by Lots, Blocks and streets below and map (Exhibit A) showing territory being annexed and boundary of the City of Jefferson to these properties.

The current population of such territory is 67.

We, the undersigned, elect that this annexation shall take effect to the fullest extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further request that the subject property remain zoned as currently zoned.

Dated this 18 day of May, 2008.

Respectfully submitted,

Marvin A. Moldenbauer Wynne R. Harwig Robert G. Rupprecht
NS939 Hillebrand Drive NS149 Hillebrand Drive P.O. Box 89
Jefferson, WI 53549 Jefferson, WI 53549 Jefferson, WI 53549

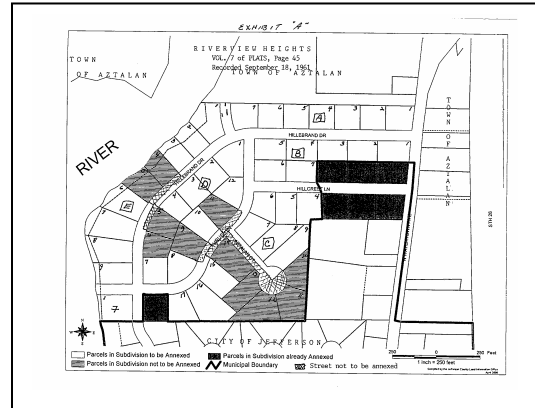
The following lots and streets located in Riverview Heights, Town of Aztalan, Jefferson County, Wisconsin:

BLOCK A: Lots 1, 2, 3, 4, 5, 6 and 7
BLOCK B: Lots 1, 2, 3, 4, 5, 6 and 7
BLOCK C: Lots 4, 5, 6, 7, 8, 9, 15, 16 and 17
BLOCK D: Lots 1, 2, 3, 4, 7, 8, 10 and 12
BLOCK E: Lots 1, 2, 3, 6, 7, 8 and 9
BLOCK F: Lot 1

Hillebrand Drive, Thrush Lane, Hillcrest Lane, Forest Lane and the Northeastly Half of Aztalan Court between the extended Northwestery line of Lot 7, Block C and the extended Southeastery line of Lot 9, Block C. Excepting the following portions of streets which are not included within the annexation:

- Hillebrand Drive**
 - West Half of Hillebrand Drive between extended North line of Lot 4 and extended South Line of Lot 5, Block E.
 - East Half of Hillebrand Drive between extended North and South lines of Lot 5, Block D.
- Thrush Lane**
 - West Half of Thrush Lane between extended North and South lines of Lot 11 and the extended North and South lines of Lot 9 Block D.
 - East Half of Thrush Lane between extended North and South lines of Lot 14, Block C.
- Aztalan Court:**
 - The remaining portion of Aztalan Court in Block C except as hereinbefore specifically included.

5-01



WHEREAS, the City Clerk has investigated the petition and certified to the Common Council that it was signed by a majority of electors and property owners of at least one-half of the proposed area for annexation (to the best of our knowledge); and, said Petition for Annexation and Notice contain a legal description of the territory proposed to be annexed sufficiently accurate to determine its location, designates the area to be annexed to the City of Jefferson, designates the area as being proposed to be detached from the Town of Aztalan. And, the proposed petition for annexation has been submitted to the State of Wisconsin Department of Administration for review;

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. Carnes, seconded by Ald. Brandel moved to recommend Resolution No. 18. On call of the roll, motion carried unanimously.

AN ORDINANCE TO ANNEX TERRITORY FROM THE TOWNSHIP OF AZTALAN FOR PARCELS LOCATED IN THE RIVERVIEW HEIGHTS SUBDIVISION

Ald. Brandel introduced Proposed Ordinance #10-08 for its first reading.

**CITY OF JEFFERSON
ORDINANCE #10-08**

ANNEXING TERRITORY FROM THE TOWNSHIP OF AZTALAN

SECTION 1. Annexation Petition. In accordance with s. 66.0217(3)(a) of the Wisconsin Statutes of 2004, the Notice of Intent to Circulate an Annexation Petition was filed with the City Clerk on the 6th day of May, 2008. A Petition for Annexation was presented to the City Clerk of the City of Jefferson on the 21st of May, 2008 under statutory authority of Section 66.0217(3) of the Wisconsin State Statutes. The petition was signed by a majority of electors and property owners of at least one-half of the proposed area for annexation (to the best of our knowledge); and, said Petition for Annexation and Notice contain a legal description of the territory proposed to be annexed sufficiently accurate to determine its location, designates the area to be annexed to the City of Jefferson, designates the area as being proposed to be detached from the Town of Aztalan. And, the proposed petition for annexation has been submitted to the State of Wisconsin Department of Administration for review.

SECTION 2. Territory Annexed. In accordance with s. 66.0217(3) of the Wisconsin Statutes of 2004, the Petition for Annexation described the following territory as being detached from the Town of Aztalan, Jefferson County, Wisconsin, and annexed to the City of Jefferson, Wisconsin:

Legal description and map attached

SECTION 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 2 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 4. Ward Designation. The territory described in Section 2 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 5. 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 6. 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 7. Effective Date: This ordinance shall take effect upon passage and publication as provided by law.

PETITION FOR ANNEXATION OF TERRITORY TO CITY OF JEFFERSON, WI

TO: Tanya Parlow Stewart, Clerk
City of Jefferson
517 South Main Street
Jefferson, WI 53549

In accordance with Wis. Stats. 66.0217(5), this petition is for annexation to the City of Jefferson of a portion of Riverview Heights in the Town of Aztalan, Jefferson County, Wisconsin described by lots, blocks and streets below and map (Exhibit A) showing territory being annexed and boundary of the City of Jefferson to these properties.

The current population of such territory is 6

We, the undersigned, elect that this annexation shall take effect to the fullest extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further request that the subject property remain zoned as currently zoned.

Dated this 16 day of May, 2008.

Respectfully submitted,

<i>Murray A. Mildenbauer</i> Murray A. Mildenbauer N5039 Hillebrand Drive Jefferson, WI 53549	<i>Wayne R. Harvis</i> Wayne R. Harvis N5149 Hillebrand Drive Jefferson, WI 53549	<i>Robert G. Rupprecht</i> Robert G. Rupprecht P.O. Box 89 Jefferson, WI 53549
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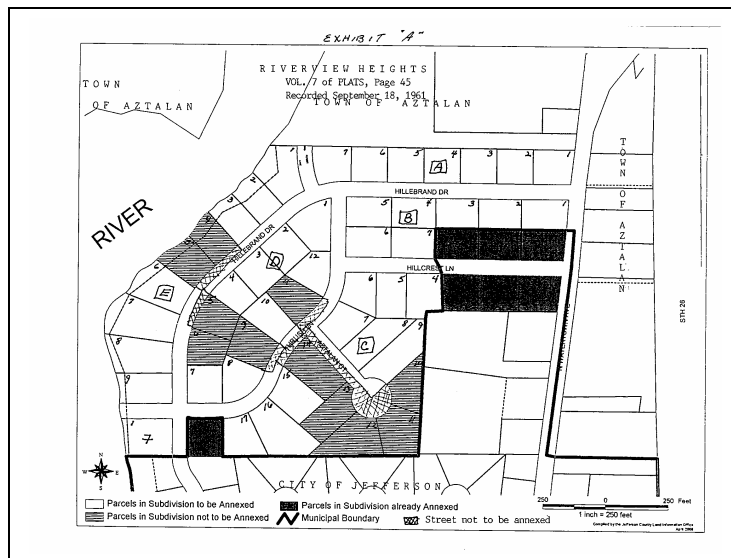
The following lots and streets located in Riverview Heights, Town of Aztalan, Jefferson County, Wisconsin:

BLOCK A: Lots 1, 2, 3, 4, 5, 6 and 7
BLOCK B: Lots 1, 2, 3, 4, 5, 6 and 7
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BLOCK E: Lots 1, 2, 3, 6, 7, 8 and 9
BLOCK F: Lot 1

Hillebrand Drive, Thrush Lane, Hillcrest Lane, Forest Lane and the Northeastly Half of Aztalan Court between the extended Northwestly line of Lot 7, Block C and the extended Southeastly line of Lot 9, Block C. **Excepting the following portions of streets which are not included within the annexation:**

1. **Hillebrand Drive**
 - a. West Half of Hillebrand Drive between extended North line of Lot 4 and extended South Line of Lot 5, Block E.
 - b. East Half of Hillebrand Drive between extended North and South lines of Lot 5, Block D.
2. **Thrush Lane**
 - a. West Half of Thrush Lane between extended North and South lines of Lot 11 and the extended North and South lines of Lot 9 Block D
 - b. East Half of Thrush Lane between extended North and South lines of Lot 14, Block C.
3. **Aztalan Court:**
 - a. The remaining portion of Aztalan Court in Block C **except as hereinbefore** specifically included.

5-01



This was a first reading.

Mayor Myers indicated that the timetable that was previously discussed for the construction of the sanitary sewer is now delayed. Myers indicated that a start date for installation may not be until 2009.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 19.

**CITY OF JEFFERSON
RESOLUTION NO. 19**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for June 3, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable June 2008 in the amount of \$291,621.76 and Payroll Summary for May 23, 2008 in the amount of \$132,048.92.
- ◆ Council Minutes from the April 10, 2008 Joint Meeting of the Common Council and the May 20, 2008 Regular Session Meeting of the Common Council.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses (New/Renewal)
 - ◆ Special Class B Licenses
 - ◆ Alcoholic Beverage Licenses (New/Renewal).

Renewal of the Harder's Bar Alcoholic Beverage License and the Harder's Bar Operator's Licenses were tabled until the June 17th, 2008 meeting of the Regulatory Committee.

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 19. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF A
COMPUTER SERVER FOR THE POLICE DEPARTMENT**

Ald. Peachey introduced Resolution No. 20.

**CITY OF JEFFERSON
RESOLUTION NO. 20**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin, that the Common Council of the City of Jefferson hereby approves the

replacement of the Police Department computer server on an emergency basis at an estimated cost of \$22,566 (\$16,177 for equipment and \$5,185 installation labor) and authorizes the Chief of Police to contract with Premium Computers to complete the project, with funding to come from the General Fund Contingency Appropriation.

Ald. Peachey, seconded by Ald. Carnes moved to recommend Resolution No. 20. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN APPLICATION FOR BRIDGE AID

Ald. Beyer introduced Resolution No. 21.

**CITY OF JEFFERSON
RESOLUTION NO. 21**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson is authorized to apply for Bridge Aid from Jefferson County Bridge. The City's portion of the project will be \$2,032.

WHEREAS, this aid will allow the city of Jefferson to provide a bottom fence rail on the North Street Bridge. At the current time, the fabric of the chain link fence has stretched at the bottom and it has now become an entrapment issue.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council does approve and authorize the preparation and filing of an application for the above-named project and the Parks, Recreation and Forestry Director is hereby authorized to sign all necessary documents on behalf of the City; and that authority is hereby granted to the to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

Ald. Oppermann asked if any bids had been locally received.

City Administrator Freitag indicated that if the aid application is accepted and the project proceeds, the City will check local suppliers.

Ald. Peachey stated that approval of the Resolution was unanimous at Finance Committee. He also noted that the entire amount of the project would need to be budgeted for and the City would then be reimbursed.

Ald. Beyer, seconded by Ald. Peachey moved to recommend Resolution No. 21. On call of the roll, motion carried unanimously.

Ald. Brandel, seconded by Ald. Beyer moved to adjourn the Tuesday, June 3, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, June 3, 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