

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, SEPTEMBER 16, 2008**

The Tuesday, September 16, 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. Carnes, Ald. Cross, Ald. Brandel, Ald. Tully, Ald. Endl and Ald. Peachey. Absent was: Ald. Oppermann. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

PUBLIC PARTICPATION

Janet Werner, N4018 Highway Y, addressed the Council regarding Autumn Fest. She reminded the Council that October 4th is the big day and that the Street Dance is from 1-4pm.

Brent Hyden, 1156 Hillebrand Drive, addressed the Council regarding the seal coating which took place on Connelly Drive and Hillebrand Drive. He asked what had happened and wondered if the same problem would happen again this year. City Engineer Ludwig then provided a brief explanation of what had happened and the steps taken to improve the situation.

AN ORDINANCE TO AMEND SECTION 300-17 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO SWIMMING POOLS

Ald. Cross introduced Proposed Ordinance #14-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #14-08**

An Ordinance to Amend Section 300-17 of the City of Jefferson Municipal Code Related to Swimming Pools.

The Common Council, of the City of Jefferson, Jefferson County, Wisconsin hereby ordains as follows:

Section 1. Section 300-17 of the Zoning code entitled "POOL" shall remain as written, but amended to read and provide as follows:

Sec. 300-17 SWIMMING POOLS

(b) Exempt pools.

- (1) Storable swimming or wading pools having a diameter of eighteen (18) feet or less and a wall height of forty-two (42) inches or less and which are constructed in such a way as to be readily disassembled for storage and reassembled to original integrity;
- (2) Storable swimming or wading pools with nonmetallic inflatable walls regardless of dimension.

- (3) All temporary swimming pools shall be removed and stored by November 1. Swimming pools shall not be allowed in front yards. Swimming pools on side or in back yards shall be a minimum of 15 feet from the property line.
- (4) All swimming pools shall be covered and ladders removed when not in use.

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. Cross, seconded by Ald. Brandel moved to recommend Proposed Ordinance #14-08. On call of the roll, motion carried unanimously.

AN ORDINANCE TO CREATE SECTIONS 139-9, 139-10 AND 139-11 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO FIRE INSPECTION FEES

Ald. Tully introduced Proposed Ordinance #15-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #15-08**

An Ordinance to Create Section 139-9, 139-10 and 139-11 of the City of Jefferson Municipal Code Relating to Fire Inspection Fees.

The Common Council, of the City of Jefferson, Jefferson County, Wisconsin hereby ordains as follows:

Section 1. Section 139-9, 139-10 and 139-11 of the City Of Jefferson Municipal Code Relating To Fire Inspection Fees is hereby created:

§ 139-9 SPECIAL INSPECTIONS REQUIRED.

- A. At the adoption of this code, all CBRF's, adult family homes, adult daycare centers and child daycare centers (group) will be inspected no less than once a year by the fire department. Courtesy fire inspections are recommended for all family child daycares. This inspection will be in addition to any and all commercial premises located within the City of Jefferson. This ordinance exempts any and all premises/facility owned by a governmental body from the requirements of payments of fees.
- B. Furthermore, at the adoption of this code, all other buildings subject to the Wisconsin Commercial Building Code require an annual inspection and be subject to the fee set annually by the Common Council in the Schedule of Fees.

§ 139-10 FIRE INSPECTION FEES.

- A. An annual fire inspection fee shall be charged to the property owner for required inspections of each building, structure, and premises.
- B. The annual fees shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property and all proceedings in relation to the collection, return, and sale of the property for delinquent real estate taxes shall apply to the inspection fee.
- C. The fee for the required fire inspection shall be established by the City Council Resolution from time to time.

§ 139-11 FEES RELATING TO FIRE PROTECTION SYSTEMS.

- A. Fees shall be established for certificates, approvals, and other functions performed under this code and shall be payable to the Municipality. Such fees shall accompany each application for such approval, certificate, or other fee related code provision. Fees are subject to change. All fees pertain to new construction and remodeling of existing buildings or occupancy.

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 is a SECOND reading. Council action is requested.

Structure **Fees**
 (1). Residential Multifamily:

3 - 35 units	\$6.00 per unit
36 - 60 units	\$250
61 - 100 units	\$275
100 or more	\$300

(2). The fee for hotels and motels shall be the same as for residential property, except that the fee shall be calculated on a per room basis.

(3). The fee for mobile homes shall be the same as for residential property, except that the fee shall be calculated on a per mobile unit basis.

(4). High life safety facilities (hospital, nursing homes, community-based residential facilities) square footage refers to the floor area of any building or structure:

Under 5,000 square feet	\$75
5,000 - 25,000 square feet	\$150
25,000 - 100,000 square feet	\$225
100,000 - 300,000 square feet	\$450

Over 300,000 square feet	\$450, plus \$100 per additional 25,000 square feet over 300,000 square feet
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(5). All other buildings subject to the Wisconsin Commercial Building Code. Square footage refers to the total floor area of any building or structure:

Under 5,000 square feet	\$50
5,000 - 25,000 square feet	\$100
25,000 - 100,000 square feet	\$150
100,00 - 300,000 square feet	\$300
300,000 - 1,000,000 square feet	\$600
Over 1,000,000 square feet	\$1,000

* Premises located within the City shall be inspected, pursuant to Wisconsin Statutes

- All buildings, structures and premises owned by the City of Jefferson, other government body, or public school district shall be exempt from the annual fire prevention inspection fee.

Ald. Tully, seconded by Ald. Endl moved to recommend Proposed Ordinance #15-08, on call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Beyer introduced Resolution No. 43.

**CITY OF JEFFERSON
RESOLUTION NO. 43**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for September 16, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for September and August 2008 in the amount of \$32,903.77 and \$102,840 and Payroll Summary for August 29, 2008 in the amount of \$133,974.68.
- ◆ Council Minutes from the September 2, 2008 Committee of the Whole and the September 2, 2008 Regular Session Meeting of the Common Council.
- ◆ 2008-2009 Jefferson School District Facility Usage Agreement.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator’s Licenses
 - ◆ Special Class B Licenses
 - ◆ Combo Class B License – Franks County Market

Ald. Beyer, seconded by Ald. Cross moved to recommend Resolution No. 43. On call of the roll, motion carried unanimously. Ald. Endl abstained from the approval of the minutes due to his absence.

A RESOLUTION CREATING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 6, CITY OF JEFFERSON, WISCONSIN

Ald. Brandel introduced Resolution No. 44.

**CITY OF JEFFERSON
RESOLUTION NO. 44**

A RESOLUTION CREATING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 6, CITY OF JEFFERSON, WISCONSIN

WHEREAS, the overall development of the City of Jefferson is recognized as a major need of the City; and

WHEREAS, the City desires to create Tax Incremental District No. 6, City of Jefferson, Wisconsin (the "District"), in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public improvements within said District and thereby create incentives and opportunities for appropriate private development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Redevelopment Authority, on August 27, 2008 held a public hearing concerning the proposed creation and boundaries of the District and proposed Project Plan thereof in the City, during which interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Jefferson County, the Jefferson School District, and the Madison Area Technical College District, and the other entities having the power to levy taxes on property located within the proposed District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the Redevelopment Authority designated the boundaries of the proposed District and recommended to the City Council that it create such District within the area enclosed by said boundaries, as specified in the boundary description or map attached to this resolution as Exhibit A hereof, and entitled "Boundary Description or Map of Tax Incremental District No. 6, City of Jefferson, Wisconsin", and

WHEREAS, the Redevelopment Authority has prepared and adopted a Project Plan for Tax Incremental District No. 6 which includes:

- a. A Statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1., Wisconsin Statutes outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
- e. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- f. A list of estimated non-project costs;
- g. A statement of the proposed plan for relocating any displaced persons or businesses;
- h. A statement of how the district promotes orderly development;
- i. A map showing existing uses and conditions of real property in such District;
- j. A map showing proposed improvements and uses therein;
- k. An opinion of the City Attorney or of an Attorney retained by the City advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

WHEREAS, the Redevelopment Authority has submitted such Project Plan to the City Council and recommended approval thereof;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jefferson as follows:

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Jefferson, as of January 1, 2008, a tax incremental district to be known as "Tax Incremental District No. 6, City of Jefferson", the boundaries of which shall be those recommended to the City Council by the Redevelopment Authority, as specified in the attached Exhibit A
2. The City Council hereby finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is suitable for a combination of commercial and residential uses, defined as "mixed-use development" within the meaning of Section 66.1105(2)(cm) of the Wisconsin Statutes; and
 - (b) Based upon the findings, as stated in (a) above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the district; and

- (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
- (d) The equalized value of taxable property of the District plus the value increment of all existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City; and
- (e) The City estimates that approximately 10% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Sections 66.1105(5)(b) and 66.1105(6)(am)1 of the Wisconsin Statutes; and
- (f) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created; and
- (f) Lands proposed for newly platted residential development comprise 35% by area of the real property within the District; and
- (g) If costs related to newly platted residential development are part of the Project Plan, the development has a residential housing density of at least 3 units per acre as defined in Section 66.1105(3)(a), Wisconsin Statutes. See Exhibit C.

BE IT FURTHER RESOLVED THAT the City Council of the City of Jefferson approves the Project Plan adopted by the Redevelopment Authority, attached as Exhibit B, and finds that:

1. Such Project Plan for the District in the City is feasible, and
2. Such Project Plan is in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT all actions, approvals and authorizations of the City Council contained within this Resolution are contingent on, and shall not take effect until, the filing with the Register of Deeds a (Certified Survey Map, subdivision plat) subdividing Tax Parcel(s) so that only whole units of property as are assessed for general property tax purposes are contained within the boundaries as adopted and specified within this Resolution.

The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2008, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes,

those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Dawn Gunderson from Ehlers and Associates then spoke regarding the potential TIF District. She outlined the procedure for setting up a district and the criteria for creation of a district – the basis for the resolution before them tonight. She said that the project plan takes into account a potential 5.7M in new debt to provide for blight removal and infrastructure. She noted that this expenditure would be recaptured thru TIF increment dollars. She added that the current project plan shows that the development would build out around 107 million dollars. She added that from the current cash flow models, the district could be closed out eight years early and still pay for itself. Gunderson then provided additional information regarding the district and then entertained questions from the Council. Hearing none, a representative from the Simon Group then spoke. He noted that the developer is moving along with securing commitments for the project and that they look forward to the continued cooperation of the City in the future.

Ald. Brandel indicated that this project has been discussed extensively at the RDA and that they are in full support of the project moving ahead.

Ald. Brandel, seconded by Ald. Tully moved to recommend Resolution No. 44. On call of the roll, motion carried unanimously.

**RESOLUTION RECOMMENDING POLICY FOR THE NEWLY ANNEXED
RIVERVIEW HEIGHTS SUBDIVISION**

Ald. Peachey introduced Resolution No. 45.

**CITY OF JEFFERSON
RESOLUTION NO. 45**

WHEREAS, Riverview Heights Subdivision was formally annexed into the City of Jefferson on June 17, 2008.

WHEREAS, out of the 49 lots comprising the existing subdivision that was located within the Town of Aztalan, 39 requested to be part of the unanimous petition for annexation. 10 lots of the existing subdivision were not annexed into the City of Jefferson.

WHEREAS, the State of Wisconsin reviewed the petition for annexation and found it to be within the “best interest” of the public.

WHEREAS, city staff have reviewed the unique situation of the existing subdivision and recommend to the Common Council that it adopt the following policy for Riverview Heights Subdivision:

1. All properties or lots shall not be required to hook up into the sanitary system if at the discretion of the director of public works the existing system has a remaining “useful life.”
2. All properties or lots, regardless of the “useful life” of their sanitary sewer system shall be required to hook up to the sewer main no later than December 31, 2018.
3. The cost of the sanitary sewer extension be specially assessed to the benefiting properties on a per lot basis.
4. Nothing in this policy shall be construed to limit the discretion of the Common Council when it considers the subsequent special assessment after public hearing as required by law.
5. The property owners are allowed to pay the special assessment over a 20 year period, not to exceed December 31, 2028.
6. To be clear, as an incentive to property/lot owners to connect in the sanitary sewer system when it is installed, they will be allowed to pay over a period of 20 years. Any subsequent hook ups into the sanitary sewer system shall be allowed to repay the cost of the same over a period of years not to exceed December 31, 2028.
7. In addition to the per lot assessment, property/lot owners are responsible for the following costs:
 - a. Customer owned sewer service lateral from their home to the city main.
 - b. Connection fee to the city wastewater treatment plant.
 - c. Cost of abandoning their existing private sewer systems; and
 - d. Monthly sewer charges at approved city rates.
 - e. Interest shall be charged to the property (lot) owners who pay over the 20 year span (not to exceed 2028) at the City’s cost plus a 1% administrative fee.
 - f. For those properties (lots) not annexed into the city, the cost of extending the city sanitary service shall be recovered on a deferred special assessment basis, i.e., these lot owners would be required to pay the per lot assessment plus the accrual of interest and administrative fees when in the future, the property is annexed into the city and connection is made to the municipal sewer system.
 - g. The sanitary sewer system shall not be extended outside the municipal boundaries.

THEREFORE, BE IT RESOLVED, the subject to subsequent special assessment discretionary considerations, the policy specified above shall be adopted by the City of Jefferson for “Riverview Heights Subdivision.”

Wayne Hartwig, 223 Hillebrand Drive then voiced his concerns regarding the proposed resolution. Hartwig noted that the lot count was incorrect and that 39 owners did not sign, but rather 20% were “forced in” on the petition. He then questioned the per lot versus per lineal foot method of assessment. He stated that he was concerned that some of the provisions of the proposed resolution made him look dishonest when he went door to door. In summary, he did not feel that an informational letter that was penned in March echoed the content of the resolution. He concluded by stating that he was upset that the City would be charging a 1% administration fee and hoped that the City would keep its promise to keep project costs as low as possible.

Marv Moldenhauer, 1265 Hillebrand Drive then voiced his concerns regarding the proposed resolution. Moldenhauer stated that the lot count is wrong and wondered where those numbers came from. He then read an excerpt from a document which related to the 1995 assessing of a sewer extension/annexation on Watertown Road. He noted that the City at that time contributed \$1.50 in cost and he added that he hoped a similar deal could be worked out again. Mr. Moldenhauer stated that he was happy to be in the City, but would never again sign a document before he had all of the details.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 45. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE HIRE OF A CONSULTANT FOR ENGINEERING SERVICES

Ald. Carnes introduced Resolution No. 46.

**CITY OF JEFFERSON
RESOLUTION NO. 46**

BE IT RESOLVED by the City Council of the City of Jefferson, Wisconsin that a consultant be retained on an interim basis to provide engineering related services to the City of Jefferson on an approximately 20 hours per week basis and commencing upon the effective date of City Engineer Ludwig’s resignation. Said consultant to be selected by a panel consisting of the Personnel Committee Chairperson, Streets Committee Chairperson, Mayor Myers, Clerk-Treasurer Stewart, Wastewater Treatment Superintendent Kelly, City Engineer Ludwig and Administrator Freitag.

Ald. Carnes, seconded by Ald. Beyer moved to recommend Resolution No. 46. On call of the roll, motion carried unanimously.

A RESOLUTION ESTABLISHING FIRE INSPECTION FEES

Ald. Peachey introduced Resolution No. 47.

**CITY OF JEFFERSON
RESOLUTION NO. 47**

BE IT RESOLVED by the City Council of the City of Jefferson, Wisconsin that the proposed Fire Inspection Fee Schedule is adopted and that the annual fees shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property.

BE IT FURTHER RESOLVED by the City Council of the City of Jefferson, Wisconsin authorizes the City Clerk/Treasurer to add the Fire Inspection Fees to the City of Jefferson Schedule of Fees which shall be updated from time to time.

Structure **Fees**
 (1). Residential Multifamily:

3 - 35 units	\$6.00 per unit
36 - 60 units	\$250
61 - 100 units	\$275
100 or more	\$300

(2). The fee for hotels and motels shall be the same as for residential property, except that the fee shall be calculated on a per room basis.

(3). The fee for mobile homes shall be the same as for residential property, except that the fee shall be calculated on a per mobile unit basis.

(4). High life safety facilities (hospital, nursing homes, community-based residential facilities) square footage refers to the floor area of any building or structure:

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25,000 - 100,000 square feet	\$225
100,000 - 300,000 square feet	\$450
Over 300,000 square feet	\$450, plus \$100 per additional 25,000 square feet over 300,000 square feet

(5). All other buildings subject to the Wisconsin Commercial Building Code. Square footage refers to the total floor area of any building or structure:

Under 5,000 square feet	\$50
5,000 - 25,000 square feet	\$100
25,000 - 100,000 square feet	\$150
100,00 - 300,000 square feet	\$300
300,000 - 1,000,000 square feet	\$600
Over 1,000,000 square feet	\$1,000

* Premises located within the City shall be inspected, pursuant to Wisconsin Statutes

* All buildings, structures and premises owned by the City of Jefferson, other government body, or public school district shall be exempt from the annual fire prevention inspection fee.

Ald. Peachey, seconded by Ald. Tully moved to recommend Resolution No. 47. On call of the roll, motion carried unanimously.

**RESOLUTION THANKING CITY ENGINEER LUDWIG FOR HIS SERVICE
TO THE CITY OF JEFFERSON**

Mayor Myers introduced Resolution No. 48.

**CITY OF JEFFERSON
RESOLUTION NO. 48**

BE IT KNOWN, that the
Citizens of the City of Jefferson, Wisconsin,
wish to recognize and express their appreciation to

Daniel Ludwig
City Engineer and Director of Public Works

WHEREAS, Dan Ludwig served the Jefferson community for twelve years, during which time he

Led in the creation and management of Tax Increment District No. 2, No. 3, No. 4 and No. 5 to enhance industrial, commercial and retail development and job growth in the community;

Supervised the rebuilding of the two major City thoroughfares -- Main Street (STH 26) and Racine Street (STH 18), and administered the opening of the Puerner Street bridge, the rebuilding of the Racine Street bridge, the reconstruction of the North Street bridge and the construction of the Milwaukee Street pedestrian bridge – all essential components of the infrastructure of a growing community;

Was a resourceful steward of community assets, keeping City streets and infrastructure well maintained, even during frequent periods of limited funding;

Safeguarded the environment, including the building of the Rock River fish ladder; and the rebuilding of the Jefferson Dam;

He has assisted the City with numerous annexations, utility extensions and road reconstructions; provided guidance during the recent Wastewater Treatment Plant Upgrade and facilitated the creation of the Storm Water Utility;

Spearheaded the creation of two Comprehensive Master Plans, thereby providing a visionary blueprint for the City's future, and always

Provided thoughtful advice and recommendations to the City Planning Commission, the Common Council, and other municipal entities.

THEREFORE, BE IT RESOLVED that the Common Council of the City of Jefferson expresses its gratitude on behalf of our citizens, on this day, September 16, 2008.

Gary A. Myers - Mayor

Timothy Freitag – City Administrator

Council Members

*William R. Brandel
Dave Carnes
David Endl
Paul Peachey*

*Peggy M. Beyer
Steven Cross
Dale Oppermann
Toby Tully, Jr.*

Ald. Endl, seconded by Ald. Beyer moved to recommend Resolution No. 48. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the Tuesday, September 16, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, September 16, 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