

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, OCTOBER 7, 2008**

The Tuesday, October 7, 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, Ald. Oppermann and Ald. Peachey. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

PUBLIC PARTICPATION

Mayor Myers read a Buddy Poppy Proclamation.

Mayor Myers introduced interim engineer John Jenkins.

Mayor Myers stated that he would be appointing the members of the Personnel Committee, Ald. Endl and several staff members to a ad hoc committee to review the organizational structure of the DPW and City Engineer Office and submit recommendations to the Common Council. He stated that their recommendations would be reviewed mid November by the Common Council.

FEMA SUBMITTAL

Police Captain Mike Drew then reviewed the City's FEMA submittal with the Council. He indicated that the City may be eligible for up to a half a million dollars to reimburse for losses incurred during the flood of 2008. He stated that the City could hope to receive the reimbursement in around six months.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO CREATE SECTION 300-24.2 RELATED TO A MIXED USE ZONING DISTRICT

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

City Administrator Freitag 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. Brandel introduced Proposed Ordinance #16-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #16-08**

An Ordinance to Create Section 300-24.2 Relating to a Mixed Use Zoning District.

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

Section 1. Section 300-24.2 of the City of Jefferson Municipal Code Relating To a Mixed Use Zoning District is hereby created:

§ 300-24.2 MIXED USE (M-U)

A. The (M-U) mixed residential and business commercial district is intended to provide for a number of uses deemed appropriate in areas of historical significance with existing buildings or otherwise unique characteristics. These include residential, as well as business uses. This district is intended to be used for larger areas which require careful advanced planning and coordination to ensure the proper execution of development plans. It is also intended that this zoning district be used in conjunction with the requirements and procedures of a Planned Unit Development (§ 300-29(A)) and that plans to be developed in the mixed residential and business district be subject to rezoning through the Planned Unit Development in the City zoning ordinance. This will give the developer the greatest flexibility in redeveloping these larger parcels and the City greatest control over the design of the development and the image it creates within the City.

(1) Permitted uses.

a. Due to the unique historical features and characteristics of areas designated for redevelopment within the City and the stated intent that this underlying zoning district be used in association with the Planned Unit Development provisions of this chapter, any and all uses allowed in any residential or business district are allowed as part of an approved Planned Unit Development.

(2) Lot area and width. Lots shall contain sufficient area and width to implement Redevelopment Plans as determined and approved by the Plan Commission and the City Council for the City of Jefferson.

(3) Building height and area.

a. There shall be no maximum height restriction for principal structures in the M-U mixed residential and business district, however, adequate measures shall be provided to afford adequate fire protection.

b. No accessory building shall exceed 15 feet in height.

c. The sum total of the floor area of the principal building(s) and all accessory buildings shall not exceed 50 percent of the lot area.

(4) Parking requirements.

a. Off-street parking and loading areas are required as described in Chapters 265 and 300 of the City zoning ordinance.

(5) Erosion control.

a. State Law shall be observed. See Com. Ch.60-66; Uniform Dwelling Code Ch. 20-25; and NR151.

(6) Land use density and other standards.

a. Land use density and other standards shall, insofar as possible, be maintained in compliance with the requirements set forth in the underlying basic zoning district which most closely, as determined by the Plan Commission and City Council for the City of Jefferson, approximates the uses in one (1) of the business and/or industrial districts.

(7) Plans and specifications to be submitted to the Plan Commission. To encourage a residential and business environment that is compatible with the residential character of the City, building permits for permitted uses in the M-U mixed residential and business district shall not be issued without review and approval of the City of Jefferson Plan Commission pursuant to the guidelines set forth in Chapter 300 of this code. Said review and approval shall be concerned with general layout, business plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

(8) When in the judgment of the Planning Commission it would be inappropriate to apply literally a provision of the code as the area in question is part of a larger “mixed-use” development, or because extraordinary hardship would result, it may waive or vary such provision, provided that the spirit and purpose of the code shall be observed and the public health, safety and welfare considered in the exercise of their discretion.

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. Brandel, seconded by Ald. Tully moved to recommend Proposed Ordinance #16-08. On call of the roll, motion carried unanimously.

AN ORDINANCE TO AMEND SECTION 300-21(B)(2)(A) AND TO CREATE SECTION 300-30(N) RELATING TO A CONDITIONAL USE IN THE BC – CENTRAL BUSINESS DISTRICT

Ald. Tully introduced Proposed Ordinance #17-08 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #17-08**

An Ordinance to Amend Section 300-21(B)(2)(a) and to Create Section 300-30 (N) Relating to a Conditional Use in the BC – Central Business District.

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

Section 1. Section 300-21(B)(2)(a) of the City of Jefferson Municipal Code Relating to a Conditional Use in the Central Business District is hereby amended and Section 300-30 (N) of the City of Jefferson Municipal Code Relating to a Conditional Use in the Central Business District is hereby created:

Section 300-21(B)(2)(a) shall be amended as follows:

§ 300-21. Business districts.

- B. BC Central Business District. The BC District is established to provide for those retail trade, financial and entertainment activities serving the entire regional community.
 - (1) Approved uses. ... (*see Codebook for complete text*)
 - (2) Uses permitted in the BC District are subject to the following conditions:
 - (a) Dwelling units are not permitted below the second floor **without a conditional use permit Section 300-30(N)** and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.

Section 300-30 (N) Highway-Oriented and Commercial Uses shall be created as follows:

§ 300-30. Highway-oriented and commercial uses.

The following commercial uses shall be conditional uses and may be permitted as specified:

- N. Residential quarters for the owner of the building when the residence is ancillary to the commercial activity on the first floor.

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 first reading.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 49.

**CITY OF JEFFERSON
RESOLUTION NO. 49**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for October 7, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for October 2008 in the amount of \$498,232.29 and Payroll Summaries for September 12 & 26, 2008 in the amounts of \$134,562.32 and \$130,657.06.
- ◆ Council Minutes from the September 16, 2008 Regular Session Meeting of the Common Council.
- ◆ 2008 Chamber of Commerce Subsidy - \$5,000.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 49. On call of the roll, motion carried unanimously. Ald. Oppermann abstained from the approval of the minutes.

RESOLUTION APPROVING A CITY ATTORNEY CONTRACT

Ald. Peachey introduced Resolution No. 50.

**CITY OF JEFFERSON
RESOLUTION NO. 50**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby approves a two-year City Attorney's contract

BE IT FURTHER RESOLVED, that the monthly fee for the first year be set at \$4,450 per month, \$50 per month for miscellaneous expenses and \$125 per hour for specialized legal service, \$4,700 per month for the second year, \$50 per month for miscellaneous fees and \$125 per hour for specialized legal services.

Ald. Peachey, seconded by Ald. Beyer moved to recommend Resolution No. 50. On call of the roll, motion carried unanimously.

RESOLUTION REQUESTING EXEMPTION FROM COUNTY LIBRARY TAX

Ald. Carnes introduced Resolution No. 51.

**CITY OF JEFFERSON
RESOLUTION NO. 51**

WHEREAS, the Jefferson County Board has established a county library and levies a county library tax as authorized under Section 43.57(3) of the Wisconsin Statutes, and

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provides that a village or city which levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52(1) during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the

equalized valuation of the property in the city or village for the current year is exempt from the county library tax and

WHEREAS, the City of Jefferson will in 2009, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED, that the City of Jefferson hereby requests of the Jefferson County Board of Supervisors that the City of Jefferson be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64(2).

BE IT FURTHER RESOLVED, that copies of the resolution be forwarded by the City Clerk to the following parties.

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
102 East Milwaukee Avenue
Fort Atkinson, WI 53538

COUNTY CLERK
320 South Main Street, Room 109
Jefferson, WI 53549

Ald. Carnes, seconded by Ald. Brandel moved to recommend Resolution No. 51. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Oppermann moved to adjourn the Tuesday, October 7, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, October 7, 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