

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, NOVEMBER 18 2008**

The Tuesday, November 18, 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. Cross, Ald. Tully, Ald. Endl, Ald. Oppermann, Ald. Brandel and Ald. Peachey. Absent was Ald. Carnes. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer Stewart and City Engineer Ludwig.

PUBLIC PARTICPATION

None.

MAYORAL COMMENTS

The Mayor provided the Council with an update on the hire of the Fire Chief and City Engineer positions.

Mayor Myers then announced that Cyndi Keller had received the WPRA Lifetime Achievement Award, the highest award given by the organization. He stated that the City is very proud of Cyndi for the wonderful work she has done for the City and continues to do.

Mayor Myers then commended the City Hall staff for the professional and efficient handling of the Presidential Election.

PUBLIC HEARING AND ACTION ON 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

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/Creation to the City of Jefferson Municipal Code

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 #17-08 for its second 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 on the first floor for the owner, proprietor, commercial tenant, tenant or caretaker located in the same building as commercial uses provided:

- (1) The residential uses are segregated from commercial activities.
- (2) No access to Main Street from residential unit excepting fire or emergency access.
- (3) A hardship exists concerning handicap accessibility to upper floors without installation of an elevator.

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. Beyer moved to recommend Proposed Ordinance #17-08. On call of the roll, motion carried unanimously.

PUBLIC HEARING AND ACTION ON AN ORDINANCE TO AMEND SECTION 300-19 B. OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO REZONING

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.

Joe Wanke, Jefferson addressed the Council regarding a property confusion between St. Lawrence and St. Coletta. He stated that there is a discrepancy over who owns what property.

Atty. Brantmeier stated that the City is aware of a problem and that he would be contacting Mr. Wanke to discuss the matter further.

Commenting that the proposed action this evening did not involve the access issue, action on the Ordinance was then continued.

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

Ald. Cross introduced Proposed Ordinance #18-08 for its second reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #18-08**

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 designation of

Description:

LEGAL DESCRIPTION: Being a part of the Northeast ¼ of the Northeast ¼ of Section 12, Town 6 North, Range 14 East, and a part of the Northwest ¼ of the Northwest ¼ of Section 7, Town 6 North, Range 15 East and part of the Southwest ¼ of the Southwest ¼ of Section 6, Town 6 North, Range 15 East, all in the City of Jefferson, Jefferson County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast corner of said Northeast ¼ of Section 12, said point being the place of beginning of lands hereinafter described;

Thence North 01°45'37" West and along the West line of said Southwest ¼ of Section 6, 467.60 feet to a point in the South right-of-way line of "U.S. Highway 18"; thence North 60°46'22" East and along said south right-of-way, 13.52 feet to a point; thence South 01°45'37" East and parallel to the West line of said Southwest ¼, 474.34 feet to a point in the South line of said Southwest ¼; thence South 89°22'46" East and along the South line of said Southwest ¼, 171.13 feet to a point; Thence South 00°21'15" West, 296.07 feet to a point; thence North 89°38'45" West, 234.97 feet to a point; thence South 01°16'49" East, 850.00 feet to a point; thence South 89°40'49" West, 534.86 feet to a point; thence South 00°19'11" East, 660.48 feet to a point; thence South 87°32'09" West, 686.79 feet to a point in the East right-of-way line of "County Trunk Highway Y"; thence North 02°28'01" West, 1837.14 feet to a point that is the intersection of the East right-of-way line of "County Trunk Highway Y" and the South right-of-way line of "U.S. Highway 18"; thence South 88°58'16" East and along said South right-of-way line, 488.11 feet to a point of curvature; thence Northeasterly 172.99 feet along the Arc of a curve, whose Center lies to the Northwest, whose Radius is 538.55 feet, whose Central Angle is 18°24'14" and whose Chord bears North 81°49'39" East, 172.24 feet to a point in the North line of the Northeast ¼ of said Section 12; thence South 88°59'46" East, 73.25 feet to a point; thence South 01°56'02" West, 125.25 feet to a point; thence South 85°51'35" East, 82.04 feet to a point; thence South 46°56'36" East, 79.53 feet to a point; thence South 89°43'17" East, 20.28 feet to a point; thence North 00°12'08" West, 38.54 feet to a point; thence South 89°30'16" East, 97.38 feet to a point; thence North 00°03'22" West, 143.36 feet to a point in the North line of said Northwest ¼; thence South 88°59'46" East and along the North line of said Northeast ¼, 345.99 feet to the point of beginning of this description.

Said Lot contains 1,957,282 Square Feet (44.9330 Acres) of land, more or less.

Parcel #: Multiple

Address: W4955 USH 18, Jefferson, WI

Proposed Permanent Zoning Designation: M-U Mixed 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 of the district boundary changes incorporated herein the zoning map, City of Jefferson.

Ald. Cross, seconded by Ald. Brandel moved to recommend Proposed Ordinance #18-08. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 58.

**CITY OF JEFFERSON
RESOLUTION NO. 58**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for November 18, 2008 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for October and November 2008 in the amounts of \$2,116.09 and \$321,346.26 and Payroll Summaries for October 24 and November 7, 2008 in the amounts of \$124,790.42 and \$127,719.97.
- ◆ Council Minutes from the October 21, 2008 Regular Session Meeting of the Common Council.
- ◆ 2008 Legion Band Subsidy. \$3,000.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses

Ald. Peachey stated that the Legion Band Subsidy was approved at Finance.

Ald. Oppermann, seconded by Ald. Tully moved to recommend Resolution No. 58. On call of the roll, motion carried unanimously.

PUBLIC HEARING ON THE 2009 GENERAL, SPECIAL FUNDS, STORM SEWER UTILITY AND WASTEWATER UTILITY BUDGETS AND ADOPTION OF THE 2009 GENERAL, SPECIAL FUNDS AND WASTEWATER UTILITY BUDGETS

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 2009 Budget and 2008 Tax Levy. 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.

John Powell, 111 North High Street, addressed his concern over a new fire truck. Powell stated that a new truck does not appear in the budget for 2009 and that the current truck from 1980 is starting to breakdown. He stated that he would be asking the City for permission to begin specifications on a new vehicle.

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

Ald. Peachey introduced Resolution No. 59.

**CITY OF JEFFERSON
RESOLUTION NO. 59**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2009 General Fund Budget attached hereto and the 2009 budgets for Special Funds, Storm Sewer Utility and the Wastewater Treatment Utility are hereby adopted, and

BE IT FURTHER RESOLVED that any budgetary figures stipulated in the Municipal Code shall be amended to reflect changes authorized in the Municipal budget.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 59. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING 2008 TAX LEVY

Ald. Endl introduced Resolution No. 60.

**CITY OF JEFFERSON
RESOLUTION NO. 60**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2008 General Fund Property Tax Levy for Municipal Services in 2009 in the amount of \$3,364,881, the 2008 Recycling Fund Levy for 2009 Service in the amount of \$134,500, the 2008 Public Library Fund Levy for 2009 Service in the amount of \$328,550 and the 2008 Capital Project and Equipment Fund Levy for 2009 in the amount of \$145,400 is hereby approved; and

BE IT FURTHER RESOLVED that the following tax rate is hereby adopted:

CITY OF JEFFERSON \$6.792884223

Ald. Endl, seconded by Ald. Peachey moved to recommend Resolution No. 60. On call of the roll, motion carried unanimously.

TEMPORARY CLOSURE AND LEASE OF A PORTION OF SOUTH SANBORN AVENUE

Ald. Tully introduced Resolution No. 61.

**CITY OF JEFFERSON
RESOLUTION NO. 61**

BE IT RESOLVED by the Common Council of City of Jefferson, Wisconsin that the 300 block of South Sanborn Avenue is hereby temporarily closed on December 14th, 2008 from 4:15 p.m. to 5:15 p.m., to have a living nativity church service, and

BE IT FURTHER RESOLVED that said right-of-way is hereby leased to St. Mark's Ev. Lutheran Church in the sum of \$1.00 for said time-frame.

Ald. Tully, seconded by Ald. Endl moved to recommend Resolution No. 61. On call of the roll, motion carried by a vote of 6 to 0, Ald. Peachey abstained.

RESOLUTION ACCEPTING THE PROPOSED CREATION OF A TAX INCREMENTAL DISTRICT NO. 6 IN THE CITY OF JEFFERSON, WISCONSIN AND APPROVAL OF A PROJECT PLAN

Ald. Beyer introduced Resolution No. 62.

**CITY OF JEFFERSON
RESOLUTION NO. 62**

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 submitted such Project Plan to the City Council and recommended approval thereof; and

WHEREAS, the City Council adopted resolution No. 44 approving the project plan and creation of Tax Increment District No. 6 on September 16, 2008: and

WHEREAS, the City Council submitted the plan and all public record to the Joint Review Board for approval; and

WHEREAS, the Joint Review Board met on September 23, 2008 and approved the creation of Tax Increment District No. 6; and

WHEREAS, subsequently it was determined by the City that the final approval of the Certified Survey Map subdividing Tax Parcels and creating whole units of property for general property tax purposes had not taken place prior to the original action by the City Council; and

WHEREAS, the approval of the Certified Survey Map is now complete;

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, 2009, 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, 2009, 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.

EXHIBIT A -

**LEGAL BOUNDARY DESCRIPTION OR MAP OF
TAX INCREMENTAL DISTRICT NO. 6
CITY OF JEFFERSON**

THIS CAN BE FOUND IN THE PROJECT PLAN

PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY

MAP OF HOUSING DENSITY

3. Notwithstanding subd. 1., project costs may include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city for newly platted residential development only for any tax incremental district for which a project plan is approved before September 30, 1995, or for a mixed-use development tax incremental district to which one of the following applies:

- a. The density of the residential housing is at least 3 units per acre.
- b. The residential housing is located in a conservation subdivision, as defined in s. 66.1027 (1) (a).
- c. The residential housing is located in a traditional neighborhood development, as defined in s. 66.1027 (1) (c).

THIS WILL BE HANDED OUT SEPARATELY

Administrator Freitag explained to the Council why this resolution was being revisited. He stated that seeking re-approval is the smartest way to proceed for the District.

Ald. Beyer, seconded by Ald. Brandel moved to recommend Resolution No. 62. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Oppermann moved to adjourn the November 18, 2008 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, November 18, 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