

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, FEBRUARY 3, 2009**

The Tuesday, February 3, 2009 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. Oppermann, Ald. Endl, Ald. Carnes and Ald. Peachey. Absent was: Ald. Brandel. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer Stewart and Assistant City Engineer Jenkins.

PUBLIC PARTICPATION

Marla Michaelis, 900 West Racine Street, addressed the Council regarding the 35th Anniversary of the City of Jefferson's Cab Program. Michaelis gave a brief overview of the history of the Cab Program and noted that it is the only program of its kind in the State of Wisconsin. She stated that the program runs off of private donations and only once (to the best of her knowledge) had the group sought assistance from the City. She then informed the Council that the Cab Program Brunch would be held this Sunday from 8:30 to 12:30 at Meadow Springs.

Mayor Myers then read a proclamation honoring the cab program.

UPDATE: CITY OF JEFFERSON VS. SINGH, 08CV 1000-ACTION TO RAZE BUILDINGS AND STRUCTURES

City Attorney Brantmeier stated that this discussion related to the old Phillips 66 Station at the corner of Main and Dane Street. He stated that the property had not been in operation for at least two years and was a legal non-conforming use. During the Flood of 2008 the property sustained major damage which forced the building inspector to issue an order to raze/repair the property. This order was unanswered. In September a lawsuit for the razing of the property was filed. The owner was unable to be found. Eventually, the order was finally served and a hearing was set for this Friday. However, the City was able to get a signed stipulation from the owner stating that the property would be razed by April 1, 2009 negating the need for the hearing.

AN ORDINANCE TO CREATE SECTION 232-33 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO THE PROHIBITING OF THE DISCHARGE OF WATER INTO THE CITY'S SANITARY SEWER SYSTEM

Ald. Cross introduced Proposed Ordinance #2-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #2-09**

An Ordinance to Create Section 232-33 of the City of Jefferson Municipal Code Relating to the Prohibiting of the Discharge of Water into the City's Sanitary Sewer System.

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

Section 1. Section 232-33 of the City Of Jefferson Municipal Code Relating To The Prohibiting of the Discharge of Water into the City’s Sanitary Sewer System:

§ 232-33 Stormwater and groundwater drains.

- A. As stated in §230-10(A) of the Municipal Code: No person shall make connection of roof downspout, sump pump, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.
- B. Furthermore, no person shall discharge any clear water directly into a public street or alley from November 1 to March 31, inclusive. All discharges in this time period shall be directed in a manner to prevent the flowing of discharged water from crossing into side yards or prevented from crossing sidewalks or streets where icing conditions can occur. No person shall discharge any clear water directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining a permit from the Director of Public Works.
- C. No person shall permit the drainage of water directly onto any sidewalk or other public area.
- D. Where a storm sewer is not available, the discharge of clear water shall be either:
 - (1) Into an underground conduit leading to a drainage ditch, or if no drainage ditch exists for surface water drainage, the water shall be discharged to the ground at a distance of not less than ten feet from inside the lot line in such a manner that the water shall cross the owner’s property toward the street.
 - (2) Sump pump discharge shall not be directed so as to flow on adjacent property nor shall the discharge be allowed to accumulate and create ponds of standing water or other potential public nuisance. Nothing contained in this subsection shall act to relieve a person from complying with the other provisions of this Code.
- E. All existing sump pump connections, roof downspout or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within 10 days of the date of an official written notice from the Director of Public Works. Any person who shall thereafter continue to violate the provisions of this section shall be subject to the penalties described in Section 232-30 (7), of this Code.
- F. Any person or property owner may apply for an “Appeal or Variance”, per § 232-31 of this Code. In addition to the requirements for the issuance of a variance, it

may be granted only to the minimum extent necessary to afford relief from an unnecessary hardship.

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. Council action is not requested.

ORDINANCE TO AMEND SECTION 265-4 (8) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO NO PARKING ZONES

Ald. Tully introduced Proposed Ordinance #3-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #3-09**

An Ordinance to Amend Section 265-4 (8) of the City of Jefferson Municipal Code Relating to No Parking Zones.

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

Section 1. Section 265-4 (8) of the City Of Jefferson Municipal Code Relating To No Parking Zones:

§ 265-4 Parking restrictions.

(8) No person shall at any time park on any of the following:

Name of Street	Side	Location
Under Racine Street Bridge/Abutting North Gardner Avenue		The four most westerly parking stalls in the City lot under Racine Street are reserved for EMS Employee parking only.

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. Council action is not requested.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 86.

**CITY OF JEFFERSON
RESOLUTION NO. 86**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for February 3, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for December 2008 and February 2009 in the amounts of \$91,852.02 and \$89,211.90 and Payroll Summary for January 16, 2009 in the amount of \$123,405.66.
- ◆ Council Minutes from the January 20, 2009 Regular and Closed Session Meetings of the Common Council.
- ◆ 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. 86. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING AN AGREEMENT FOR A WATERFRONT INITIATIVE PLAN

Ald. Peachey introduced Resolution No. 87.

**CITY OF JEFFERSON
RESOLUTION NO. 87**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson solicited requests for proposals on the Riverwalk plan. The City received seven proposals and interviewed three firms.

WHEREAS, the City of Jefferson will receive a \$21,000 grant from the Wisconsin Waterfront Initiative program and remaining balance will be allocated from the TID #5 accounts.

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to enter into an agreement with The Architectural Firm in the amount not to exceed \$30,350.

Ald. Peachey, seconded by Ald. Beyer moved to recommend Resolution No. 87. On call of the roll, motion carried unanimously.

AUTHORIZATION TO WRITE OFF DELINQUENT PERSONAL PROPERTY BILLS

Ald. Endl moved to recommend Resolution No. 88.

**CITY OF JEFFERSON
RESOLUTION NO. 88**

BE IT RESOLVED by the Common Council of the City of Jefferson that the City Administrator is hereby authorized to delete the following Personal Property bills from the accounts receivable:

<u>YEAR</u>	<u>PERSONAL PROPERTY</u>	<u>TOTAL DELINQUENT PRINCIPAL</u>
2007		
	Bon Ton	\$ 562.67
	Budget Rent a Car	\$ 16.34
	Carr Hart	\$ 181.51
	Deegs Taco-N-Burger	\$ 272.26
	Erie Insurance	\$ 181.51
	Esenberg Chiropractic	\$ 54.45
	Get Fit	\$ 147.02
	GW Services	\$ 41.75
	Jefferson Amoco Food	\$ 834.93
	Jefferson Washmobile	\$ 413.84
	Legacy Custom Furniture	\$ 7,185.86
	Morgans Pub & Grill	\$ 181.51
	NES Equipment Rental	\$ 181.51
	Northern Leasing Systems	\$ 61.71
	P&R Production Machinery	\$ 99.83
	Pitney Bowes	\$ 337.60
	Salon De Selleza	\$ 181.51
	Security Co	\$ 1.82
	The Depot Restaurant	\$ 181.51
	Tonys Fiber Care	\$ 181.51
	Subtotal	11,300.65
	TOTAL	<u>\$11,300.65</u>

Ald. Peachey noted that Resolution No. 88 was unanimously approved at Finance Committee.

Mayor Myers indicated that these dollar amounts are still collectible, this is just an accounting practice.

Ald. Endl, seconded by Ald. Peachey moved to recommend Resolution No. 88. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE BORROWING OF FUNDS FROM THE TRUST FUND OF THE STATE OF WISCONSIN FOR THE PURPOSE OF FINANCING THE RIVERVIEW HEIGHTS SANITARY SEWER PROJECT AND FOR NO OTHER PURPOSE

Ald. Carnes introduced Resolution No. 89.

**CITY OF JEFFERSON
RESOLUTION NO. 89**

THEREFORE, BE IT RESOLVED, that the City of Jefferson in the County of Jefferson, Wisconsin borrow from the Trust Funds of the State of Wisconsin the sum of Nine Hundred Fifty Thousand and 00/100 Dollars (\$950,000.00) for the purpose of financing the Riverview Heights Sanitary Sewer project and for no other purpose.

The loan is to be payable within 20 years from the 15th of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 5.50 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of Jefferson, in the County of Jefferson, Wisconsin a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Jefferson by such loan from the state be applied or paid out for any purpose except financing the Riverview Heights Sanitary Sewer project without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the mayor and clerk of the City of Jefferson, in the County of Jefferson, Wisconsin, are authorized and empowered, in the name of the city to execute and deliver to the Commission, certificates of indebtedness in such form as required by the Commission, for any sum of money that may be loaned to the city pursuant to this resolution. The mayor and clerk of the city will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this city forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Ald. Peachey indicated that approval was unanimous at Finance Committee. They Mayor indicated that the interest rate on the borrowing could be reduced further by a Clean Water Fund application.

Ald. Carnes, seconded by Ald. Oppermann moved to recommend Resolution No. 89. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE BORROWING OF FUNDS FROM THE TRUST FUND OF THE STATE OF WISCONSIN FOR THE PURPOSE OF

FINANCING THE PURCHASE OF AN ELGIN STREET SWEEPER AND FOR NO OTHER PURPOSE

Ald. Beyer introduced Resolution No. 90.

**CITY OF JEFFERSON
RESOLUTION NO. 90**

THEREFORE, BE IT RESOLVED, that the City of Jefferson in the County of Jefferson, Wisconsin borrow from the Trust Funds of the State of Wisconsin the sum of Two Hundred Eighteen Thousand and 00/100 Dollars (\$218,000.00) for the purpose of financing the purchase of an Elgin Street Sweeper and for no other purpose.

The loan is to be payable within 5 years from the 15th of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.50 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of Jefferson, in the County of Jefferson, Wisconsin a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Jefferson by such loan from the state be applied or paid out for any purpose except financing the purchase of an Elgin Street Sweeper without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the mayor and clerk of the City of Jefferson, in the County of Jefferson, Wisconsin, are authorized and empowered, in the name of the city to execute and deliver to the Commission, certificates of indebtedness in such form as required by the Commission, for any sum of money that may be loaned to the city pursuant to this resolution. The mayor and clerk of the city will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this city forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Ald. Peachey indicated that approval was unanimous at Finance Committee and that the funds for the debt payments would be taken from the Storm Water Utility Fund.

Ald. Beyer, seconded by Ald. Endl moved to recommend Resolution No. 90. On call of the roll, motion carried unanimously.

RESOLUTION GRANTING CONCEPTUAL APPROVAL TO THE BURGER CORNER REDEVELOPMENT PROJECT

Ald. Cross introduced Resolution No. 91.

**CITY OF JEFFERSON
RESOLUTION NO. 91**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the preliminary site development plan concept for the relocation of the Burger Corner Restaurant as described in the City Administrator’s memorandum dated January 28, 2009 is herein conditionally approved.

BE IT FURTHER RESOLVED, that the City Attorney and City Administrator are directed to prepare an “offer to purchase” contract for the existing Burger Corner Restaurant Property (including contingency conditions deemed appropriate). The “offer to purchase” contract is subject to final Common Council approval.

Consultants then provided the Council with information regarding the proposed project.

Ald. Cross, seconded by Ald. Oppermann moved to recommend Resolution No. 91. On call of the roll, motion carried unanimously.

RESOLUTION CONCEPTUAL FOR THE JEFFERSON RENEWABLE ENERGY PARK AND AUTHORIZING STAFF TO CONTINUE EFFORTS TO PLAN AND DEVELOP THE PROJECT

Ald. Brandel introduced Resolution No. 93.

**CITY OF JEFFERSON
RESOLUTION NO. 93**

Granting Conceptual Approval for the Jefferson Renewable Energy Park and Authorizing Staff to Continue Efforts to Plan and Develop the Project

WHEREAS, the City of Jefferson and Jefferson County experienced significant economic impact and employment loss due the flood events of June and July 2008,

WHEREAS, a stated goal of the Jefferson Downtown and Riverfront Redevelop Plan is the physical relocation of business and industry from areas vulnerable to reoccurring flooding to locations outside the Rock River and Crawfish River Floodplains,

WHEREAS, the City of Jefferson endeavors to promote business, employment growth and profitability in the “new economy”,

WHEREAS, such efforts include developing and initiating plans to relocate businesses, attract new businesses, foster employment growth and encourage investment in new technology and innovation,

WHEREAS, an opportunity for assistance and funding from agencies including the Federal Economic Development Administration (EDA), State Department of Commerce and Wisconsin Governors Office of Energy Independence for the purpose of developing a Jefferson Renewable Energy Park is emerging,

WHEREAS, development of the Renewable Energy Park will allow Jefferson to position itself in the Global Bio and Green Economy and advance local innovation, job growth, talent and tax base,

WHEREAS, the project participants have the opportunity to develop the Renewable Energy Park centered on existing infrastructure located at the Renew Energy Facility and become a regional bio-economy business center focused on renewable energy, energy efficiency and resource conservation, food production, green chemistry and new materials development,

WHEREAS, the State of Wisconsin and region are leading the way for economic growth in bio-based industries such as bio-agriculture, bio-energy and regional food systems, the Renewable Energy Park Concept compliments this focus and recent Jefferson County economic development visioning and positioning as expressed in its comprehensive planning,

WHEREAS, with statewide and local interest in sustainability as evidenced by the 25% reduction in fossil fuel reliance expressed in the 2025 initiative, and growth in the bio-economy with respect to natural resources, alternative/renewable energy, safe and quality food and employment stability, there is a tremendous opportunity that presents itself,

WHEREAS, the City of Jefferson Common Council recognizes that elected and appointed officials and staff will need to work cooperatively with many organizations to explore, plan and develop the Jefferson Renewable Energy Park Concept,

WHEREAS, the City of Jefferson Common Council has reviewed the Jefferson Power Park Concept and the benefits to be gained from it,

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that it grants approval for the Jefferson Power Park Project Concept and herein authorizes and directs staff to take all necessary steps to plan and develop the Project, including meeting and consulting with staff from various Federal and State agencies and local governments and individuals and officials representing the interests of the Renew Energy,

BE IT FURTHER RESOLVED by the Common Council of the City of Jefferson, Wisconsin that staff is directed to develop and submit applications for planning and financial assistance that support this Resolution, including financial assistance programs

administered by the Federal Economic Development Agency, Wisconsin Department of Commerce and Wisconsin Governor's Office of Energy Independence.

A comprehensive powerpoint was then presented to the Council.

Ald Oppermann stated that he felt this was unplanned, but a good window of opportunity for the City. He indicated that he would support the concept.

Mayor Myers gave an update on the status of Renew.

Ald. Beyer questioned if this project would continue to be grant eligible.

Ald. Endl clarified that at this time the only tax payer contribution would be for staff time. Mayor Myers stated that Ald. Endl's understanding was correct. However, he added that as we go forward, there may be a possibility that actual dollars may be requested for grant matches.

Ald. Carnes questioned if there were any problems moving ahead the with the project since it is not City property. Mayor Myers indicated that this project would need the cooperation of the County, Town and the City.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 93. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Endl moved to adjourn to closed session pursuant to Section 19.85(1)(c) of the Wisconsin State Statutes to Discuss the Hire of a City Engineer/Director of Public Works. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to reconvene to open session. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE HIRE OF A CITY
ENGINEER/DIRECTOR OF PUBLIC WORKS**

Ald. Tully introduced Resolution No. 92.

**CITY OF JEFFERSON
RESOLUTION NO. 92**

BE IT RESOLVED, that the Common Council of the City of Jefferson, Wisconsin herein approves the appointment of Jill Zalar to the position of City Engineer/Public Works Director at an annual salary of \$74,000. The aforementioned salary is to be reviewed after the first six months of employment and annually thereafter. All other benefits and conditions of employment will be as outlined in the policies governing other non-represented Department Manager employees of the City of Jefferson. The effective date of employment shall be no later than March 2, 2009.

Ald. Tully, seconded by Ald. Beyer moved to hire Jill Zalar as the City Engineer/Director of Public Works. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the February 3, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, February 3, 2009, 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