

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, MAY 5, 2009**

The Tuesday, May 5, 2009 meeting of the City of Jefferson Common Council was called to order at 7430 p.m. by Mayor Myers. Members present were: Ald. Beyer, Ald. Tully, Ald. Cross, Ald. Endl, Ald. Brandel, Ald. Carnes, Ald. Oppermann and Ald. Peachey. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Clerk/Treasurer and City Engineer Zalar.

**PUBLIC PARTICIPATION**

None.

**STATUS UPDATE: RENEW ENERGY PARK**

City Administrator Freitag provided the Council with an update on the Renew Energy Park. He discussed the status of the City's grant applications, cooperation with Senator Kohl's office and the funding for the assessment.

**PUBLIC HEARING AND ACTION AN ORDINANCE TO AMEND SECTIONS  
286-5 B (1), 286-5 B (2)(A), 286-5 B (2)(B), 286-16 B, 286-21 B (4), 286-21 B (5), 286-  
23 C (3), 286-23 B (2)(G), 286-23 B (2)(H) AND 286-34 RELATING TO THE  
FLOODPLAIN ZONING ORDINANCE**

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

City Attorney Brantmeier 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 #7-09 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE # 7-09**

An Ordinance to Amend Sections 286-5 B (1), 286-5 B (2)(a), 286-5 B (2)(b), 286-16 B, 286-21 B (4), 286-21 B (5), 286-23 C (3), 286-23 B (2)(g), 286-23 B (2)(h) and 286-34 Relating to the Floodplain Zoning Ordinance.

**WHEREAS**, the City of Jefferson adopted its current Floodplain Ordinance on August 15, 2005.

**WHEREAS**, on December 2, 2008, the City received a Letter of Final Determination (LFD), from the Federal Emergency Management Agency (FEMA),

notifying the City that the new Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) would become effective within six months and notified the City of the requirement that the local Floodplain Ordinance must be amended by that date.

**WHEREAS**, the City's Ordinance must be amended no later than June 2, 2009 or the City will be suspended from the National Flood Insurance Program (NFIP).

**WHEREAS**, the Floodplain Amendment and adoption process includes reviews by the DNR and FEMA to insure the Ordinance is compliant with the minimum standards of 44 CFR 60 Chapter NR 116, Wisconsin Administrative Code.

**THEREFORE**, the City of Jefferson Common Council hereby amends its Floodplain Zoning Ordinance, §286 as follows:

**Section 1.** Sections 286-5 B (1), 286-5 B (2)(a), 286-5 B (2)(b), 286-16 B, 286-21 B (4), 286-21 B (5), 286-23 C (3), 286-23 B (2)(g), 286-23 B (2)(h) and 286-34 of the City of Jefferson Municipal Code relating to Floodplain Zoning Ordinance is hereby amended:

#### **§286-5. GENERAL PROVISIONS**

##### **B. Official maps and revisions.**

(1) The boundaries of all floodplain districts are designated as floodplains or A zones on the maps listed below and the revisions in the City of Jefferson's Floodplain Appendix. Any change to the Base Flood Elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to Regional Flood Elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Office of the Zoning Administrator or City Engineer. If more than one map or revision is referenced, the most **restrictive** information shall apply.

(2) Official maps based on FIS, approved by DNR and FEMA:

(a) Flood Insurance Rate Map (FIRM), panel numbers **55055C0189E, 55055C0193E, 55055C0195E, 55055C0302E, 55055C0306E and 55055C0310E**, dated **June 2, 2009**, with corresponding profiles that are based on the Jefferson County Flood Insurance Study (FIS) Volume # 55055CV000A, dated **June 2, 2009**.

**(b) (Delete)**

#### **ARTICLE IV Flood Fringe District (FF)**

##### **§286-16 Standards for development in Flood-Fringe areas...**

B. Accessory Structures or Uses. An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor no more than 2 feet below the Regional Flood Elevation if it is subject to flood velocities of no more than 2 feet per second and it meets all the provisions of §286.12(b)(1)(2)(3)(4) and sub section F below.

## ARTICLE VI NONCONFORMING USES

### §286.21. Applicability; conditions for continued use.

- B.(4) No modification or addition to any nonconforming structure or any structure with a nonconforming use which over the life of the structure would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 286-16A. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent provisions of this subsection.
- B.(5) Damaged structures.
- (a) Except as provided in Subsection B(5)(b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this chapter. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

### § 286-23. Flood-fringe areas.

- C (3) In combination with other previous modifications or additions to the building does not equal or exceed 50% of the present equalized assessed value of the building.

### § 286-25. Zoning Administrator

B (2) Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- g. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or

NAVD at the location of the development and to determine whether or not the requirement of s. Article III or Article IV.

**ARTICLE X  
DEFINITIONS**

**§ 286-34.** Word usage and definitions  
*(following to be alphabetically inserted)*

“NAVD” or North American Vertical Datum” – Elevations referenced to mean sea level datum, 1988 adjustment.

**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. Beyer asked if the error in the maps had been corrected. Engineer Zalar noted that new maps have been created, but the City is not in possession of any of them. The new maps however, are available on-line.

Atty. Brantmeier stated that the ordinance before the Council has received the stamp of approval from the State and that the current wording of the ordinance does approve the updated map.

Ald. Oppermann stated that he felt a bit uncomfortable adopting a map he hasn't seen. Engineer Zalar stated that FEMA had indicated that the map change was very minor and that staff wasn't even sure what the change was exactly.

Atty. Brantmeier stated that he understands the concern of the Council regarding the map and that he shared the same hesitation. However, the State indicated that it is proper to adopt the ordinance making reference to the updated map and that if the City doesn't act now before FEMA's June 2<sup>nd</sup> adoption deadline the City's flood insurance could be jeopardized.

Ald. Brandel, seconded by Ald. Endl moved to recommend Ordinance #7-09. On call of the roll, motion carried unanimously.

**CONSENT AGENDA**

Ald. Oppermann introduced Resolution No. 4.

**CITY OF JEFFERSON  
RESOLUTION NO. 4**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for May 5, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for April 2009 in the amount of \$61,970.28 and Payroll Summary for April 24, 2009 in the amount of \$133,406.39.
- ◆ Council Minutes from the April 21, 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. Beyer moved to recommend Resolution No. 4. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE EXECUTION OF THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES RIVER PROTECTION GRANT REQUIREMENTS**

Ald. Carnes introduced Resolution No. 5.

**CITY OF JEFFERSON  
RESOLUTION NO. 5**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson is experiencing significant erosion along the Rock River adjacent to Riverview Drive, and

**WHEREAS**, the Rock River is an important resource used by the public for recreation and enjoyment of natural beauty; and

**WHEREAS**, we are qualified to carry out the responsibilities of the river protection project described in the state grant application; and

**WHEREAS**, in this action the Common Council declares its intent to conduct the river protection project described in the grant application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin hereby authorizes the City Administrator, to act on its behalf to request the funds and assistance available from the Wisconsin Department of Natural Resources under the River Protection Grant Program, and submit an application to the State of Wisconsin for financial aid for river protection purposes; sign documents; and take necessary action to undertake, direct, and complete an approved river protection grant project.

**BE IT FURTHER RESOLVED THAT** the City of Jefferson will meet the obligations of the river protection grant project, including timely publication of the results, and meet the financial obligations under this grant including the prompt payment of our 25% commitment to project costs. We understand the importance of a continuing protection program for the Rock River and intend to proceed on that course.

Engineer Zalar indicated that this was yet another grant for rip rap along the Rock River. Zalar stated that if this application was approved, the City would be able install an additional 500 ft of rip rap.

Ald. Carnes, seconded by Ald. Brandel moved to recommend Resolution No. 5. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF AN AGREEMENT FOR THE 2009 SANITARY SEWER SYSTEM ADDITIONS – NORTH BUSINESS HWY 26 AREA**

Ald. Peachey introduced Resolution No. 6.

**CITY OF JEFFERSON  
RESOLUTION NO. 6**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained eight bids for the completion of 2009 Sanitary System Additions – North Business Hwy 26 Area.

**WHEREAS**, the overall lowest bidder for the 2009 Sanitary System Additions – North Business Hwy 26 Area was Mann Bros., Inc. of Elkhorn, Wisconsin.

**WHEREAS**, the timing of improvements through Business Hwy 26 Corridor are such that the bidding of the project was broken into parts.

**WHEREAS**, Part A of the bid is for the completion of the gravity sewer and lift station wet well, which is the minimum amount of construction needed to install sewer in advance of all the Hwy 26 Bypass improvements. Part A-1.1 and Part A-1.2 are add alternate bids to Part A for the over sizing of the wet well and gravity sanitary sewer to accommodate additional future improvement anticipated north of the City. Part B of the bid is the completion of the force main, and the installation of the lift station. The lift station components were bid previously. Part C of the bid is the supplemental bid items that may be necessary as part of the installation of Part A. These items are related to the proper bedding of the sanitary sewer pipe.

**WHEREAS**, the City of Jefferson would allocate funds from the Wastewater Treatment Plant Utility to cover the costs for the project.

~~**BE IT FURTHER RESOLVED** that the City of Jefferson authorizes the City Administrator to reject all bids for the project and rebid the project when more information can be determined regarding the need for sanitary sewer on the northern part of the City.~~

**OR**

**BE IT FURTHER RESOLVED** that the City of Jefferson authorizes the City Administrator to award the bid and enter into an agreement with Mann Brothers of Elkhorn, WI for Parts A, A1 and C for the contract amount of \$348,446.

Gene Laschinger of Town and Country Engineering then gave an overview of the projects and the bids received.

Ald. Peachey, seconded by Ald. Oppermann moved to recommend Resolution No. 6. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING THE LEAGUE OF WISCONSIN MUNICIPALITIES INSURANCE RENEWAL PROPOSAL FOR THE PROCUREMENT OF LIABILITY AND WORKERS COMPENSATION INSURANCE COVERAGE FOR POLICY YEAR 2009-2010**

Ald. Endl introduced Resolution No. 7.

**CITY OF JEFFERSON  
RESOLUTION NO. 7**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that it herein approves the renewal of existing insurance coverages with the League of Wisconsin Municipalities Insurance program in the amount of \$229,736 for policy year 2009-2010. The specified insurance coverages include general liability, police professional liability, auto liability, public official's liability, workers compensation, auto physical damage, no fault sewer back-up, crime and boiler.

Ald. Endl stated that he felt it unfortunate that the City is unable to take the low quotation that was received. He added that the bid appears to be less money, but the Finance Committee was told that it is not comparable in coverages. He stated that he felt it was unfortunate that the waters got muddied this way.

Ald. Endl, seconded by Ald. Peachey moved to recommend Resolution No. 7. On call of the roll, motion carried unanimously.

Ald. Oppermann, seconded by Ald. Peachey moved to adjourn the May 5, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, May 5, 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