

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, AUGUST 4, 2009**

The Tuesday, August 4, 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. Endl, Ald. Carnes and Ald. Oppermann. Absent was: Ald. Brandel and Ald. Peachey. Also present were: City Administrator Freitag, City Engineer Zalar, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

None.

APPOINTMENT – HOUSING AUTHORITY

Ald. Tully, seconded by Ald. Beyer moved to appoint Joanne Miller to replace Bruce Freeberg on the Jefferson Housing Authority Board. On call of the roll, motion carried unanimously.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 39.

**CITY OF JEFFERSON
RESOLUTION NO. 39**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for August 4, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for August 2009 in the amount of \$184,815.28 and Payroll Summary for July 17, 2009 in the amount of \$145,497.69.
- ◆ Council Minutes and Committee of the Whole Minutes from the July 21, 2009 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. 39. On call of the roll, motion carried unanimously.

**PUBLIC HEARING AND ACTION FINAL RESOLUTION AUTHORIZING THE
SPECIAL ASSESSMENT FOR SANITARY SEWER IN THE RIVERVIEW
HEIGHTS SUBDIVISION AND WATERTOWN AVENUE**

Mayor Myers called the public hearing to order.

City Administrator Freitag read the Notice of Public Hearing.

City Engineer Jill Zalar gave an explanation of the proposed final resolution.

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.

Randy Gerhardt, N5046 Hillebrand Drive, questioned why, how and if the non-annexed properties would get charged for the sanitary sewer extension. Mayor Myers clarified that by State law, the project costs need to be prorated based upon all of the properties that will benefit from the installation. Myers then noted that the City will be holding the assessment for any property which has not yet annexed. He added that when the property owner chooses to annex their property to the City, they will then be subject to connection to the City's sewer service and therefore subject to the assessments being discussed this evening. Gerhardt then asked how the roads will be torn up. Gene Laschinger from Town and Country Engineering then explained the anticipated process by the contractor.

Wayne Hartwig, 223 Hillebrand Drive, stated that it had been said that certain overages had been built into the contract. He questioned that if these costs were not realized if the savings would be passed onto the home owners. Atty. Brantmeier responded that State law requires that only the ACTUAL cost of the assessment is passed onto the property owner. Hartwig stated that he hoped the savings would be realized, as then the costs would be reduced to the City's original estimates.

George Hilby, N5094 Hillebrand Drive, asked if the individuals that were not annexed can be notified of the amount of future assessment. City Clerk/Treasurer Stewart stated that this was not an unreasonable request. However, Attorney Brantmeier stated that we will need the permission of the Town of Aztalan to do so.

Ray Rupprecht, Highway 26, clarified that the assessment was spread among all the benefited properties, not just those that were annexed.

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

Ald. Endl introduced Final Resolution No. 40.

**CITY OF JEFFERSON
FINAL RESOLUTION NO. 40**

Final Resolution authorizing sanitary sewer improvements, related street improvements, and levying special assessments against benefited properties.

WHEREAS, the Common Council of the City of Jefferson, Wisconsin, held a public hearing at City Hall at 7:30 p.m. on the 4th day of August, 2009 for the purpose of hearing all interested persons concerning the preliminary report on the following proposed improvements:

**2069 Linear Feet of Sanitary Sewer including Lateral Installation and Street
Reconstruction along Hillebrand Drive**

708 Linear Feet of Sanitary Sewer including Lateral Installation and Limited Street Reconstruction along Watertown Road

941 Linear Feet of Sanitary Sewer including Lateral Installation and Street Reconstruction along Thrush Lane

336 Linear Feet of Sanitary Sewer including Lateral Installation and Limited Street Reconstruction along Hillcrest Lane

367 Linear Feet of Sanitary Sewer including Lateral Installation and Street Reconstruction along Aztalan Court

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

1. The report pertaining to the above described public improvement is hereby adopted and approved.
2. That the City shall carry out the improvements in accordance with the report.
3. That payment for the improvements shall be made by assessing the costs to the properties benefited as indicated in the report.
4. That assessments shown in the report representing an exercise of police powers have been determined on a reasonable basis and are hereby confirmed.
5. That any interested property owner may object to each assessment separately or all assessments jointly for any purpose.
6. That benefitted parties within the City Limits as of the 4th day of August, 2009 shall have 10 years to connect to the new sanitary sewer improvements unless there becomes a health and safety issue consistent with the City of Jefferson Municipal Code § 230-10.B.(2).
7. That the assessments shall be paid in full (or in 20 annual installments) when arrangements have been made in advance with the City Clerk/Treasurer. The minimum principle payments which shall be allowed under the installment plan shall be \$700 per year. Deferred payment and unpaid principal shall bear interest at a rate of 4.05% per annum on the unpaid balance, which includes the Clean Water Fund Subsidy. The City of Jefferson will charge an additional 0.25% rate of interest as an administrative charge. The City of Jefferson is pursuing additional interest subsidies and if a reduced interest is obtained by the City, the City will notify the benefitted property owners on the statement of final assessment. Installments or assessments not paid when due shall bear additional interest on the amount due at a rate of 12% per annum.

8. That all assessments shall be paid in full when a statement of final assessment against the benefited properties is received or shall commence payment through a special charge on their tax bill when they connect to the sanitary sewer system for agreed upon installments of no more than 20 years or the number of years remaining until 2030. The assessment shall be paid in full by 2030.

9. That the assessments are deferred until hook up and annexation into the City of Jefferson. Interest upon the principal assessment will begin at the time a statement of final assessment (June 2010) against the benefited property is sent to each property owner. Interest will accrue annually against the principal until the balance is paid in full.

10. That the City Clerk/Treasurer shall publish this resolution as a Class One Notice and shall mail a copy of this resolution and a statement of final assessment against the benefited property to every property owner whose name appears on the assessment roll and whose post office address is known or can with reasonable diligence be ascertained.

Ald. Oppermann asked on clarification of prepayment of the assessment for those that are not yet annexed. Atty. Brantmeier stated that he has just begun his study on this issue and that whether or not that is even an option for the City will most likely be dependent upon whether or not the Town of Aztalan approves.

Ald. Endl, seconded by Ald. Oppermann moved to recommend Final Resolution No. 40. On call of the roll, motion carried unanimously.

DRAFT ORDINANCE PROVIDING FOR THE FUNDING OF THE MUNICIPAL REFUSE/RECYCLING PROGRAM

City Administrator Freitag then reviewed the proposal for moving the recycling and refuse cost from the levy to a separate charge. He stated that the Finance Committee had discussed the issues and made their recommendations. He noted that the proposal before the Council this evening represents the Committee's efforts.

City Administrator Freitag left the meeting at this time.

RESOLUTION AUTHORIZING A CONTRACT WITH ACCURATE APPRAISAL, LLC FOR FULL-VALUE MAINTENANCE ASSESSMENT SERVICES

Ald. Cross introduced Resolution No. 41.

**CITY OF JEFFERSON
RESOLUTION NO. 41**

BE IT RESOLVED BY THE Common Council of the City of Jefferson that it herein approves an Agreement for Full Value Maintenance Assessment Services with Accurate Appraisal, LLC of Menasha, Wisconsin for assessment years 2010-2013 for the fixed sum of \$25,000 per year. The Agreement provides for the provision of assessing services by Wisconsin Department of Revenue Certified Personnel and includes

preparing, updating and maintaining 100% real property assessment records for the City of Jefferson, Wisconsin

Ald. Carnes stated that approval was unanimous at Finance Committee and that the cost was frozen for the next four years.

Ald. Cross, seconded by Ald. Beyer moved to recommend Resolution No. 41. On call of the roll, motion carried unanimously.

RESOLUTION DENYING INSURANCE CLAIM

Ald. Oppermann introduced Resolution No. 42.

**CITY OF JEFFERSON
RESOLUTION NO. 42**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin herein denies and disallows the claim of Lynsey Madison for an incident occurring on April 7, 2009 near the City of Jefferson VFW Park.

Ald. Oppermann, seconded by Ald. Endl moved to recommend Resolution No. 42. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE EXECUTION OF THE AGREEMENT BY
AND BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION
AND THE CITY OF JEFFERSON FOR THE MAINTENANCE OF THE
WATERTOWN ROAD BICYCLE/PEDESTRIAN PATH WITHIN THE RIGHT-
OF-WAY OF STH 26**

Ald. Cross 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 City of Jefferson is interested in working with the Wisconsin Department of Transportation on the State Trunk Highway 26 Bypass project, and

WHEREAS, the City of Jefferson is interested in promoting trails for bicycle/pedestrian use through the City as well as the County; and

WHEREAS, the Wisconsin Department of Transportation has provided an agreement to the City of Jefferson and summarized the terms of the agreement as being that the Wisconsin Department of Transportation would construct a bike/pedestrian path near Watertown Road at their expense and the City of Jefferson would maintain the bike/pedestrian path at their expense; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin hereby authorizes the City Mayor and City Clerk, to act on its behalf and sign the Agreement By and Between the Wisconsin Department of Transportation and the City of Jefferson for the Maintenance of the Watertown Road Bicycle/Pedestrian Path within the Right-of-Way of STH 26.

Mayor Myers added that this had been discussed and approved at the Streets Committee.

Ald. Oppermann clarified the bike route and where it would lead to. Oppermann indicated that he hoped that the City would eventually look at approving the section between the new bike path and the existing bike/walk path on the new portion of Watertown Road.

City Engineer Zalar stated that the City shares ownership of road with the Town of Aztlan, therefore we cannot do improvements at this time. However, she noted that the project is on the City's radar.

Ald. Endl asked how the path was going to be constructed and if there would be some type of barrier from the traffic lanes.

City Engineer Zalar indicated that the path would be asphalt, but that she had no other details at this time.

Ald. Cross, seconded by Ald. Carnes moved to recommend Resolution No. 43. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION AGREEMENT FOR A HIGHWAY IMPROVEMENT PROJECT

Ald. Endl introduced Resolution No. 44.

**CITY OF JEFFERSON
RESOLUTION NO. 44**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson is interested in working with the Wisconsin Department of Transportation on the State Trunk Highway 26 Bypass project, and

WHEREAS, there are three interchanges on the State Trunk Highway 26 Bypass that provide direct access to the City of Jefferson; and

WHEREAS, the enhancements proposed by the Wisconsin Department of Transportation will be improve the aesthetics of these interchanges; and

WHEREAS, the Wisconsin Department of Transportation has provided an agreement to the City of Jefferson and summarized the terms of the agreement as being

that the Wisconsin Department of Transportation would construct the enhancements at their own cost and the City of Jefferson would maintain the enhancements at their own cost; and

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 and sign the State/Municipal Agreement for a Highway Improvement Project to complete the enhancements to the interchanges.

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

Ald. Cross, seconded by Ald. Beyer moved to adjourn to Closed Session Pursuant to Section 19.85(1)(g) of the Wisconsin State Statutes to Discuss Litigation Regarding the Phillips 66 Station. On call of the roll, motion carried unanimously.

Ald. Tully, seconded by Ald. Beyer moved to reconvene to Open Session. On call of the roll, motion carried unanimously.

Ald. Carnes, seconded by Ald. Cross moved to adjourn the August 4, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, August 4, 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