

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, AUGUST 18, 2009**

The Tuesday, August 18, 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. Brandel, Ald. Peachey and Ald. Oppermann. Absent was: Ald. Carnes. Also present were: City Administrator Freitag, City Engineer Zalar, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Ron and Marla Michaelis, 900 West Racine Street, addressed the Council regarding Proposed Ordinance #11-09. They stated that they had checked into the cost of garbage/recycling collection for their business and that to get the same type of toter that they currently have, the cost would be almost double. However, they could get a dumpster for close to the same price, however, it would take a year for them to fill. They spoke to their particular situation where their business and home location are the same. They suggested that the Council consider adding back in collection of garbage and recyclables for businesses at the owners cost.

Janet Werner, N4018 Highway Y, addressed the Council regarding the upcoming Concert in the Park. Ms. Werner informed that the Council that the last concert of the season will be next Wednesday, August 26 – the Voice of Elvis.

APPOINTMENT – RDA

Ald. Oppermann, seconded by Ald. Brandel moved to appoint Paul Novitzke to replace Jeff Johnson on the Jefferson RDA. On call of the roll, motion carried unanimously.

UPDATE: RENEW ENERGY BANKRUPTCY PROCEEDINGS

Mayor Myers stated that the City had received two grants totaling \$55,000 for the completion of the Feasibility Study. He then stated that a letter had been sent to Renew Energy talking about the annexation process and the City's need to make a December deadline for a \$3.3 million dollar grant. Myers concluded by stating that a meeting of the Committee of the Whole may be called on September 8, 2009.

AN ORDINANCE TO AMEND SECTION 235-5(B) AND CREATE SECTIONS 235-5 (D), (E), (F) AND (G). OF THE MUNICIPAL CODE OF THE CITY OF JEFFERSON RELATED TO SOLID WASTE

Ald. Peachey was introduced for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #11-09**

An Ordinance to Amend Section 235-5(B) and Create Sections 235-5 (D), (E), (F) and (G). of the Municipal Code of the City of Jefferson Related to Solid Waste.

The Common Council of the City of Jefferson, Wisconsin, do ordain as follows:

Section 1. In 1999-2000, the City of Jefferson established Chapter 235 of its Ordinance entitled “Solid Waste”.

Section 2. Section 235-5(A) established as refuse and recyclables collection as a “municipal function” for residences - which by definition include, “...all residential property including structures having four units or fewer, as defined by City Zoning Laws.”

Section 3. Section 235-5(B) of the City Code specifies that “All residential refuse and recyclables shall be collected, removed and disposed of at the general expense of the City.” As such, the cost of removal has traditionally been included on the property tax bill for the benefitting property.

Section 4. Section 235-6 of the City Code excludes business, commercial, industrial as well as multi-family buildings with 5 or more units from the City’s municipal function.

Section 5. The City of Jefferson, in an effort to encourage business growth, had in the past collected refuse and recyclables from various commercial businesses/sites and multi-family residential sites with four or more units per building.

Section 6. It is the intent of the City of Jefferson to discontinue refuse or recyclables collection from any business/commercial or industrial site, as well as multi-family units with five units or more per building and require those landowners to obtain private arrangements/contracts for their refuse and recycling removal pursuant to the City Code.

Section 7. It is the intent of the City to treat each mobile home unit as a single family residence.

Section 8. In an effort to meet the budgetary hurdles facing the City, and attempt to maintain the same level of services for the growing community, the Council has determined that it is necessary to remove the Refuse/Recycling from the tax levy and make it a special charge.

Section 9. Section 235-5(B) of the City of Jefferson Municipal Code Relating to Refuse and Recycling is hereby amended as follows:

(B) All residential refuse and recyclables shall be collected, removed and disposed of...by the City.” ~~The cost of refuse and recyclables shall be a general expense of the City.~~ **The cost of refuse and recyclables shall become a special charge to the benefitting residential property owner.**

Section 10. Sections 235-5 (D), (E), (F) and G (1) & (2) of the City of Jefferson Municipal Code relating to Refuse and Recycling is hereby created:

(D) Persons and Property Subject to Solid Waste Collection Charge. The owner of every dwelling unit and the owner of every nonresidential tax parcel receiving curbside solid waste collection services from the City of Jefferson, its employees, agents or contractors, shall be required to pay the solid waste fee established by this subsection. The curbside solid waste collection fee shall be paid by owners of tax-exempt properties as well as owners of taxable properties. If the sewer bill is in an occupant's name, the bill for solid waste collection services shall also be put in the occupant's name. However, the owner of the property shall be responsible for payment of the bill for each dwelling unit for solid waste collection services if the occupant fails to pay the same. Each unit of 4-unit multi-family residence under this section is required to pay the fee.

(E) Monthly Fee. The fee for curbside solid waste collection services shall be set by City Council resolution.

(F) Billing. The City Treasurer shall bill each tax parcel receiving City curbside solid waste services on a monthly basis. The bill for such services shall be included with the City's **monthly** utility bill.

(G) Exemption. The solid waste collection fee shall be waived for any dwelling unit that is unoccupied throughout the calendar year for which services are billed if:

(1) The owner of the tax parcel property executes an affidavit on a form prescribed by the City Treasurer and files the same with the City Treasurer on or before January 20th of the year for which services are billed; and

(2) The owner's affidavit states that the dwelling unit in question has not been and will not be occupied at any time during the calendar year for which services are billed.

Section 11. 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.

This was a first reading.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 45.

**CITY OF JEFFERSON
RESOLUTION NO. 45**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for August 18, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for July and August 2009 in the amount of \$2,205.19 and \$218,179.08 and Payroll Summary for July 31, 2009 in the amount of \$136,883.15.
- ◆ Council Minutes and Committee of the Whole Minutes from the August 4, 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. Tully moved to recommend Resolution No. 45. On call of the roll, motion carried unanimously. Ald. Peachey and Ald. Brandel abstained from the approval of the minutes due to their absence.

RESOLUTION TO REQUEST PERMISSION FROM THE TOWN OF AZTALAN TO ALLOW THE COST OF THE RIVERVIEW HEIGHTS AND WATERTOWN ROAD SEWER EXTENSION PROJECT TO BE LEVIED AGAINST PARCELS LOCATED WITHIN THE TOWN OF AZTALAN

Ald. Cross introduced Resolution No. 46.

**CITY OF JEFFERSON
RESOLUTION NO. 46**

A RESOLUTION TO REQUEST PERMISSION FROM THE TOWN OF AZTALAN TO ALLOW THE COST OF THE RIVERVIEW HEIGHTS AND WATERTOWN ROAD SEWER EXTENSION PROJECT TO BE LEVIED AGAINST PARCELS LOCATED WITHIN THE TOWN OF AZTALAN.

WHEREAS, The City of Jefferson on August 4, 2009 adopted Final Resolution No. 40 authorizing sanitary sewer improvements, related street improvements, and levying special assessments against benefitted properties within the City of Jefferson.

WHEREAS, all benefitting properties were considered by the City when proportioning the cost of the project including parcels located in the Town of Aztalan.

WHEREAS, parcels located within the Town of Aztalan (after annexation and hook-up to the sanitary sewer) will be required to pay their proportional share of the cost of the sewer installation.

WHEREAS, several parcel owners have approached the City of Jefferson requesting an opportunity to pre-pay the assessment that has not been officially levied against their properties to avoid having to pay the interest at a later date.

WHEREAS, §66.0707(1) Wis. Stats. allows the City of Jefferson to levy special assessment against property in the Town of Aztalan if, after Resolution, the Town of Aztalan approves the levy.

WHEREAS, if the Town of Aztalan by Resolution approves the levy, the by operation of law, the City of Jefferson may accept pre-payments from Town of Aztalan residents.

THEREFORE, BE IT RESOLVED that the City Administrator is directed to send to the Town of Aztalan the attached Town Resolution which, if considered and approved by the Town of Aztalan, will allow the levy enabling the city to collect pre-payment from Town of Aztalan residents.

Atty. Brantmeier stated that the properties that are in the Town that are not currently annexed have deferred assessments – until their time of annexation. He stated that he was asked if non-annexed properties could prepay. He stated that the City would need the permission of the Town of Aztalan to accept money from the Town’s residents. Brantmeier noted that the resolution before them this evening (and the companion resolution for the Town of Aztalan) would 1) confirm the City’s intent that they would like to accept prepayments and 2) provide a resolution for the Town of Aztalan to take action upon.

Ald. Peachey stated that approval of the resolution was unanimous at Finance Committee.

Mayor Myers stated that this could potentially be offered as a courtesy to the Town residents, who someday may be City residents.

Ald. Oppermann stated that he had spoken to a number of people who had chosen to annex to the City. He stated that they feel that this is a slap in the face and a bit unfair to all of those who chose to annex and then were somewhat hassled for doing so. He stated that they feel that the others are benefiting from their work. Oppermann added that this neighborhood was done wrong from the beginning. City water and electricity should never have been extended without annexation and the City is now taking a step to fix that.

Ald. Oppermann stated that at first he thought that the City was better off to have a bird in the hand, but after additional thought, he will be unable to support the resolution.

Ald. Cross asked if this was being done just so a few could prepay in a lump sum and questioned why they might wish to do this.

Ald. Endl concurred.

Mayor Myers stated that for some it may be to save interest (money) in the long run or perhaps motivation regarding a future sale of their property.

Ald. Oppermann added that those who have not annexed are actually benefiting from the economies of scale from those that did annex and essentially locking it in at 2009 dollars. He added that the City residents, thru their taxes are also adding things to this project that are not being assessed that non-City residents will then benefit from.

Atty. Brantmeier indicated that the intent of the residents, as far as he knew, was not to pay over the 20 years, just a lump sum payment.

Ald. Tully stated that he had no problem with the prepayment. He stated that the City would be getting money to pay off debt and these individuals would be using no capacity and receiving no service for their money.

Ald. Beyer stated that at first she felt just as Ald. Oppermann had, but then she thought in reverse that the people that did annex are benefitting from those that did not annex as well. Their proportioned cost brought down the total project cost for those that did annex. Beyer felt that it was really up to the Town at this point if this is something they want to offer.

Ald. Beyer stated that she would feel somewhat differently if they (the non-annexed) were able to get the same terms and conditions that the people that did annex are eligible for.

Atty. Brantmeier stated that they MAY have the right to pay over 20 years...that would be up to challenge by the town resident. Statutes are somewhat conflicting on this point.

Ald. Peachey stated that he concurred with Ald. Beyer and that it is now time for this to go to the Town of Aztalan for their decision.

Ald. Cross, seconded by Ald. Brandel moved to recommend Resolution No. 46. On call of the roll, motion carried by a vote of 6 to 1. Ald. Oppermann cast the dissenting vote.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF A 2009 BRUSH CHIPPER

Ald. Endl introduced Resolution No. 47.

**CITY OF JEFFERSON
RESOLUTION NO. 47**

BE IT RESOLVED by the Common Council of the City of Jefferson, Wisconsin that the City of Jefferson obtained two bids for a 2009 brush chipper to assist with monthly brush pickup.

WHEREAS, the City of Jefferson will allocate funds from the Capital Projects/Equipment Fund for the purchase.

BE IT FURTHER RESOLVED that the City of Jefferson authorizes the City Administrator to enter into an agreement with L. F. George, Inc of Waukesha, Wisconsin in the amount not to exceed \$39,100 for a 2009 Bandit 1490XP Brush Chipper.

Ald. Peachey indicated that Resolution No. 47 was unanimous at Finance Committee. He also noted that the equipment came in significantly under the budgeted amount of \$46,000.

Ald. Endl, seconded by Ald. Brandel moved to recommend Resolution No. 47. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the August 18, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, August 18, 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