

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, SEPTEMBER 1, 2009**

The Tuesday, September 1, 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. Carnes, Ald. Tully, Ald. Endl, Ald. Brandel, Ald. Peachey and Ald. Oppermann (left at 8:23pm prior to the vote on Ordinance #11-09). Absent was: Ald. Cross. Also present were: City Administrator Freitag, City Engineer Zalar, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Mike Proser, 420 East Dodge Street, addressed the Council regarding the proposed Riverfront Park Improvements. He stated that he wanted to thank the Finance Committee for their time and looks forward to action on the project(s) at the next Council meeting!

Peter Monfre, 103 South Wisconsin Drive, addressed the Council regarding the placement of "Hidden Driveway" signs. Mr. Monfre stated that recently he was involved in an accident when someone failed to yield while he was pulling into his driveway. He added that numerous accidents have happened over the years and encouraged the City to install signage for those who live at the base of the hill.

Kevin Wenzel, N5059 Thrush Lane, addressed the Council regarding the improvements made at Riverfront Park by the Youth Baseball Club. Mr. Wenzel outlined a two page document which listed the activities of the Club over the years and their contribution to the park. He requested that the Council continue to support improvements at Riverfront Park.

Mayor Myers then stated that Tyson had uncovered a cornerstone which they would like to donate to the historical society. The Historical Society has requested that they be allowed to put the stone in the landscaping around the entrance to the museum. Myers stated that anyone with objections should let Tim know after the meeting. He also stated that a Special Meeting may be scheduled for Thursday.

APPOINTMENT – CABLE COMMISSION

Ald. Peachey, seconded by Ald. Beyer moved to appoint John Erdman to replace Travis Haas on the Jefferson Cable Commission. On call of the roll, motion carried unanimously.

PUBLIC HEARING AND ACTION ON 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

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 charge/changes.

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.

Ron and Marla Michaelis, 900 West Racine Street, addressed the Council regarding the Proposed Ordinance. They reiterated that 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.

Tim Bare, 244 East Racine Street, addressed the Council regarding the Proposed Ordinance. He asked if a cost analysis had been done to see how much of a cost shift would be taking place between commercial/industrial to residential properties. Ald. Brandel stated no. He stated that he did not understand how the Council could be taking this step without knowing this. He then stated that since this direct charge would bring in \$400,000 and the projected deficit is \$250,000 he stated that he would assume that the tax rate would go down by the gap created between the two. Ald. Brandel stated no. Bare then stated that he believed that the City was charging this fee out (something he is generally in favor of) and then using the excess proceeds as a way to base build the city's levy and that this is in direct conflict of the spirit of the law put in place by the legislators some years ago (the levy cap). He stated that if the Council ends up doing this, he may choose to pursue an injunction and seek remedies in the court system for the Council's action.

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

Ald. Peachey introduced Proposed Ordinance #11-09 for its second 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 4unit 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.

Ald. Peachey, seconded by Ald. Carnes moved to recommend Proposed Ordinance #11-09.

Ald. Brandel stated that he was not in agreement with the way the Ordinance is written and had heard from a number of downtown business owners regarding the proposed charge. Brandel stated that he doesn't know what the purpose of punishing small businesses is – as long as they do not generate more garbage than the average residential property. He stated that with that in mind he would offer the following amendments.

Create a Subsection to read....

If the business/commercial site also serves as the primary, single-family residence of the site's owner or owners; and, if the business/commercial site's volume of refuse and recyclables does not exceed the approximate volume of the other single-family residences being serviced by the City of Jefferson's contracted refuse and recyclables collector and uses the same supplied curbside pickup containers, one for refuse and one for recyclables; then, a qualifying business/commercial/residential site shall, for refuse and recycling purposes, be considered the same as a single family residence for refuse and recyclables

collection and for City billing (as set forth in Sections 8, 9(B), and 10(D) (E) (F) of this Proposed Ordinance #11-09)

And the creation of another Subsection to read...

If the business/commercial site is currently and continues to be producing a volume of refuse and recyclables no more than the approximate volume of single-family residences and uses the same supplied curbside pickup containers, one for refuse and one for recyclables, as single family residences; then the qualifying business/commercial site shall continue to receive refuse and recyclables collection by the City of Jefferson's contracted refuse and recyclables collector and be billed by the City the same as single-family residences (as set forth in Sections 8, 9 (B), and 10 (D)(E)(F) of this Proposed Ordinance #11-09)

Ald. Beyer seconded the motion.

Administrator Freitag stated that Jefferson is unique in the fact that we still do collection for commercial/business properties. He noted that most municipalities no longer provide this service because of the impact that business has on the overall collection rates. Freitag then stated that he knew that John's is not interested in keeping the businesses in the contract because some of the businesses use the toters and then stockpile garbage until the bulk pickup day. He stated that without a doubt, John's would want to negotiate bulky pickup out of the contract for the commercial/businesses. He added that in the end, collection may end up expanded from the 79 business/commercial properties that were still served.

Ald. Brandel stated that 79 pickups is less than 3% of the total pickups. He stated that some of the individuals indicated that they would circumvent the system by taking their garbage to their home if this ordinance was passed as originally written.

Ald. Carnes questioned where we draw the line...do we freeze the pickup list with the 79 pickups that we currently have...what about hybrid situations?

Ald. Oppermann left the meeting 8:23 pm.

Ald. Beyer and Ald. Tully stated that they were fine with the amendments. They added that there are abuses of the collection system by residential property owners too.

City Engineer Zalar indicated that John's also indicated to her that they would not want to continue bulky collection for the commercial/business. She questioned where the City would draw the line...at the 79 properties?

Ald. Brandel stated that he believes this is a good service to provide...maybe we will need to change our ways in the future, but we should try this for a while.

On call of the roll, motion carried by a vote of 5 to 1. Ald. Carnes cast the dissenting vote.

Ald. Brandel then offered another amendment.

Amend Section 10(G) Exemptions as follows:
Add (3) to read:

If the property exempted due to the owner's affidavit described in (1) and (2) above shall become occupied again during the calendar year for which services are billed, the owner must notify the City Treasurer within ten (10) days of renewed occupancy. The refuse and recyclables collection fee, formerly waived, will be put back into effect for the entire calendar year. The owner shall then be immediately liable for past and present collection fees and then for the regular monthly collection fees as billed in the future (exemption is nullified and the owner will pay twelve months of fees).

Ald. Beyer seconded the motion.

Ald. Endl asked if John's had provided a cost estimate for the collection of business/commercial refuse and recycling. Administrator Freitag stated that he did not know that this was a consideration of the Council and therefore had not requested such rates.

A discussion regarding the proposed amendment was then had.

On call of the roll, motion carried by a vote of 6 to 0.

On call of the roll, motion carried unanimously to approve Amended Ordinance #11-09.

AN ORDINANCE TO AMEND SECTION 265-D(8) OF THE CITY OF JEFFERSON MUNICIPAL CODE TO CREATE A NO PARKING ZONE IN THE ALLEY ADJACENT TO BURGER CORNER

Ald. Tully introduced Proposed Ordinance #12-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #12-09**

An Ordinance to Amend Section 265-4 D(8) of the City of Jefferson Municipal Code to Create a No Parking Zone in the alley adjacent to Burger Corner.

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

Section 1. The following portion of Section 265-4 D(8) is hereby amended:

§ 265-4 Parking restrictions.

D. No parking.

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

Name of Street	Side	Location
Unnamed Alley	Both	Alley bounded to the north by East Walworth Street and to the south by East Dane Street and parallel to South Main Street directly to the west and South Center Avenue directly to the east.

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.

AN ORDINANCE TO AMEND SECTIONS 1-4 C (1) AND 265-4 H OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO PARKING FEES

Ald. Beyer introduced Proposed Ordinance #13-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #13-09**

An Ordinance to Amend Sections 1-4 C (1) and 265-4 H of the City of Jefferson Municipal Code Related to Parking Fees.

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

Section 1. The following portion of Section 1-4 C (1) is hereby amended:

§ 1-4 Citations.

C. Schedule of deposits.

(1) The following schedule of cash deposits is established for use with citations issued under this section: [Amended 8-6-2002 by Ord. No. 8-02; 5-20-2003 by Ord. No. 8-03; 7-1-2003 by Ord. No. 9-03; 12-19-2006 by Ord. No. 19-06; 5-1-2007 by Ord. No. 5-07]

Section Number	Offense	Deposits and Costs
265-4F	Compact cars only	\$40 \$20

Section 2. The following portion of Section 265-4 H is hereby amended:

§ 265-4 Parking restrictions.

H. Parking restriction forfeitures. All violations of this section providing for a forfeiture of ~~\$40~~ shall **double increase to \$20** if the original forfeiture of ~~\$40~~ is not paid within 15 days after the date of violation, unless the citation is contested in court.

Section 3. 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.

CONSENT AGENDA

Ald. Tully introduced Resolution No. 48.

**CITY OF JEFFERSON
RESOLUTION NO. 48**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for September 1, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for September 2009 in the amount of \$226,843.07 and Payroll Summary for August 14, 2009 in the amount of \$144,628.79.
- ◆ Council Minutes from the August 18, 2009 Meetings of the Common Council.
- ◆ 2009 American Legion Band Subsidy- \$3,000.
- ◆ Licenses as Approved by the Regulatory Committee.
 - ◆ Operator's Licenses
 - ◆ Special Class B Licenses
 - ◆ Class B Beer/Class C Wine License – Blue Moon

Ald. Tully, seconded by Ald. Brandel moved to recommend Resolution No. 48. On call of the roll, motion carried unanimously.

RESOLUTION REQUESTING EXEMPTION FROM THE COUNTY LIBRARY TAX

Ald. Endl introduced Resolution No. 49.

**CITY OF JEFFERSON
RESOLUTION NO. 49**

WHEREAS the Jefferson County Board has established a county library service and levies a county library tax as authorized under Section 43.57 (3) of the Wisconsin Statutes, and

WHEREAS Section 43.64 (2) (b) of the Wisconsin Statutes provides that a village or city is exempt from the county library tax if it levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52 (1) during the year for which the county tax levy is made a sum at least equal to the county library

tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year, and

WHEREAS the City of Jefferson will, in 2010, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED that the City of Jefferson hereby requests of the Jefferson County Board of Supervisors that the City of Jefferson be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64 (2).

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the city/village clerk to the following parties:

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
102 East Milwaukee Avenue
Fort Atkinson, WI 53538

COUNTY CLERK
320 South Main Street, Room 109
Jefferson, WI 53549

Ald. Endl, seconded by Ald. Carnes moved to recommend Resolution No. 49. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE APPLICATION FOR A STATE TRUST FUND LOAN FROM AND THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS TO THE STATE OF WISCONSIN BOARD OF COMMISSIONER OF PUBLIC LANDS, AND MAKING CERTAIN COVENANTS RELATING TO THE BUILD AMERICA BOND PROGRAM

Ald. Carnes introduced Resolution No. 50.

**CITY OF JEFFERSON
RESOLUTION NO. 50**

Complete copy on file in the office of the City Clerk and is available for public inspection.

Ald. Carnes, seconded by Ald. Peachy moved to recommend Resolution No. 50. On call of the roll, motion carried unanimously.

RESOLUTION AUTHORIZING THE RETAINAGE OF THE JEFFERSON ECONOMIC DEVELOPMENT CONSORTIUM (JCEDC) TO PROVIDE PROJECT MANAGEMENT AND ADMINISTRATION SERVICES AS THEY RELATE TO AND AS MAY BE REQUIRED TO IMPLEMENT THE HAZARD MITIGATION GRANT THAT WAS RECENTLY AWARDED TO THE CITY

Ald. Brandel introduced Resolution No. 51.

**CITY OF JEFFERSON
RESOLUTION NO. 51**

BE IT RESOLVED by the Common Council of the City of Jefferson that the Jefferson Economic Development Consortium (JCEDC) be retained to provide project management and administration services as relates to and as may be required to implement the Hazard Mitigation Grant that was recently awarded to the City in an amount not to exceed \$10,228.00. The proceeds are aforementioned grant are to be utilized by the City to acquire and demolish three residential properties determined substantially damaged by the impacts of the June 2008 flood event.

Ald. Endl asked if they will coordinate the asbestos removal and the utility disconnections. City Administrator Freitag indicated that those costs are included in the budgeted demolition costs.

Ald. Brandel, seconded by Ald. Beyer moved to recommend Resolution No. 51. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING BUDGET TRANSFER FROM PARK
DEVELOPMENT FUND FOR RESTORATION OF BALL DIAMONDS**

**CITY OF JEFFERSON
RESOLUTION NO. 52**

Tabled until September 15, 2009.

Ald. Carnes, seconded by Ald. Brandel moved to adjourn to Closed Session pursuant to Section 19.85(1)(g) of the Wisconsin State Statutes to Discuss Pending Litigation Concerning Consumer Business Group V City of Jefferson: DWD case number LS200802828. On call of the roll, motion carried unanimously.

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

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the September 1, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, September 1, 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