

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

The Tuesday, November 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. Carnes, Ald. Tully, Ald. Endl, Ald. Peachey, Ald. Cross and Ald. Oppermann. Absent was: Ald. Brandel. Also present were: City Engineer Weiss, City Attorney Brantmeier and City Clerk/Treasurer Stewart

**PUBLIC PARTICIPATION**

NONE.

**RIVERVIEW HEIGHTS UPDATE**

City Engineer Weiss indicated that the sewer is now completely installed and that paving for the year had finished up today. She stated that there is still restoration work to be done this year, but the project is running on schedule.

**PUBLIC HEARING AND ACTION ON AN ORDINANCE TO ADD SECTION 300-30(N) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE ADDITION OF “JOB” SHOPS AS A CONDITIONAL USE FOR HIGHWAY AND NEIGHBORHOOD BUSINESS DISTRICTS**

Mayor Myers called the public hearing to order.

Atty. Brantmeier read the Notice of Public Hearing.

City Engineer Jill Weiss gave an explanation of the proposed amendment. Attorney Brantmeier provided the definition of a job shop.

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.

Steve Dehnert, Badger Bank, 1003 South Main Street addressed the Council requesting support for the Ordinance. He stated that the proposed use is not unlike the previous use. He stated that the bank looks at this as an opportunity to fill a vacant building. Dehnert stated that the bank, a bordering property owner is completely in support of the proposed use and he noted that he does not feel that the use is precedent setting or a lot different than what has been done in the building prior and what is being done in the area now.

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

Ald. Carnes introduced Proposed Ordinance #14-09 for its second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #14-09**

**TO ADD “JOB SHOPS” AS A CONDITIONAL USE FOR HIGHWAY AND  
NEIGHBORHOOD BUSINESS DISTRICTS.**

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

**Section 1.** The old “Washmobile” or property located at 125 West Garland is currently zoned Business, Highway and Neighborhood District under Sec. 300-21(a) of the Municipal Code.

**Section 2.** Business, Highway and Neighborhood District (BHN). The BHN District is established to provide convenient shopping good and services to a local neighborhood area and travelling public. No use permitted in this District shall be dangerous or offensive, or detrimental to neighboring areas of residents by reason of the omission of dust, gas, smoke, noise, fumes, odor, vibration, etc...

**Section 3.** approved uses in the BHN Districts include, drug stores, food stores, insurance agencies, professional and business offices, restaurants, gift stores, confectionaries, and liquor stores.

**Section 4.** Conditional Uses allowed in BHN Districts include places of entertainment, public and quasi-public uses (300-28), single or multi-family dwelling units on the second floor of any principal structure (300-29(f)) and highway orientated and commercial uses (300-30) and recreational uses (300-33).

**Section 5.** A “job shop” is currently only allowed in the City of Jefferson industrial district. The Comprehensive Master Plan shows the area in question as commercial.

**Section 6.** An amendment to the Jefferson Zoning Code may allow the prospective purchaser to operate their metal fabrication specialty job or “job shop”, but such an amendment would also require the City to allow said “job shops” as a Conditional Use in all BHN Districts, as long as the applicant meets the criteria.

**Section 7.** The Common Council of the City of Jefferson do ordain as follows:

Sec. 300-30 (n) shall be added as a Conditional Use and BHN District.

Specifically, “job shops” to be allowed in highway and neighborhood business districts as follows:

Small manufacturing operations that handle specialized manufacturing processes, such as small customer orders or small batch jobs. Job shops typically move on to different jobs when each job is completed. An example would be a machine shop that makes specialized components for an industry.

**Section 8.** This ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

Ald. Beyer clarified that the job shop use would only be in a BHN District. She then inquired exactly what the business intended for the site would do.

The potential purchaser then provided a description of the services that he provides.

Atty. Brantmeier reminded the Council that they were not voting on the conditional use tonight...just whether or not a conditional use for job shops would be added to the City's ordinances for future conditional use applicants.

Ald. Carnes clarified that a conditional use would be needed for each job shop that wanted to operate in a BHN district.

It was then noted that the Plan Commission had voted 4 to 2 in favor of recommending the ordinance to the Council.

City Engineer Weiss indicated that she has concern over moving this type of use into a Commercial District. She added that there may be some conflict in use and job shops may be undesirable in other areas of the commercial district.

Ald. Tully stated that he would support the ordinance and that we need to offer more flexibility in the future. He added that in this particular location a job shop would be a good fit. Tully concluded by stating that we want to welcome business and that we may need to employ some flexibility to do so.

Ald. Endl asked if there are any other zoning options at this location.

Atty. Brantmeier noted that there was not, but the use would fit into our industrial parks.

Ald. Beyer asked if this type of ordinance was unusual.

Atty. Brantmeier indicated that job shops are not unusual, but job shops in a Commercial District are somewhat rare, as his research did not turn up any. Brantmeier noted that the Comprehensive Master Plan shows commercial zoning in this area...however, as Ald. Tully pointed out, there are ways to distinguish this site from other commercial zoning areas if the Plan Commission saw fit to approve a conditional use permit for a job shop. However, denial of future job shops in other BHN areas may then be more difficult.

Ald. Carnes, seconded by Ald. Cross moved to recommend Proposed Ordinance #14-09. On call of the roll, motion was defeated by a vote of 4 to 3.

**AN ORDINANCE TO AMEND SECTION 232-22 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO THE PROHIBITING OF THE DISCHARGE OF WATER INTO THE CITY'S SANITARY SEWER SYSTEM**

Ald. Beyer introduced Proposed Ordinance #15-09

**CITY OF JEFFERSON**

**PROPOSED ORDINANCE #15-09**

An Ordinance to Amend 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 **discharge permit from the Public Works Director to discharge during the prohibited period (Nov. 1 to March 31)**. In addition to the requirements for the issuance of a **discharge permit**, it may be granted only to the minimum extent necessary to afford relief from an unnecessary hardship.
- (1) **The permit holder shall be responsible for and have the duty to remove ice and snow from the discharge area and to insure the area is maintained in a safe condition.**
  - (2) **A permit under this section will be valid until the Director of Public works in her/his discretion determines that a reasonable alternative for discharge is available.**

**Section 2.** This Ordinance shall take effect and be in full force after passage and publication as provided by law and notification and attestation.

City Engineer Weiss indicated that when the Stormwater Utility ordinance was put in place, the permitting process figured a small number of variances being issued, however, this is not the case. The suggested amendments to the ordinance would allow for a more streamlined process since the Engineer would be handling them. Weiss also noted that the changes put the owness of discharge clearly back to the property owner.

Weiss indicated that we have a lot more variances than we though...around 70 homes at this point. And that, most likely, only represents a fraction of those that should be requesting the variance.

Ald. Beyer, seconded by Ald. Cross moved to recommend Proposed Ordinance #15-09. On call of the roll, motion carried unanimously.

**AN ORDINANCE TO AMEND SECTION 235-5 (D), (E), (F) AND G (1) & (2) OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATING TO REFUSE AND RECYCLING COLLECTION COSTS AND BILLING METHODS**

Ald. Endl introduced Proposed Ordinance #16-09 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #16-09**

An Ordinance to Amend Section 235-5 (D) (1)&(2) of the Municipal Code of the City of Jefferson Related to Recycling Collection Costs and Billing Methods.

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

**Section 1.** Sections 235-5 D (1) & (2) of the City of Jefferson Municipal Code relating to Refuse and Recycling is hereby amended as follows:

(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.

(1) 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~~

(2) 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.~~ *per the annual City of Jefferson Schedule of Fees for Refuse and Recycling.*

(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 20<sup>th</sup> 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.
- (3) *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).*

**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 ADD SECTION 265-16.2 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATE TO WEIGHT RESTRICTIONS ON CITY STREETS**

Ald. Carnes introduced Proposed Ordinance #17-09 for its first reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #17-09**

An Ordinance to Add Section 265-16.2. of the City of Jefferson Municipal Code Related to Weight Restrictions on City Streets.

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

**Section 1.** Section 265-16.2. of the City of Jefferson Municipal Code Relating to Weight Restrictions on City Streets:

**§ 265-16-.2. Weight Restrictions.**

No person shall operate a motor vehicle with a combination vehicle load weight exceeding 24,000 pounds or gross in weight on the following streets/roadways located within the City of Jefferson.

**NAME OF STREET**

W. Madison Avenue

N. Franklin Avenue

**LOCATION**

N. Jackson to End (Irving Way)

W. Madison Ave. to W. Racine St.

**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.

**CONSENT AGENDA**

Ald. Oppermann introduced Resolution No. 70.

**CITY OF JEFFERSON  
RESOLUTION NO. 70**

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

The consent agenda for tonight includes:

- ◆ Vouchers Payable for November 2009 in the amount of \$319,975.07 and Payroll Summary for October 23, 2009 in the amount of \$122,109.61.
- ◆ Council Minutes from the October 20, 2009 Meeting of the Common Council, Minutes from the October 6, 2009 Committee of the Whole, May 13, 2009 Minutes from the Special Common Council Meeting and the September 10, 2009 Meeting of the Common Council and RDA.
- ◆ 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. 70. On call of the roll, motion carried unanimously.

Craig Ellsworth then provided the Council with an overview of the Seifert Avenue area and a brief overview of how the Capn's plan fits into the area.

**RESOLUTION RELOCATING/CHANGING SOUTH SEIFERT AVENUE RIGHT OF WAY**

Ald. Peachey introduced Resolution No. 71.

**CITY OF JEFFERSON  
RESOLUTION NO. 71**

**RELOCATING/CHANGING SOUTH SEIFERT AVENUE  
RIGHT OF WAY**

**WHEREAS**, on 27<sup>th</sup> day of October, 2009, a Notice of Pendency of Relocation of South Seifert Avenue was filed and recorded on October 28, 2009 in the Jefferson County Register of Deeds Office, pursuant to §840.11 Wis. Stats.

**WHEREAS**, the eastern border of South Seifert Avenue will be moved approximately 16.2 feet west from the current northeast corner of the avenue at West Milwaukee Street, then extend southerly 66 feet wide to a point approximately 40.6 feet west of the current southeast corner of the avenue. The roadway will dead end at the lot line between 210 & 204 Wisconsin Avenue as identified in Exhibit "A".

**WHEREAS**, although a public hearing is not required pursuant to §66.1003(5) Wis. Stats, for the relocation of South Seifert Avenue, notice was mailed to adjacent property owners and their input welcomed.

**WHEREAS**, the Common Council is relocating South Seifert Avenue in an attempt to eliminate "blighted property" for the public good/use, which will promote the health, safety, morale and welfare of the general area and the greater Jefferson community. No properties will be condemned as part of the relocation.

**WHEREAS**, if approved a certified copy of this Resolution together with a full accurate description of the land affected thereby with the map (Exhibit "A") shall be recorded in the Office of the Register of Deed for Jefferson County Wisconsin.

**THEREFORE**, be it resolved that the City of Jefferson hereby relocates South Seifert Avenue as described herein and identified in Exhibit "A".

Steve Lewis, 218 Wisconsin Drive, Jefferson Area Business Center, stated that he was here to voice his concern over continued access to his property. He stated that it is imperative for his (and the other 10 businesses in his building). Lewis noted his concern that construction would start prior to the tear down of 214/216 West Milwaukee Street. This would essentially limit access to his building. He also indicated that presence of a private lateral under the existing ROW, he asked that it should be kept in mind that he would need an easement for this.

Atty. Miller, 1157 Hillebrand Drive, requested that page 5 of the agreement (last sentence) be clarified to make certain that access to the Lewis property is never compromised.

Architect Ellsworth stated that he was aware of the lateral and stated that he already has an easement with the City and that this would not be an issue for the proposed development. Ellsworth stated that it is anticipated that the building will come down first.

Atty. Brantmeier stated that the City cannot approve any agreement which would limit access to the Lewis property. He noted that when all is said and done, the access to the property will be greatly improved.

Ald. Peachey, seconded by Ald. Oppermann moved to recommend Resolution No. 71. On call of the roll, motion carried unanimously.

**RESOLUTION APPROVING AN AGREEMENT FOR THE RELOCATION OF SOUTH SEIFERT AVENUE**

Ald. Cross introduced Resolution No. 72.

**CITY OF JEFFERSON  
RESOLUTION NO. 72**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the “Agreement for Relocation of South Seifert Avenue” is herein approved and authorizes the City Administrator to execute the “Agreement” on behalf of the City of Jefferson.

Atty. Brantmeier stated that he would like the blessing of the Council to make the necessary changes to the agreement to satisfy Mr. Lewis. He stated that he would also assure that any language changes would be agreeable to the adjacent property owners.

Atty. Brantmeier stated that this document is not approving anything for the Capn’s Pub development. This is simply clarifying and reworking a right of way area which will improve access to the properties in the area. And eventually allow for the Capn’s Pub project if approved.

Ald. Endl noted that the City would be maintaining a gravel base ROW for a period of time. He stated that this could get pretty difficult to maintain during poor weather conditions such as snow storms.

Atty. Brantmeier agreed, there would most likely be a period of time before this is blacktopped and the City would be responsible for maintaining the access during that time.

Ald. Beyer, seconded by Ald. Peachey moved to recommend that the resolution is amended to read “subject to City Attorney approval”. On call of the roll, motion carried unanimously.

City Attorney Brantmeier indicated that he would stay within the spirit of the document and if concerns arose, he would bring it back to the Council for their consideration.

Ald. Cross, seconded by Ald. Beyer moved to recommend Amended Resolution No. 72. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING THE EXECUTION OF THE WISCONSIN  
OFFICE OF ENERGY INDEPENDENCE ENERGY EFFICIENCY AND  
CONSERVATION BLOCK GRANT (EECBG)**

Ald. Tully introduced Resolution No. 73.

**CITY OF JEFFERSON  
RESOLUTION NO. 73**

**WHEREAS**, the City of Jefferson is committed to reducing fossil fuel emissions in an environmentally sustainable manner, reducing its total energy use, and improving energy efficiency, consistent with the goals and program objectives of the EECBG, and

**WHEREAS**, the City of Jefferson has declare itself a partner with the State of Wisconsin in pursuit of the “25 x 25” goals for energy independence and will respond to climate change challenges by including sustainability as a guiding principle in its decision making processes, supporting projects that exemplify best practices in sustainability and supporting multijurisdictional partnerships to promote and implement best practices; and

**WHEREAS**, the City of Jefferson hereby requests financial assistance under the EECBG for the purpose of retrofitting the existing heating/ventilation/air conditioning (HVAC) system,

**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 Office of Energy Independence and submit the grant application to the State of Wisconsin for financial aid for retrofitting the HVAC system at City Hall; sign all documents; and take necessary action to undertake, direct, and complete an approved EECBG grant project.

**BE IT FURTHER RESOLVED THAT** the City of Jefferson will meet the obligations of the EECBG program, continue to work on community energy planning and implementation, and commit \$80,000 of the City’s Capital Project monies to leverage against project costs. We understand the importance of pursuing energy independence and we intend to continue to proceed on that course.

Ald. Tully, seconded by Ald. Beyer moved to recommend Resolution No. 73. On call of the roll, motion carried unanimously.

Ald. Oppermann, seconded by Ald. Tully moved to adjourn to Closed Session pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes to Discuss the Sale of the Wallace Idaho Property. On call of the roll, motion carried unanimously.

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

Ald. Peachey, seconded by Ald. Cross moved to adjourn the November 3, 2009 meeting of the Common Council. Motion carried unanimously on call of the roll.

The minutes of the Tuesday, November 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