

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
TUESDAY, NOVEMBER 17, 2009**

The Tuesday, November 17, 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, Ald. Brandel and Ald. Oppermann. Also present were: City Administrator Freitag, City Engineer Weiss, City Attorney Brantmeier and City Clerk/Treasurer Stewart.

PUBLIC PARTICIPATION

Janet Werner, N4018 Highway Y, addressed the Council regarding the upcoming holiday events. She noted that December 5 is the Lights Parade at 5:30 pm and that a cookie walk and scavenger hunt is also planned.

Jim Renz, 805 South Whitewater, addressed the Council regarding a drop in the speed limit on Whitewater Avenue. He stated that he would support a drop in the speed limit to 25 mph.

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. Cross introduced Proposed Ordinance #16-09 for its second 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 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.

- (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.

Ald. Cross, seconded by Ald. Endl moved to recommend Proposed Ordinance #16-09. On call of the roll, motion carried unanimously.

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

REMOVED FROM THE AGENDA

AN ORDINANCE TO AMEND SECTIONS 33-1, 33-2 AND 33-5 OF THE CITY OF JEFFERSON MUNICIPAL CODE RELATED TO THE CITY OF JEFFERSON MUNICIPAL COURT

Ald. Tully introduced Proposed Ordinance #18-09 for its first reading.

**CITY OF JEFFERSON
PROPOSED ORDINANCE #18-09**

An Ordinance to Amend Sections 33-1, 33-2 and 33-5 of the City of Jefferson Municipal Code Related to the City of Jefferson Municipal Court.

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

Section 1. Section 33-1 is hereby amended as follows:

§33-1 MUNICIPAL COURT. (Cr. #17-93)(Am. #18-05). (1) MUNICIPAL COURT CREATED. There is hereby amended and established in a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as “Municipal Court for Central Jefferson County” which shall consist of the City of Jefferson, the Village of Johnson Creek, the Town of Aztalan and the **Town of Sumner**.

Section 2. Section 33-2 is hereby amended as follows:

(§33-2) MUNICIPAL JUDGE. Such Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in the City of Jefferson, the Town of Aztalan, the Village of Johnson Creek or the Town of Sumner. Such Municipal Judge shall be elected at large in the spring election for a term of four years commencing May 1, 2007. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in

§8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Common Council of the City of Jefferson, the Village Board of the Village of Johnson Creek, Town Board of the Town of Aztalan and **the Town Board of the Town of Sumner** shall provide for a primary election in the event that more than two candidates file nomination papers for such position of Municipal Judge as provided in § 8.11(1)(a), Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in § 5.02(22), Wis. Stats.

Section 3. Section 33-2(c) is hereby amended as follows:

(§33-2(c)) SALARY. (Am. #32-97) The salary of the Municipal judge shall be fixed by the Common Council of the City of Jefferson, the Village Board of Johnson Creek, the Town Board of the Town of Aztalan **and the Town Board of the Town of Sumner** at \$7,254 per year which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03 Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.30 Wis Stats. for the term ending April 30, 2000, the Village of Johnson Creek shall tender the sum of \$4,500 per year, commencing May 1, 1998, and annually thereafter to the City of Jefferson. The Town of Aztalan **and the Town of Sumner** shall tender **\$25** per case administered to the City of Jefferson. City of Jefferson shall pay the Municipal Judge's salary as set forth above. The City of Jefferson shall pay the Municipal Clerk's salary as budgeted from time to time.

Section 4. Section 33-5 is hereby amended as follows:

(§33-5) FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by Chapter 800 Wis. Stats., and as provided in the ordinances of the City of Jefferson, the Town of Aztalan, **the Town of Sumner** and the Village of Johnson Creek. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessment and costs, if any. **The City of Jefferson shall retain all forfeitures after township trials.**

Section 5. This ordinance shall take effect upon passage and publication as required by law.

This was a first reading.

CONSENT AGENDA

Ald. Oppermann introduced Resolution No. 74.

CITY OF JEFFERSON

RESOLUTION NO. 74

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for November 17, 2009 is hereby adopted.

The consent agenda for tonight includes:

- ◆ Vouchers Payable for October and November 2009 in the amounts of \$797.53 and \$291,411.22 and Payroll Summary for November 6, 2009 in the amount of \$135,671.14.
- ◆ Council Minutes from the November 3, 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. 74. On call of the roll, motion carried unanimously.

PUBLIC HEARING ON THE 2010 GENERAL, SPECIAL FUNDS, STORM SEWER UTILITY AND WASTEWATER UTILITY BUDGETS AND ADOPTION OF THE 2010 GENERAL, SPECIAL FUNDS AND WASTEWATER UTILITY BUDGETS

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 2010 Budget and 2009 Tax Levy.

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. Peachey introduced Resolution No. 75.

CITY OF JEFFERSON RESOLUTION NO. 75

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2010 General Fund Budget attached hereto and the 2010 budgets for Special Funds, Storm Sewer Utility and the Wastewater Treatment Utility are hereby adopted, and

BE IT FURTHER RESOLVED that any budgetary figures stipulated in the Municipal Code shall be amended to reflect changes authorized in the Municipal budget.

Ald. Peachey, seconded by Ald. Brandel moved to recommend Resolution No. 75. On call of the roll, motion carried unanimously.

RESOLUTION APPROVING 2009 TAX LEVY

Ald. Endl introduced Resolution No. 76.

**CITY OF JEFFERSON
RESOLUTION NO. 76**

BE IT RESOLVED by the Common Council of the City of Jefferson that the 2009 General Fund Property Tax Levy for Municipal Services in 2010 in the amount of \$2,693,270, the 2009 Recycling Fund Levy for 2010 Service in the amount of \$24,500, the 2009 Public Library Fund Levy for 2010 Service in the amount of \$353,411 and the 2009 Capital Project and Equipment Fund Levy for 2010 in the amount of \$293,700 is hereby approved.

Ald. Endl, seconded by Ald. Beyer moved to recommend Resolution No. 76. On call of the roll, motion carried unanimously.

**RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION
(AMENDMENT) TO PARTICIPATE IN THE WISCONSIN COMMUNITY
DEVELOPMENT BLOCK GRANT – EMERGENCY ASSISTANCE PROGRAM**

Ald. Beyer introduced Resolution No. 77.

**CITY OF JEFFERSON
RESOLUTION NO. 77**

WHEREAS, additional federal monies are being made available under the Community Development Block Grant Emergency Assistance Program (CDBG-EAP), administered by the Wisconsin Department of Commerce, for the purpose of disaster recovery, and

WHEREAS, the City of Jefferson submitted an initial application for and received the sum of approximately \$600,000 for disaster recovery under CONTRACT #EAP which provides funding for improvements to the City of Jefferson Wastewater Treatment Plant and the acquisition of primary residences damaged and left uninhabitable as a result of the June 2008 flood event, and

WHEREAS, in response to requests from home owners it appears there will be a need for funds in excess of this initial award to assist residential property owners in recovery efforts, and

WHEREAS, additional public infrastructure has been identified requiring repair and improvement to mitigate the impacts of future flood events, and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein directs the City Administrator and City Engineer to amend the City's CDBG-EAP application to seek additional funds to assist

residential property owners in flood recovery efforts and make repair to and improve certain public infrastructure to mitigate the impacts of future flood events.

City Administrator Freitag provided the Council with an overview of the City's plans. City Engineer Weiss provided the Council with some pictures to illustrate the City's possible application amendments.

Ald. Beyer, seconded by Ald. Carnes moved to recommend Resolution No. 77. On call of the roll, motion carried unanimously.

RESOLUTION FOR THE MULTI-JURISDICTIONAL JUDGE APPOINTMENT FOR THE CITY OF JEFFERSON, VILLAGE OF JOHNSON CREEK AND THE TOWN OF AZTALAN

REMOVED FROM THE AGENDA

RESOLUTION AUTHORIZING THE HIRE OF A PART-TIME AUXILIARY POLICE OFFICER

Ald. Tully introduced Resolution No. 79.

**CITY OF JEFFERSON
RESOLUTION NO. 79**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that William Becker Jr. is hereby hired as part-time auxiliary Police Officer.

BE IT FURTHER RESOLVED that Mr. Becker is authorized to start immediately at a 2009 pay rate of \$15.34. Future pay rates will be designated in the annual wage/salary resolutions.

Ald. Tully, seconded by Ald. Oppermann moved to recommend Resolution No. 79. On call of the roll, motion carried unanimously.

Ald. Peachey, seconded by Ald. Beyer moved to adjourn the November 17, 2009 meeting of the Common Council. On call of the roll, motion carried unanimously.

The minutes of the Tuesday, November 17, 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