

**MINUTES
CITY OF JEFFERSON COMMON COUNCIL
CITY HALL MEETING ROOMS
TUESDAY, OCTOBER 20, 2020**

The Tuesday, October 20, 2020 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Members present were: Ald. Krause, Ald. Tully, Ald. Neils, Ald. Miller, Ald. Young, Beyer, Ald. Lares and Ald. Brandel. Absent: None. Also present were: City Administrator Freitag, City Engineer Pinnow, Park and Recreation Director Keller, City Attorney Rogers, City Clerk/Deputy Treasurer Copsey, and Chief Pileggi.

PUBLIC PARTICIPATION

None.

FY 2021 BUDGET OVERVIEW

Administrator Freitag gave an overview of the proposed FY 2021 Budget and the process of the budget.

ORDINANCE

(To be introduced for its second reading by Ald. Brandel.)

**CITY OF JEFFERSON
ORDINANCE #6-20**

WHEREAS, the City of Jefferson established boating regulations to operate the city owned public boat launches in 2012,

WHEREAS, the City of Jefferson in a joint partnership with Jefferson County is opening a new launch at Rock River Landing Park,

WHEREAS, the City needs to update and clarify the existing boating regulation ordinance.

NOW THEREFORE, the Common Council does hereby ordain as follows:

1. Public boat launchings. City boat launches are located at the following properties: Tensfeldt Boat Launch (East Riverview Drive and Henry Street) and Rock River Landing Park (N. Elizabeth Avenue)
- C. Transient docking. All docks and piers that are not used for boat launching may be used for transient boaters. Non launching docks are currently located at Rotary Waterfront Park, Rock River Landing Park, River's Edge Nature Preserve, Candise Street, Goat Island and W. Riverview Drive. Persons using these docks shall not be allowed to dock more than 24 consecutive hours.
- D. Boat Launch User Fees.
 1. No person shall use any City owned or operated boat launch facility for launching purposes without an annual or daily launching permit. The annual permit shall be valid from January to December of the year of issuance. The daily permit shall only be valid during the day of purchase. Annual permits will only be sold through the Parks and Recreation office and/or other outlets designated by the Director of Parks and Recreation. Boat launch sites include Tensfeldt Boat Launch (East Riverview Drive and Henry Street) and Rock River Landing Park (N. Elizabeth Avenue).

2. Fees.
 - a. The annual and daily launching fees, along with the fee for a second permit or annual replacement sticker shall be set by the Common Council in the City's Fee Schedule.
1. All annual stickers shall be prominently placed and displayed on the inside of the driver's window of the vehicle used to transport the craft launched at the launching site. The daily launching permit shall be prominently displayed on the interior of the driver's side window of the vehicle used to transport the boat to the launching area. The fee for said permits shall be established annually by the Common Council.
2. Vehicles with boat trailers or other vehicles used to transport craft launched at any City-owned or -operated boat launch facility shall have an affixed annual or daily launching permit when parking in the following areas:
 - i. Tensfeldt Boat Launch:
 1. All parking areas at the Tensfeldt Boat Launch
 2. All parking areas at the at the Tensfeldt Park on South Tensfeldt Avenue
 3. Both sides of East Henry Street
 4. Both sides of East Riverview Drive
 - ii. Rock River Landing Park
 1. All parking areas at the Rock River Landing Boat Launch
3. Authorized "traffic officers." For purposes of enforcing this section of the Jefferson Municipal Code, employees of the City of Jefferson Parks Department are hereby designated as "traffic officers" with in the meaning of §§340.01 (70) and 349.13, Wis. Stats and are hereby authorized to issue citations for nonmoving violations of this section.
4. Responsibility of owner. If any vehicle with a boat trailer is found upon any street, alley, highway, park or other public grounds of the City in violation of this section of the Jefferson Municipal Code and the identity of the driver cannot be readily determined, the owner or person
5. Enforcement of parking restriction. Traffic officers observing violations of the parking restrictions specified within this chapter may issue parking tickets which shall be attached to the vehicle parked in violation. Each parking ticket shall specify:
 - i. Identification of the location of the vehicle parking in violation of the provisions of this section.
 - ii. The license number and state of licensing of the vehicle.
 - iii. The time at which such vehicle is parking in violation of the provisions of this chapter.
 - iv. Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances attending to the violation.
6. Basic penalty for violation. The forfeiture upon conviction if this action shall be \$20 which amount shall be set annually by the Common Council.
7. Use of launch fee revenue. The net revenue resulting from the sale and enforcement of launch fee permits, after the deduction of the cost of collection, enforcement, administration and operation, shall be used to establish, maintain and improve boat launch facilities within the City of Jefferson per Wisconsin Administrative Code and statutes, as amended from time to time.

8. This section shall not apply to law enforcement vehicles used in the normal course of patrol or any and all search-and-rescue vehicles and trailers.

Ald. Brandel, seconded by Ald. Beyer moved to approve Ordinance #6-20. On call of the roll, Motion carried unanimously.

ORDINANCE

(To be introduced for its second reading by Ald. Tully.)

CITY OF JEFFERSON ORDINANCE #7-20

§ 294-6. General park and public land dedication requirements.

A. Dedication requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a certified survey or subdivision development or residential development where a zoning permit is required under § 300-90 to add dwelling units to a previously platted lot or lots, each subdivider or developer shall be required to dedicate land or pay fees in lieu of land for park or other public uses.

B. General design. In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage ways and other public purposes. Such sites are to be shown on the preliminary plat and final plat and shall comply with the City of Jefferson Comprehensive Master Plan or components of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

C. Site reservations required.

- (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the City of Jefferson Comprehensive Master Plan, at the Common Council's determination such area shall either be dedicated to the proper public agency or it shall be reserved for acquisition thereby within a three-year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.

- (2) Whenever any river, stream or important surface drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.

D. Land dedication.

- (1) Dedication of sites. Where feasible and compatible with the City of Jefferson Comprehensive Master Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the City of Jefferson. The location of such land to be dedicated shall be determined by the Common Council. Where the dedication is not compatible with the City of Jefferson Comprehensive Master Plan or for other reasons is not feasible as recommended by the Plan Commission and as approved by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this chapter, or a combination thereof.

- (2) Dedication of parks, playgrounds, recreation, and open spaces. The developer shall dedicate sufficient land area to provide adequate park, playground, recreation, and open space to meet the

needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be 2,000 square feet per proposed dwelling unit.

(3) Unknown number of dwelling units. Where the plat, certified survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by Chapter 300, Zoning.

(4) Minimum size of park and playground dedications.

(a) In general, land reserved for recreation purposes shall have an area of at least two acres. Where the amount of land to be dedicated is less than two acres, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands to increase its area.

(b) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet.

(5) Fees in lieu of land.

(a) Where in the sole discretion of the Common Council there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City of Jefferson Comprehensive Master Plan or City of Jefferson Comprehensive Park and Outdoor Recreation Plan, the minimum size under Subsection D(4) above cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. A fee shall be paid as set by the Common Council in the City's Fee Schedule prior to issuance of a building permit.

(b) The Common Council may in its sole discretion permit the subdivider to satisfy the requirements of this chapter by combining a land dedication with a fee payment. If a land dedication of 25% of the required dedication is made, the subdivider shall also contribute an amount equal to 75% of the required per-unit fee in lieu of land. If a land dedication of 50% of the required dedication is made, the subdivider shall also contribute an amount equal to 50% of the required per-unit fee in lieu of land. If a land dedication of 75% of the required dedication is made, the subdivider shall also contribute an amount equal to 25% of the required per-unit fee in lieu of land.

(c) The City shall place any fee collected pursuant to the provisions of this section in a separate account to be used at the discretion of the Common Council in any community park, for developing adequate parks, playgrounds, recreation and open spaces.

(d) The fee in lieu of land shall be paid to the City of Jefferson by the time the subdivision plat or certified survey map has been approved by the Common Council.

(6) Limitations. A subdivider shall not be required to dedicate more than 1/3 of the total area of the plat to meet the objectives of this section.

(7) Suitability of lands. The Common Council shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainageways, wetlands, floodplain, or areas

reserved for infrastructure such as streets, utilities, or stormwater shall not be considered as satisfying land dedication requirements.

(8) Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(9) Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land where such services are to be provided to the adjacent properties.

E. Reservation of additional land. When public parks and sites for other public areas as shown on the City of Jefferson Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Subsection D, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one year of final plat approval unless extended by mutual agreement.

F. Development of park area.

(1) When parklands are dedicated to the City, the subdivider is required to:

(a) Properly grade and contour for proper drainage.

(b) Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and

(c) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the City Engineer, fertilized with fertilizer NPK 16-6-6 at a rate of seven pounds per 1,000 square feet, and mulched as specified in the standard "Wisconsin DOT Specifications for Road and Bridge Construction, Sections 627 and 629." The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. The improved area shall not be deemed officially accepted until a uniform grass cover to a two-inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

(d) The subdivider shall transfer to the City of Jefferson the dedicated parklands by good and sufficient warranty deed free and clear of any lien or encumbrance.

(2) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City.

(3) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six-inch water service or at least one fire hydrant and at least one four-inch sanitary sewer lateral, all located at the street property line.

(4) The Common Council may require certification of compliance by the subdivider with this chapter. The cost of such report shall be paid by the subdivider.

(5) If the subdivider fails to satisfy the requirements of this section, the Common Council may contract said completion and bill such costs to the subdivider following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(6) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

G. Recreation facilities improvement fees.

- (1) The subdivider, developer or landowner shall pay a recreation facilities improvement fee as set forth herein. "Recreation facilities" means improvement of land for public parks, including grading, seeding and landscaping, installation of utilities, construction of sidewalks, purchase and installation of playground and other recreational equipment, and construction or installation of restroom facilities on land intended for public park purposes.
- (2) This fee shall be additional to the requirement for parkland or fee payment in lieu of dedication. A fee shall be paid as set by the Common Council in the City's Fee Schedule prior to issuance of a building permit.
- (3) This fee shall be paid to the City of Jefferson at the time the subdivision plat or certified survey map is approved by the Common Council.

H. Waiver or Modification.

- a. Upon recommendation of the Plan Commission and further, upon a finding by the Common Council that a dedication of land and/or payment of a fee pursuant of the terms of this ordinance is not in the best interest of the City of Jefferson, the dedication of land and/or payment of a fee as set forth herein may be waived or modified by the Common Council.

Ald. Tully, seconded by Ald. Miller moved to approve Ordinance #7-20. On call of the roll, Motion carried unanimously.

CONSENT AGENDA

(To be introduced by Ald. Beyer.)

**CITY OF JEFFERSON
RESOLUTION NO. 41**

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for October 20, 2020 is hereby adopted.

- A. Vouchers Payable for October 2020 in the amounts of \$172,380.67, Payroll Summary for October 9, 2020 in the amount of \$162,701.81, and September Manual Checks for \$550.00.
- B. Council Minutes from October 6, 2020 of the Common Council.
- C. Licenses as Approved by the Regulatory Committee.
 1. Operator's Licenses.

Ald. Beyer, seconded by Ald. Lares moved to approve Resolution No. 41. On call of the roll, Motion carried unanimously.

**RESOLUTION AUTHORIZING THE PREPARATION OF A BOUNDARY AMENDMENT FOR
TAX INCREMENTAL DISTRICT #7**

(To be introduced by Ald. Krause.)

**CITY OF JEFFERSON
RESOLUTION NO. 42**

**AUTHORIZING THE PREPARATION OF A BOUNDARY AMENDMENT FOR TAX
INCREMENTAL DISTRICT #7**

WHEREAS, IKWE Development (**the Developer**) has entered into an “Offer to Purchase” Agreement with Jim Kuehn for the purchase of approximately 39 acres of property located adjacent to the Jefferson Golf Course; and

WHEREAS, the Developer intends to develop the property in three phases, including:

- Phase One - Construction of an approximately 77 unit senior housing facility to include a mix of independent, assisted living, and memory care units;
- Phase Two - Construction of approximately 28 active living townhomes; and
- Phase Three – Construction of event center to include pool, golf simulators and fitness center and the possible construction of additional active living townhomes; and

WHEREAS, a portion of the proposed development includes construction of improvements within the current boundary of Tax Incremental District #7 (TID #7); and

WHEREAS, a TID #7 boundary amendment adding additional territory to the District is required to permit implementation of the project development plan; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Jefferson, Wisconsin that it herein approves and authorizes retaining Ehlers and Associates to assist the City with a TID #7 Project Boundary Plan Amendment, including conducting a feasibility analysis with report, development of a TID #7 Project Plan, and the coordination of meetings with the City Council, Plan Commission, and Joint Review Board at a cost not to exceed \$15,500.

Ald. Krause, seconded by Ald. Young moved to approve Resolution No. 42. On call of the roll, Motion carried unanimously.

RESOLUTION AUTHORIZING THE PLYMOUTH STREET ENGINEERING

(To be introduced by Ald. Neils.)

**CITY OF JEFFERSON
RESOLUTION NO. 43**

**AUTHORIZING HIRING OF TOWN & COUNTRY ENGINEERING, INC FOR DESIGN
SERVICES FOR THE 2021 PLYMOUTH STREET IMPROVEMENTS**

WHEREAS, Town & Country Engineering, Inc. has provided the City of Jefferson a proposal and contract for providing design services for the 2021 Plymouth Street Improvements as part of the 2021 Capital Improvement Plan; and

WHEREAS, proposed services include completion of a topographic site survey, preparation of engineering plans and specifications, and services through bidding; and

WHEREAS, the Streets Committee recommends retaining Town & Country Engineering Inc. for design services at a cost of \$28,100 of which the City's portion will be \$15,500 and the remaining \$12,600 will be paid for by Jefferson Utilities for services relating to the design and bidding of the water main;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves an Agreement to provide design services with Town & Country Engineering, Inc. at a cost of \$28,100.

BE IT FURTHER RESOLVED, by the Common Council that the City Administrator is authorized to execute said Agreement on behalf of the City of Jefferson after review by the City Attorney.

Ald. Neils, seconded by Ald. Brandel moved to approve Resolution No. 43. On call of the roll, Motion carried unanimously.

RESOLUTION FOR IGA SNOW POWING BETWEEN CITY OF JEFFERSON, JEFFERSON COUNTY, AND TOWN OF JEFFERSON ALONG BUSINESS 26 SOUTH

(To be introduced by Ald. Miller.)

**CITY OF JEFFERSON
RESOLUTION NO. 44**

AUTHORIZING THE APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF JEFFERSON, JEFFERSON COUNTY AND CITY OF JEFFERSON

WHEREAS, Section 66.0301 of the Wisconsin Statutes authorizes municipalities to cooperate with other municipalities to make the most efficient use of their powers on a basis of mutual cooperation;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves an Intergovernmental Agreement between the City of Jefferson, Jefferson County and Town of Jefferson for the purpose of cooperative and reciprocal services of plowing and maintaining certain public roads that are located within the legal boundaries of the parties to this Agreement during the winter months.

BE IT FURTHER RESOLVED, by the Common Council that the City Administrator is authorized to execute said Agreement on behalf of the City of Jefferson after review by the City Attorney.

Ald. Miller, seconded by Ald. Krause moved to approve Resolution No. 44. On call of the roll, Motion carried unanimously.

RESOLUTION AUTHORIZING REPRESENTATIVE TO FILE APPLICATION FOR THE FINANCIAL ASSISTANCE FROM STATE OF WISCONSIN ENVIRONMENTAL IMPROVEMENT FUND

(To be introduced by Ald. Lares.)

**CITY OF JEFFERSON
RESOLUTION NO. 45**

AUTHORIZED REPRESENTATIVE TO FILE APPLICATIONS FOR FINANCIAL ASSISTANCE FROM

**STATE OF WISCONSIN ENVIRONMENTAL
IMPROVEMENT FUND**

WHEREAS, it is the desire of the City of Jefferson, Wisconsin, a municipal corporation, to file several applications for state financial assistance for its lead service lines under the Wisconsin Environmental Improvement Fund (ss. 281.58, 281.59, 281.60, and 281.61, Wis. Stats.);

WHEREAS, it is necessary to designate a representative for filing said applications;

BE IT THEREFORE RESOLVED by the City of Jefferson that the Jefferson Utilities Manager is hereby appointed as the authorized representative for the City of Jefferson for the purpose of filing these applications, and that the representative is further authorized and empowered to do all things necessary in connection with said applications.

Ald. Lares, seconded by Ald. Brandel moved to approve Resolution No. 45. On call of the roll, Motion carried unanimously.

Ald. Krause, seconded by Ald. Tully moved to adjourn the Jefferson Common Council Meeting at 7:51 p.m., carried unanimously on a voice vote.