

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY JUNE 6, 2017**

The Tuesday, June 6, 2017 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Members present were: Ald. Peachey, Ald. Horn, Ald. Beyer, Ald. Lares, Ald. Brandel, Ald. Miller and Ald. Krause. Absent: Ald. Tully. Also present were: City Administrator Freitag, City Attorney Brantmeier, City Engineer Pinnow and City Clerk/Deputy Treasurer Kuehl.

**PUBLIC PARTICIPATION**

Robert Mercer, 216 S. Whitewater Avenue, expressed his concern with the City losing industries and commented on the importance of fishing and the Rock River.

**AN ORDINANCE TO AMEND SECTION 208-27(C)(4) TO REMOVE THE ORIGINAL DOMICILE RESTRICTION**

Ald. Peachey introduced Ordinance #9-17 for its first reading.

**CITY OF JEFFERSON  
ORDINANCE #9-17**

Section 1. C. Residency Restriction.

- (1) Restriction. In the absence of a circuit court order specifically exempting an offender from the residency restriction in this subsection, an offender shall not establish a permanent or temporary residence within 1,500 feet of the following:
  - (a) Private or public school.
  - (b) Public park, parkway, or parkland.
  - (c) Recreational trail.
  - (d) Public playground.
  - (e) Public library.
  - (f) Athletic field used by children.
  - (g) Licensed day-care center, as defined in § 48.65, Wis. Stats.
  - (h) Specialized school for children, including but not limited to a gymnastics academy, dance academy, or music school.
  - (i) Group home for children, as defined in § 48.02(7), Wis. Stats.
  - (j) Residential care center for children, as defined in §48.02(15d), Wis. Stats.
  - (k) Foster home, as defined in § 48.02(6), Wis. Stats., or treatment foster home, as defined in §48.02(17q), Wis. Stats.
- (2) Measuring distance and map of restricted locations. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the residence to nearest outer property line of the establishments listed above in Subsection **C(1)**. The City Clerk shall maintain an official map showing prohibited locations as defined by this section. The City Clerk shall update the map at least annually to reflect any changes in the prohibited areas.
- (3) Exceptions. A offender residing within a prohibited area as described in Subsection **C(1)** does not commit a violation of this section if any of the following apply:

- (a) The offender is required to serve a confined sentence at a jail or other correctional institution or facility located within a prohibited area.
- (b) The offender established a permanent or temporary residence and reported and registered the residence pursuant to § 301.45, Wis. Stats., before the effective date of this section. Once said offender no longer resides in the restricted area, another convicted sex offender may not establish residency in said residence in the restricted area.
- (c) The school, park, recreational trail, playground, library, athletic field, day care, specialized school, group home, residential care center, or foster home, where children regularly gather within 1,500 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and reported and registered the residence pursuant to § 301.41, Wis. Stats.
- (d) The offender is a minor or ward under guardianship.

~~(4) Original domicile restriction. In addition to the residency restrictions set forth herein and subject to Subsection [C\(3\)](#) above, no offender shall be permitted to establish a residence in the City of Jefferson unless such person was domiciled in the City of Jefferson at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a sex offender as set forth in Subsection [C\(2\)](#) above.~~

~~(54) Property owners prohibited from renting real property to certain offenders.~~

- (a) It is unlawful to let or rent any place, structure, or part thereof, with the knowledge that it will be used as a permanent or temporary residence by any offender prohibited from establishing such permanent or temporary residence pursuant to this section, if such place, structure, or part thereof, is located within a prohibited area and not subject to an exception set forth in Subsection [C\(3\)](#) above.
- (b) A property owner's failure to comply with this section shall constitute a violation of this section, and shall subject the property owner to the penalty provisions in Subsection [E](#) below.

Section 2. This ordinance shall take effect after passage, publication, and attestation as required by law.

Section 3. This is the first reading.

### **RESOLUTION NO. 15 - CONSENT AGENDA**

Ald. Beyer introduced Resolution No. 15.

### **CITY OF JEFFERSON RESOLUTION NO. 15**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for June 6, 2017 is hereby adopted.

- A. Vouchers Payable for April in the amount of \$1,193.56 and June in the amount of \$319,438.44. Payroll Summary for May 26, 2017 in the amount of \$144,212.89.
- B. Council Minutes from the May 16, 2017 Meetings of the Common Council.
- C. 2017 Petition for County Highway Aids.
- D. Licenses as Approved by the Regulatory Committee.
  - 1. Operator's Licenses
  - 2. Special Class B Licenses
  - 3. Alcohol Beverage Licenses (New and Renewal)

Ald. Beyer, seconded by Ald. Miller moved to approve Resolution No. 15. Motion carried unanimously on call of the roll with Ald. Miller and Ald. Krause abstaining from the minutes.

### **PRESENTATION**

Vasvi Joshi of Baker Tilly Virchow Krause, LLP gave a presentation on the 2016 General Purpose Financial Statements and Audit Report. She explained the details of the General Fund balance and the outstanding general obligation debt. She also commented on the City's healthy financial position.

### **RESOLUTION ACCEPTING THE 2016 GENERAL PURPOSE FINANCIAL STATEMENTS AND AUDIT**

Ald. Peachey introduced Resolution No. 16.

#### **CITY OF JEFFERSON RESOLUTION NO. 16**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the 2016 General Purpose Financial Statements and Audit Reports are hereby accepted.

Ald. Peachey, seconded by Ald. Beyer moved to approve Resolution No. 16. Motion carried unanimously on a voice vote.

### **RESOLUTION AUTHORIZING A CONTRACTUAL AGREEMENT FOR CITY ATTORNEY POSITION**

Ald. Miller introduced Resolution No. 17.

#### **CITY OF JEFFERSON RESOLUTION NO. 17**

**WHEREAS**, City Attorney Bennett Brantmeier was recently elected as a Jefferson County Circuit Court Judge and will be resigning his Position as City Attorney on or about August 1, 2017; and

**WHEREAS**, the City of Jefferson issued a Request for Proposal to solicit proposals from attorneys interested in becoming City Attorney and providing legal services to the City of Jefferson; and

**WHEREAS**, the City received proposals and statements of qualifications from four (4) attorneys interested in providing said legal services; and

**WHEREAS**, the Jefferson Personnel Committee reviewed the proposals and statement of qualifications and conducted individual interviews with the four (4) interested attorneys and is

recommending that Christopher J. Rogers of Fort Atkinson, Wisconsin be appointed City Attorney upon Mr. Brantmeier's resignation; and

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that it hereby appoints Christopher Rogers to the Position of City Attorney and ratifies the Contractual Agreement between Mr. Rogers and the City of Jefferson effective August 1, 2017.

Ald. Miller, seconded by Ald. Brandel moved to approve Resolution No. 17. Motion carried unanimously on call of the roll.

**INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING FOR BASIN PRECISION MACHINING LLC**

Ald. Brandel introduced Resolution No. 18.

**CITY OF JEFFERSON  
RESOLUTION NO. 18**

**WHEREAS**, the City of Jefferson, Wisconsin (the "City") is authorized by Wisconsin Statutes Section 66.1103 (the "Act") to issue bonds to finance costs of certain projects including expanding its manufacturing facilities;

**WHEREAS**, bonds issued pursuant to the Act are to be payable from amounts paid under a revenue agreement (as defined in the Act) relating to the project being financed and not from tax revenues or other funds of the City;

**WHEREAS**, Basin Precision Machining LLC, a Delaware limited liability company (the "Borrower") wishes to pursue the acquisition, construction, renovation, remodeling, furnishing, equipping and expanding of its manufacturing facilities located in the City (collectively, the "Project") which facilities are currently owned by the Borrower who operates them and the Project will be owned and operated by the Borrower;

**WHEREAS**, any bonds issued by the City in furtherance of the Project shall not constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or its officers or a charge against the City's general credit or taxing powers;

**WHEREAS**, the Borrower has asked the City to indicate its intention to issue industrial revenue bonds to finance the Project before it proceeds;

**WHEREAS**, the Borrower expects any reimbursement it makes to itself for expenditures relating to the Project to be funded with the proceeds of industrial revenue bonds which will constitute reimbursement bonds to be issued on its behalf with respect to the Project and has indicated that it does not expect the aggregate principal amount of any bonds to be issued for the Project to exceed \$10,000,000 in the aggregate;

**WHEREAS**, the Borrower has represented that as a result of the Project, the Borrower expects that (i) 17 full-time jobs will be created at the Project site and (ii) 75 full-time jobs will be

maintained at the Project site, (iii) no full-time jobs will be eliminated at the Project site; (iv) 75 full-time jobs will be maintained elsewhere in the State of Wisconsin as a result of the Project, (v) no full-time jobs will be created elsewhere in the State of Wisconsin as a result of the Project, and (vi) no full-time jobs will be eliminated elsewhere in the State of Wisconsin as a result of the Project; and

**WHEREAS**, the Project will benefit the City.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The City Council of the City (the “City Council”) hereby declares that it is the City’s intent to assist the Borrower with respect to the financing of the Project by issuing the Bonds (the “Bonds”) in one or more series in an amount not to exceed \$10,000,000 in the aggregate and, under Treas. Reg. Sec. 1.150-2, to reimburse any expenditures made on costs of the Project prior to issuance of the Bonds with proceeds of the Bonds.

2. To encourage the Borrower to undertake the Project, the City will pursue a financing plan (the “Financing”) under which it will:

(a) sell to one or more purchasers procured by the Borrower bonds under the Act;

(b) enter into one or more revenue agreements with the Borrower providing the City with revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due and requiring the Borrower to provide the portion of the Project to be financed with the Bonds; and

(c) assign any revenue agreements to the holders of the Bonds or to a trustee for their benefit and enter into any other appropriate arrangements requested by the Borrower to further secure the payment of the Bonds.

3. The Bonds shall never constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or its officers or a charge against the City’s general credit or taxing powers.

4. The appropriate officers of the City are authorized to negotiate the terms of the Financing and all related documents. The terms of the Financing and all related documents will be subject to this Resolution and the Act and will not be binding until:

(a) the details of the Financing and the issuance of the Bonds are approved and authorized by further resolution of the City Council;

(b) the electors of the City have been given the opportunity to petition for a referendum as required by the Act and either (i) no petition is timely filed or (ii) if a petition is timely filed, a referendum approves the issuance of the Bonds; and

(c) all documents required in connection with the Financing have been duly executed and delivered by the parties.

5. The City Clerk is directed to:

(a) publish the Notice to Electors in substantially the form attached to this Resolution as a class 1 notice under Wisconsin Statutes Chapter 985, in a newspaper eligible to make such publication for the City; and

(b) file with the Wisconsin Economic Development Corporation a copy of this Resolution and a copy of the Notice to Electors.

Ald. Brandel, seconded by Ald. Lares moved to approve Resolution No. 18. Motion carried unanimously on call of the roll.

Erik Anderson, CEO and president of Basin Precision Machining, LLC was present and spoke to the Council about the expansion plans.

**RESOLUTION WAIVING THE PUBLIC BIDDING REQUIREMENTS OF WISCONSIN STATUTES SECTION 66.1103(11)(B)1**

Ald. Horn introduced Resolution No. 19.

**CITY OF JEFFERSON  
RESOLUTION NO. 19**

**WHEREAS**, the City of Jefferson, Wisconsin (the “City”), has by resolution of its City Council expressed its intent to issue bonds pursuant to Wisconsin Statutes Section 66.1103 in an amount not to exceed \$10,000,000 for the purpose of financing on behalf of Basin Precision Machining LLC, a Delaware limited liability company (the “Borrower”), costs associated with the acquisition, construction, renovation, remodeling, furnishing, equipping and expanding of its manufacturing facilities located in the City (collectively, the “Project”) which facilities are currently owned by the Borrower who operates them and the Project will be owned and operated by the Borrower;

**WHEREAS**, Wisconsin Statutes Section 66.1103(11)(b)1 provides that construction work which is let by contract and which has an estimated cost exceeding \$5,000 may be financed with industrial revenue bonds only if the contract is let to the lowest responsible bidder and proposals for the contract are advertised by publishing a class 2 notice under Wisconsin Statutes Chapter 985;

**WHEREAS**, representations have been made to the City that compliance with the notice and public bidding requirements in Section 66.1103(11)(b)1 may impair the prompt and efficient completion of the Project (a) because of the delays associated with those requirements and (b) because they may prohibit the Borrower from using the contractors which, in the Borrower’s judgment, are best suited to do work on the Project regardless of whether they are the “lowest responsible bidder” as that term is used in Wisconsin Statutes Section 66.1103(11)(b)1;

**WHEREAS**, Wisconsin Statutes Section 66.1103(11)(b)2 gives the City authority to waive the requirements of Wisconsin Statutes Section 66.1103(11)(b)1;

**NOW, THEREFORE, IT IS RESOLVED:**

This City Council finds that the imposition of the public notice and bidding requirements of Wisconsin Statutes Section 66.1103(11)(b)1 may impair the prompt and efficient completion of the

Project because of the delays associated with those requirements and because they may prohibit the Borrower from using the contractors which, in the Borrower's judgment, are best suited to do work on the Project regardless of whether they are the "lowest responsible bidder" as that term is used in Wisconsin Statutes Section 66.1103(11)(b)1.

For the reasons stated above, this City Council, pursuant to the authority granted to it by Wisconsin Statutes Section 66.1103(11)(b)2, waives the requirements of Wisconsin Statutes Section 66.1103(11)(b)1 with respect to the Project.

**FURTHER RESOLVED**, that the City Clerk is directed to publish this resolution as a class 1 notice under Wisconsin Statutes Chapter 985 (relating to publication of official notices) in a newspaper eligible to make such a publication for the City.

Ald. Horn, seconded by Ald. Beyer moved to approve Resolution No. 19. Motion carried unanimously on call of the roll.

**RESOLUTION ACKNOWLEDGING THE REVIEW OF THE 2016 CMAR**

Ald. Lares introduced Resolution No. 20.

**CITY OF JEFFERSON  
RESOLUTION NO. 20**

**WHEREAS**, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources, for the City of Jefferson to file a Compliance Maintenance Annual Report (CMAR) by June 30<sup>th</sup> annually for its wastewater treatment system under Wisconsin Administrative Code NR 208;

**WHEREAS**, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR);

**BE IT THEREFORE RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the Common Council hereby informs the Department of Natural Resources that said Council has reviewed the Compliance Maintenance Annual Report for the calendar year 2016.

Ald. Lares, seconded by Ald. Krause moved to approve Resolution No. 20. Motion carried unanimously on call of the roll.

**RESOLUTION AUTHORIZING AN AGREEMENT WITH PATEK HOSPITALITY CONSULTANTS, INC. OF SUSSEX, WISCONSIN FOR A MARKET DEMAND STUDY FOR A MIDSCALE LIMITED-SERVICE HOTEL TO BE LOCATED IN JEFFERSON, WISCONSIN**

Ald. Krause introduced Resolution No. 21

**CITY OF JEFFERSON  
RESOLUTION NO. 21**

**WHEREAS**, the Jefferson Redevelopment Authority (RDA) has been reviewing the potential for a midscale limited service hotel to be constructed in Jefferson, Wisconsin and is recommending that as a first practical step an analysis should be undertaken by a qualified consultant to determine whether

there is market demand for a hotel in Jefferson, including recommendations on the type of property best suited for the market, a determination of current and potential future demand for hotel accommodations in the market area, an assessment of existing and potential future competitive supply, and the share of the market that could reasonably be attained by the proposed project; and

**WHEREAS**, at a minimum the RDA recommends that the Market Demand Study include a five-years estimate of occupancy and average daily rate, a statement of estimated annual operating results that could be used to obtain financing, a franchise or management agreement, and a break-even analysis; and

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that it hereby approves and authorizes an Agreement with Patek Hospitality Consultants, Inc., of Sussex, Wisconsin in the not to exceed amount of \$7,000, inclusive of out-of-pocket expenses such as travel, postage, and report production, for the purpose of conducting a Study of Potential Market Demand for a proposed midscale limited-service hotel to be located in Jefferson, Wisconsin.

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

Ald. Krause, seconded by Ald. Beyer moved to approve Resolution No. 21. On call of the roll, motion carried by a vote of 6 to 1. Ald. Horn cast the dissenting vote.

**RESOLUTION AUTHORIZING THE SALE OF GOODS IN CITY RIGHT-OF-WAY TO JEFFERSON LIVE MUSIC FOUNDATION**

Ald. Beyer introduced Resolution No. 22

**CITY OF JEFFERSON  
RESOLUTION NO. 22**

**BE IT RESOLVED** by the Common Council of the City of Jefferson, Wisconsin that the Jefferson Live Music Foundation is hereby allowed to sell brats, hamburgers, hotdogs, chips, soda and ice cream floats at Rotary Park on Thursday evenings from June 8 – August 31, 2017 and on the weekend of July 28 – 29, 2017.

Ald. Beyer, seconded by Ald. Horn moved to approve Resolution No. 22. Motion carried unanimously on a voice vote.

Ald. Peachey seconded by Ald. Lares moved to adjourn the June 6, 2017 meeting of the Common Council at 7:55 p.m. On a voice vote, motion carried unanimously.

The minutes of the June 6, 2017 meeting of the Common Council are uncorrected. Any corrections made thereto will be noted in the proceedings at which time the minutes are approved and referenced above.