

MINUTES
CITY OF JEFFERSON COMMON COUNCIL
CITY HALL COUNCIL CHAMBERS
TUESDAY, JANUARY 18, 2022

The Tuesday, January 18, 2022 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Member's present were: Ald. Neils, Ald. Young, Ald. Lares, Ald. Miller, Ald. Teeter and Ald. Tully. Absent: Ald. Beyer and Ald. Brandel. Also present were: City Attorney Rogers, City Engineer Pinnow, City Clerk/Deputy Treasurer Copsey, and Police Chief Pileggi.

PUBLIC PARTICIPATION

None.

ADJOURN TO PUBLIC HEARING TO DISCUSS THE ATV/UTV ORDINANCE CHANGES

- A. Call to Order.
- B. Reading of Notice of Public Hearing by the City Administrator.
- C. Explanation of the ATV/UTV Ordinance.
- D. Person wishing to be heard; please state your name, address and reason for appearing.
- E. Close of Hearing.

MaryEllen Lewis, Rock River Estates Condo Association of 600B Windsor Terrace sent a letter against the proposed ordinance on behalf of the eight condominium owners at this address.

Tim and Stacy Sigmund, 978 N Watertown Ave sent a letter against the ATV/UTV ordinance.

Mary and Jim Ganser, N. Dewey Ave resident, sent an email in favor of the ATV/UTV ordinance.

John Drake, W5412 Riverhill Drive, Johnson Creek spoke in favor of the ATV/UTV ordinance. He is the president of the Half-Mile/All-Terrain Vehicle Club.

Tom DeRosa, 513 W. Puerner St., Jefferson is not in favor of the ATV/UTV ordinance. He feels Puerner St. is too busy to add the traffic too it, and the high amount of traffic brings down his home value.

Dave Carnes, 525 W. Puerner St., Jefferson is against the ATV/UTV ordinance. He thinks it may be too much of an inconvenience for the police department, and also the safety of the people who walk and ride bicycles in the area.

Nicole Miller, N5037 Aztalan Court, Jefferson is in favor of the ATV/UTV ordinance. She went over some of the safety measures that are in place for these vehicles.

Tom Ames, N7812 Switzke Road, Watertown is part of the Half-Mile Club and is in favor of the ATV/UTV ordinance. He doesn't believe that the traffic would be too much for the city street or too loud.

Nate Friedl, 430 N. High Ave, Fort Atkinson and Kendall Packaging is in favor of the ATV/UTV ordinance.

ORDINANCE REPEALING ORDINANCE 265-19, 265-20, 265-21, 265-22, 265-23, 265-24, 265-25, 265-26, AND 265-24, AND FURTHER RESTATING SAID ORDINANCES AS 265-19

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

**CITY OF JEFFERSON
ORDINANCE NO. 1-22**

WHEREAS, the City of Jefferson (the City) has previously adopted ordinances regulating the use and operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs); and

WHEREAS, Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to 23.33 Wes. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation, which is hereby incorporated and adopted; and

WHEREAS, the City further finds that its present ordinances regulating the use of ATVs and UTVs is outdated and needs to be restated and adopted.

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

Section 1. Repeal

The following existing ordinances are hereby repealed in their entirety: 265-19, 265-20, 265-21, 265-22, 265-23, 265-24, 265-25, 265-26, and 265-27. Said ordinances are hereby restated as set forth below.

Section 2. State Laws Adopted.

A. The provisions of Wis. Stats. § 23.33, and the defining regulations found in Wis. Admin. Code NR Ch. 64 with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.

B. The operator of ATV/UTV shall be subject to Wis. Stats. Sections 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9). Acts required to be performed or prohibited by such Statutes are required or prohibited by this Chapter.

Section 3. Definitions.

A. All-terrain vehicle (ATV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:

1. A weight, without fluids, of 900 pounds or less.
2. Three or more tires.
3. A steering handlebar, single or dual headlights, a tail and brake light.
4. A width of no more than 50 inches.

B. Utility-terrain vehicle (UTV): A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:

1. A weight, without fluids, of 3,000 pounds or less.
2. Four or more tires.
3. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
4. A steering wheel, tail and brake lights, and two headlights.
5. A width of no more than 65 inches.
6. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.
7. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).

- C. All-terrain vehicle club: A club consisting of individuals that promote the recreational use of all-terrain vehicles.
- D. ATV/UTV Route: A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this Chapter.
- E. Operate: To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.
- F. State Trunk Highway: Any highway designated pursuant to Wis. Stat. § 84.29 as part of the state trunk highway system, exclusive of connecting highways.
- G. Streets: Every highway within the corporate limits of the City except alleys.

Section 4. All-terrain/Utility Terrain vehicle routes.

- A. No person shall operate an all-terrain/utility terrain vehicle on any City Street or public property not designated as an all-terrain vehicle route or trail. The following streets shall be considered all-terrain/utility terrain vehicle routes:
 - 1. North Jackson Avenue from the north City limit to West Puerner Street;
 - 2. Puerner Street from North Jackson Avenue east to North Dewey Avenue;
 - 3. North Dewey Avenue from East Puerner Street to the north City limit;
 - 4. North Watertown Avenue south from the intersection of B.S.H. 26/North Main Street to West Puerner Street;
 - 5. Junction Road from the east City limit to B.S.H. 26/North Main Street;
 - 6. Spangler Road from North Jackson Avenue to the west City Limits;
 - 7. B.S.H. 26/North Main Street from North Watertown Avenue/Junction Road to the north City limits.
- B. ATV/UTV vehicles shall not be operated on any sidewalk within the City of Jefferson.

C. The Jefferson Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

Section 5. Age Requirement. All ATV/UTV operators shall be 16 years or older to operate an all-terrain vehicle on road routes in the City holding a valid Wisconsin Driver's License. All 16-year-old licensed riders who have not attained the age of 18 shall be required to wear a helmet and eye protection. The operator, upon request from any law enforcement officer, state patrol, or inspector under Wisconsin Statutes 110.07(1), conservation warden, or municipal peace officer shall display said operator's license to said agent as well as proof of insurance and registration.

Section 6. All ATV/UTV vehicle operators shall observe a speed limit of 25 MPH on City streets and same shall be posted along said routes.

Section 7. Registration. All ATV/UTV vehicles operated within the City of Jefferson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources.

Section 8. Operating Requirements.

A. All ATV/UTV operators shall ride single file on the right side of the pavement but shall not operate on the shoulders or in the ditch.

B. Headlights and taillights shall be on at all times.

C. All-terrain/utility terrain vehicles shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.

D. No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

E. No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.

F. Wis. Stat. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the City.

- G. No person shall operate an all-terrain/utility terrain vehicle in the City between the hours of 10 P.M. and 8:00 A.M.
- H. No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any street or highway in the City of Jefferson, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- I. During special events within the City limits, the Chief of Police, is granted authority to allow for all-terrain/utility terrain vehicle operation on City streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Jefferson police Department and provide their name, all terrain/utility terrain device type and registration number and the Chief of Police will review the request for permission and notify the individual either verbally or in writing of his/her decision.

Section 9. Signage.

- A. Organized all-terrain vehicle clubs shall be responsible for marking all all-terrain vehicle routes with uniform all-terrain route signs in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c which locations and placement must be approved by the Police Chief and Public Works Director.
- B. All-terrain/utility terrain vehicle clubs shall be responsible for creating and circulating a map or maps illustrating the City's current all-terrain vehicle routes.

Section 10. Penalties. Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Ch. 346, shall forfeit to the City not less than \$50.00, nor more than \$200.00, for each violation together with costs and assessments imposed under Wis. Stats. Ch. 814. This penalty section may be amended and set annually by the Common Council.

Section 11. Upon its adoption, the clerk is hereby directed to send a copy of this ordinance to the Wisconsin Department of Transportation, the Wisconsin State Patrol, the Jefferson County Sheriff Department, the Wisconsin Department of Natural Resources, and the Jefferson Police Department, pursuant to Wis. Stat. § 23.33(11)b.

Section 12. Sunset Provision. This ordinance shall terminate on January 3, 2023 at 11:59 P.M. unless extended by the Common Council of the City of Jefferson.

Section 13. Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance.

Section 14. Effective Date. This ordinance shall take effect after passage, publication, and attestation as required by law.

Ald. Miller, seconded by Ald. Tully moved to approve Ordinance #1-22. On call of the roll, Motion carried unanimously.

CONSENT AGENDA

(To be introduced by Ald. Young.)

CITY OF JEFFERSON RESOLUTION NO. 88

BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for January 18, 2022, is hereby adopted.

- A. Vouchers Payable for January 2022 in the amount of \$166,001.53, and December 2021 in the amount of \$500,823.94, and December Manuals in the amount of \$9,039.17, Payroll Summary for January 14, 2022, in the amount of \$167,399.32.
- B. Council Minutes from January 4, 2022 of the Common Council.
- C. Licenses as Approved by the Regulatory Committee.
 1. Operator's Licenses.
 2. Class A Liquor License- Emily's Grocery Store.
 3. Agent Change- Piggly Wiggly.
 4. Temporary Class B-Democratic Party of Jefferson.
 5. Refuse/Recycling License.
 6. Milk License.

Ald. Young, seconded by Ald. Miller moved to approve Resolution No. 88. On call of the roll, Motion carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF PROPERTY LOCATED IN THE MEADOWS ESTATES SUBDIVISION

(To be introduced by Ald. Neils.)

CITY OF JEFFERSON RESOLUTION NO. 89

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Jefferson, Wisconsin that it herein approves and authorizes a "Counter-Offer to Purchase" Contract with Bielinski

Homes, Inc., or its assigns for the purchase of real estate in the Meadows Estates Subdivision. Said Contract includes the purchase of Lots #6, #12, #18, #21 and #22 located in the Subdivision.

BE IT FURTHER RESOLVED, by the Common Council that the City Administrator is authorized to execute all document or agreements related to this sale on behalf of the City of Jefferson subject to the review and consent of the City Attorney.

Ald. Neils, seconded by Ald. Young moved to approve Resolution No. 89. On call of the roll, motion carried unanimously.

Ald. Tully, seconded by Ald. Lares moved to adjourn the Jefferson Common Council Meeting at 7:41 p.m., carried unanimously on a voice vote.