

**MINUTES  
CITY OF JEFFERSON COMMON COUNCIL  
TUESDAY, NOVEMBER 20, 2018**

The Tuesday, November 20, 2018 meeting of the City of Jefferson Common Council was called to order at 7:00 p.m. by Mayor Oppermann. Members present were: Ald. Brandel, Ald. Miller, Ald. Beyer, Ald. Horn, Ald. Tully, Ald. Krause, Ald. Peachey and Ald. Lares. Absent: None. Also present were: City Administrator Freitag, City Engineer Pinnow, City Attorney Rogers and City Clerk/Deputy Treasurer Copsey.

**PUBLIC PARTICIPATION**

Tony Wedl of N4940 County Road N, would like the council to not abolish the court.  
Steve Lewis with the Jefferson Area Business center would like the council to keep the court in Jefferson.  
Andy Didion of N4243 State Road 89 would like the council to keep the Municipal Court, and talk to the city of Mayville, they are unhappy with the Lake Country Municipal Court.  
Ann Adsit of W9569 Skogen Road, Cambridge, worked closely with the Court Clerk and Judge and think they are doing a great job, and the council should keep the court in the City of Jefferson.  
Cindy with the Jefferson Circuit Court Elect, would not like the council to approve the abolishment of the court.  
Judge Miller of 1157 Hillebrand Drive is in favor of keeping the court in the City of Jefferson.  
Noel Wilharm of 135 N. German Ave, doesn't want to leave the city to go to court. She would like it to stay in the City of Jefferson.  
Richard Lovette of 600A Windsor Terrace, also serves on the Jefferson School Board, believes it comes down to the City's responsibility to keep the court in Jefferson.

**APPOINTMENTS BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL:**

A. Utilities Commission ..... Roger Ganser

Ald. Brandel seconded by Ald. Miller moved to approve the appointment by the Mayor. On call of the roll, motion unanimously on call of the roll.

**PROPOSED ORDINANCE #7-18**

Ald. Brandel introduced Ordinance #7-18 for the second reading.

**CITY OF JEFFERSON  
PROPOSED ORDINANCE #7-18**

An Ordinance to Repeal and Re-Crete Chapter 33 of the Code of Ordinances for the City of Jefferson entitled: "Court, Municipal".

**THE COMMON COUNCIL OF THE CITY OF JEFFERSON, WISCONSIN DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 33 of the Code of Ordinances for the City of Jefferson entitled "Court, Municipal" is hereby repealed and re-created as follows:

## Chapter 33. Municipal Court

### 33-1 MUNICIPAL COURT CREATED

There is hereby created and established a Municipal Court under the provision of Chapter 755 of the Wisconsin State Statutes for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac La Belle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Sullivan, Town of Ixonia (Contract Member), Village of Johnson Creek (Contract Member), Town of Ottawa (Contract Member), Town of Sullivan (Contract Member) and the City of Jefferson (Contract Member) or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to Wisconsin State Statute 755.01(4).

### 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 shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac La Belle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Sullivan, Town of Ixonia, Town of Sullivan, Village of Johnson Creek, Town of Ottawa, Town of Sullivan, City of Jefferson or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Wisconsin State Statute 66.0301 for the joint exercise of the power granted under Wisconsin State Statute 755.01. Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wisconsin State Statute 8.05 and selection at a primary election if such is held as provided in Wisconsin State Statute 8.11(1m). The City Council of the City of Jefferson shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Wisconsin State Statute 8.11(1m)(d) and such primary election shall be held on the third Tuesday of February as provided in Wisconsin State Statute 5.02(22).

### 33-3 ELECTIONS

The Municipal Clerk of each municipality shall see to the compliance with Wisconsin State Statute 5.58(1c), 5.60(1)(b), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge pursuant to Wisconsin State Statute 755.01(4).

### 33-4 OATH AND BOND

The Judge shall, after his/her election or appointment to fill a vacancy, take and

file the official oath as prescribed in Wisconsin State Statute 757.02(1) and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and been have been filed as required by Wisconsin State Statute 19.01(4)(c) and the requirements of Wisconsin State Statute 755.03(2) have been complied with.

### 33-5 SALARY

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be lieu of fees and costs. No salary shall be paid for any time during his/her term during which such Judge has not executed his/her official bond or official oath, as required by Wisconsin State Statute 755.03 and filed pursuant to Wisconsin State Statute 19.01(4)(c). The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wisconsin State Statute 66.0301.

### 33-6 JURISDICTION

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Wisconsin State Statutes 755.045 and 755.05 and as otherwise provided by Wisconsin State Statute. The Municipal Judge is authorized to issue inspection warrants under Wisconsin State Statute 66.0119.

### 33-7 LOCATION AND HOURS

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 East Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

### 33-8 FINES AND FORFEITURES

The Municipal Judge may impose punishment and sentences as provided by Wisconsin State Statute 800.09 and as provided in ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Town of Ixonia, Town of Sullivan, Village of Johnson Creek, Town of Erin, Village of Sullivan, Town of Ottawa, or City of Jefferson. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. At the time of payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

### 33-9 STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 of the Wisconsin State Statutes, and where applicable, other provisions of the Wisconsin State Statutes as referred to in sub-section (10) below. The Municipal Judge shall establish in accordance with Wisconsin State Statute 800.037 a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by Wisconsin State Statute 345.26 and boating violations which are, and shall be governed by Wisconsin State Statutes 23.66 and 23.67. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Clerk and the police departments of the respective communities.

### 33-10 PROCEDURE IN MUNICIPAL COURT

The procedure in Municipal Court shall be as provided by this Ordinance and Wisconsin State Statute including, but not excluding because of enumeration Chapters 66, 345, 751, 755, 757 and 800 of Wisconsin State Statutes.

### 33-11 CONTEMPT PROCEDURES

- (a) The Municipal Judge may impose a sanction authorized under Wisconsin State Statute 800.12(2) for contempt of court as defined in Wisconsin State Statute 785.01(1) in accordance with the procedures in Wisconsin State Statute 785.03.
- (b) The Municipal Judge may impose a forfeiture for contempt under Wisconsin State Statute 800.12(1) in an amount not to exceed \$50.00 or upon non-payment of the forfeiture and the penalty surcharge under Wisconsin State Statute 757.05 a jail sentence not to exceed seven (7) days.

### 33-12 ESTABLISHMENT OF MUNICIPAL COURT

The Municipal Court hereby established shall not be abolished while the Wisconsin State Statute 755.01(4) agreement is in effect.

## SECTION 2. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

### SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

After a lengthy discussion of the Council, Ald. Brandel seconded by Ald. Horn moved to approve Ordinance #7-18. On call of the roll, motion failed 6-2 on call of the roll.

#### **RESOLUTION NO. 76**

Removed from agenda.

#### **RESOLUTION NO. 77**

Removed from agenda.

Administrator Freitag asked to adjourn for 5 minutes, Council reconvened at 8:00 p.m.

#### **RESOLUTION NO. 78**

Ald. Peachey introduced Resolution No. 78.

### **CITY OF JEFFERSON RESOLUTION NO. 78**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the 2019 General Fund Budget attached hereto and the 2019 budgets for Special Funds, Public Library, Recycling/Refuse, Capital Project and Equipment, 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. Krause moved to approve Resolution No. 78. On call of the roll, motion unanimously on call of the roll.

#### **RESOLUTION NO. 79**

Ald. Krause introduced Resolution No. 79.

### **CITY OF JEFFERSON RESOLUTION NO. 79**

**BE IT RESOLVED** by the Common Council of the City of Jefferson that the 2018 General Fund Property Tax Levy for Municipal Services in 2019 in the amount of \$3,342,900, the 2018 Public Library Fund Levy for 2019 Service in the amount of \$435,125 and the 2018 Capital Project and Equipment Fund Levy for 2019 in the amount of \$695,000 is hereby approved; and

**BE IT FURTHER RESOLVED** that the following tax rate is hereby adopted:

CITY OF JEFFERSON

\$8.923182111

Ald. Krause seconded by Ald. Brandel moved to approve Resolution No. 79. On call of the roll, motion unanimously on call of the roll.

**RESOLUTION NO. 80**

Ald. Tully introduced Resolution No. 80.

**CITY OF JEFFERSON  
RESOLUTION NO. 80**

**BE IT RESOLVED**, by the Common Council of the City of Jefferson, Wisconsin that the consent agenda for November 20, 2018 is hereby adopted.

- A. Vouchers Payable for September manuals in the amount of \$12,500.00, Vouchers Payable for October manuals in the amount of \$66,009.86 and Vouchers Payable for November, 2018 in the amount of \$540,283.60. Payroll Summary for November 9, 2018 in the amount of \$153,643.41.
- B. Council Minutes from the October 16, 2018 Meetings of the Common Council.
- C. Licenses as Approved by the Regulatory Committee.
  1. Operator's Licenses
  2. Special Class B Licenses

Ald. Tully seconded by Ald. Lares moved to approve Resolution No. 80. On call of the roll, motion unanimously on call of the roll with Ald. Peachey abstaining from the minutes.

Adjourn to Closed Session Pursuant to Section 19.85(e) of the Wisconsin State Statutes Regarding a Business Prospect.

Ald. Horn seconded by Ald. Peachey moved to reconvene to Open Session. On call of the roll, motion unanimously on call of the roll.

Ald. Peachey, seconded by Ald. Lares moved to adjourn the November 20, 2018 meeting of the Common Council at 9:01 p.m. On a voice vote, motion carried unanimously.

The minutes of the October 30, 2018 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.