

**ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

June 17, 2014

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Winship and seconded by Abbott to approve the Council minutes of 6/3/14 and to acknowledge receipt and filing of the following: Financial Reports for May, 2014; Report of Manually-issued checks, Plan Commission minutes of 5/12/14 and Police Department Consolidated Monthly Report for April, 2014. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Winship and seconded by Abbott to approve payment of invoices in the total sum of \$41,615.20. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None.

CITIZEN COMMENTS: None.

FIRST READING OF ORDINANCE AMENDING TITLE 16.16 AND 16.18, POST CONSTRUCTION RUNOFF AND CONSTRUCTION SITE EROSION. Assistant City Manager McDonell indicated that Strand Associates completed a review of the City's Code in relation to stormwater regulation, and recommended revisions to Chapters 16.16 and 16.18. The revisions deal with the threshold for post-construction runoff, construction-site runoff, and confirm the City's ability to collect a fee in lieu of on-site stormwater management practices in situations where on-site compliance is not feasible or not desirable. The current threshold for providing permanent on-site stormwater management measures when land is disturbed is set at one acre of land. Concerns are that the management measures should be implemented long before the area reaches one acre. McDonell noted that there have been a number of projects in the City where the one-acre threshold was not met, and may have been partly to blame for flooding throughout the community. McDonell indicated that charging a fee in lieu of implementing stormwater management practices would be valuable in situations where on-site compliance is not feasible or not desirable. Questions were raised as to responsibility for maintenance of a drainage system once established. Streets Superintendent Nass indicated that maintenance responsibility does need to be addressed when development occurs. City Attorney McDonell will look into the possibility of adding additional language to the ordinances regarding maintenance.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 16.16
POST CONSTRUCTION RUNOFF**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

SECTION 1: Whitewater Municipal Code Chapter 16.16, Section 16.16.040 is hereby amended to read as follows:

(a) Applicability.

- (1) Where not otherwise limited by law, this chapter applies to land development activity that results in 20,000 square feet or more of land disturbing construction activity or results in a net increase of 10,000 square feet or more of impervious surface, including areas that are part of a

larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

- (2) A site that meets any of the criteria in this subsection is exempt from the requirements of this chapter:
 - (A) Nonpoint discharges from agricultural facilities and practices;
 - (B) Nonpoint discharges from silviculture activities;
 - (C) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;
 - (D) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- (3) Notwithstanding the applicability requirements in subsection (a)(1) of this section, this chapter applies to land development activity of any size that, in the opinion of the director of public works, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (b) Jurisdiction. This chapter applies to land development activities within the boundaries and jurisdiction of the City of Whitewater, as well as the division of land in the city's extraterritorial jurisdiction.
- (c) Exclusions. This chapter is not applicable to activities conducted by a state agency, as defined under Section 227.01(1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wis. Stats.

SECTION 2: Whitewater Municipal Code Chapter 16, Section 16.16.060 is hereby amended to add subsection (f) to read as follows:

(f) Fee in Lieu of On-site Stormwater Management Practices. A fee in lieu of on-site stormwater management practices may be requested by the applicant, but will only be allowed at the sole discretion of the City. If the City chooses to waive all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City of Whitewater and approved by the Common Council. The purpose of the fee is to fund alternative municipal stormwater management measures to offset the environmental and flooding impacts of waiving the requirements. In determining the fee for land development and land redevelopment projects, the City shall consider an equitable distribution of the cost needed for land, engineering design, and construction of stormwater management practices. All such fees collected shall be placed in a designated fund to be used exclusively for the City stormwater management practices to be constructed.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Bregant. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None. FIRST READING APPROVED: June 17, 2014.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 16.18
CONSTRUCTION SITE EROSION**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

SECTION 1: Whitewater Municipal Code Chapter 16.18, Subsection 16.18.040(a)(1) is hereby amended to read as follows:

(a) Applicability.

- (1) This chapter applies to construction sites that have 4,000 square feet or more of land disturbing construction activity except as provided under subsection (a)(2) of this section.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Bregant. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. FIRST READING APPROVED: June 17, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

WASTEWATER FACILITY PLANNING. Donohue and Associates of Sheboygan, Wisconsin presented a Facility Plan, which will serve as a road map for the next 20 years of the utility. Consideration has been given to projected growth, waste volume and characteristics, current and future regulatory requirements, as well as facility age and condition. A lengthy presentation describing the different options was presented. Further information will be coming before the Council at their July 17, 2014 meeting.

VELCHECK AND FINGER REPORT ON MUNICIPAL ROOFING PROJECTS. Velchek and Finger of Pewaukee, Wisconsin prepared reports relating to current roofing conditions and deficiencies for the Downtown Armory, Library, Municipal Building, and Starin Park building. Findings were that the Armory flat roof and metal roof should be replaced, while the barrel roof and canopies merely need maintenance. Minor maintenance is required on the Municipal Building roof. Ventilation fans should be added to the perimeter zone and some deck sheeting needs to be reattached to the Irvin L. Young Memorial Library building. The Starin Park Community building needs a complete replacement of the roof, and all areas where water has penetrated the surface need to be redone property. Parks and It was indicated that \$347,642 has been included in the recent borrowing to cover the costs of roofing projects. Councilmember Binnie expressed concern about replacing any roofs with a rubber roof and requested that as many product options as feasible be provided for in the specs, including PVC. Parks and Recreation agreed to request the same. It was moved by Binnie and seconded by Abbott to authorize the roofing projects for the Downtown Armory, the Irvin L. Young Memorial Library, the Municipal Building, and the Starin Park Community Building to go for bid. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None.

CAPITAL IMPROVEMENT PLAN. City Manager Clapper presented a proposed Capital Improvement Plan. Clapper reported on the status of 2014 projects as well as changes and additions to the list of projects for 2015-2019. Lengthy discussion ensued. Of particular interest was the order in which Street projects were to be completed. The delay of the Clay Street project caused concern, and the fact that Center Street reconstruction west of Franklin Street was not included was raised. Clapper indicated that the document is a working document, and that the purpose of this first presentation was to obtain Council input. Councilmember Winship raised an issue regarding a stormwater problem in his

district (between Fremont and Park Streets). More detailed information was requested, and it was noted that Council could review this further at the July 1st meeting.

WHITEWATER 1971 ACTION TO FLY UNITED NATIONS FLAG. Whitewater resident Betty Refior questioned why the United Nations flag was not being flown in the City in light of the fact that the Council adopted a Resolution on October 24, 1971 directing that this be done. Refior requested that the Council enact the Resolution that was adopted. Discussion ensued about the current political climate and the fact that the views regarding the United Nations (“UN”) have changed since 1971. It was mentioned that the UN Flag could be flown one day a year – on United Nations Day. Councilmember Binnie noted that another option would be to have a Peace Pole. Further research about the possibility of erecting a Peace Pole will be forthcoming.

CONCEPTUAL REVIEW OF PLANNED DEVELOPMENT (FORMERLY KNOWN AS PLANNED COMMUNITY DEVELOPMENT) FOR RYAN HUGHES, 1014 W. MAIN STREET (CAMPUS EDGE APARTMENT COMPLEX). Per information from Planner Michael Slavney of Strand Associates, at the May Plan Commission meeting a concept plan for a new student apartment building at 1014 W. Main Street (northwest corner of Main and Prince) was presented. The current zoning for the property is R-3 (multi-family residential). Proposed is a four-story building containing 22 five-bedroom, two bath units. Parking will be underground with an additional small surface parking lot. Slavney indicated that the building will have a strong street presence on the corner lot. The applicant indicated he intends to submit both the General Development Plan and the Specific Implementation Plan for the July 14, 2014 Plan Commission meeting. Lengthy discussion ensued, with residents Jeff Knight and Bob Freiermuth speaking against the project. Concerns related to the ratio of building to land, lack of green space, concerns with shadows and the opinion that the proposed building will be totally out of line with existing structures were noted. It was also noted that in comparison to other recent developments, this proposal is substantially more dense. It was noted that Hughes was in hopes that by bringing his plan before the Council as a conceptual review, that Council might consider waiving the second reading of his rezoning request when it comes before the Council on July 15. . No action was taken. Hughes is scheduled to go before the Plan Commission with his project on July 14.

APPROVAL OF RENEWAL OF ALCOHOL LICENSES FOR 2014-2015 LICENSING YEAR. It was moved by Winship and seconded by Abbott to approve the renewal of the following alcohol licenses: **Class B Beer and Liquor Licenses** for Second Salem Brewing Co., Christ Christon, Agt., 111 W. Whitewater St.; En Zheng, Tokyo Restaurant, 161 W. Main St. En Zheng, Agt.; Wanda’s Waterfront LLC, Wanda’s Waterfront Restaurant, Wanda Milnamow, Agt., 292 S. Wisconsin St.; Clara Rocha, Karina’s Mexican Restaurant, Clara Rocha, Agt., 137 W. Main St. **Class B Beer and Class C Wine License:** Semavi Vedziovski, Fratelli’s Restaurant, 162 W. Main, Burim Vedziovski, Agt., all contingent upon applicants meeting all requirements for renewal of licenses. AYES: Abbott, Winship, Binnie, Bregant, Singer, Kidd, Frawley. NOES: None.

DONATION OF UNCLAIMED BICYCLES TO CROSSPOINTE CHURCH. City Manager Clapper presented a request for the donation of bicycles to the CrossPointe Community Church. In partnership with the Wisconsin Dream Center, they help to sponsor a Back to School event, which provides underprivileged families and individuals with a variety of needed supplies and services. As part of the event, bicycles are provided for free to participating adults and children. The City has made this donation in past years. Concern was expressed about donating to a religious organization. Discussion ensued, and

it was determined that although the religious organization is involved with the program, this is actually a project managed by Wisconsin Dream Center, a 501(3)(c) organization. It was moved by Winship and seconded by Abbott to approve the donation of bicycles to CrossPointe Community Church for the Back to School event coordinated by the Wisconsin Dream Center. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None.

AUTHORIZATION TO CLOSE PORTION OF FREMONT STREET ON AUGUST 5, 2014, FOR “NATIONAL NIGHT OUT.” Whitewater Parks and Recreation and Whitewater Police Department have jointly requested closure of a portion of Fremont Street (from intersection of Fremont and Whitewater to intersection of Fremont and James) on 8/5/14 from 4:00 p.m. – 10:00 p.m. for their annual National Night Out. It was moved by Winship and seconded by Abbott to approve the closure of a portion of Fremont Street on August 5, 2014. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None.

AUTHORIZATION TO CLOSE STREETS FOR 4TH OF JULY EVENT. Whitewater 4th of July Committee has submitted their annual request to close Streets for the purpose of holding their annual event. Street closures requested are: June 29, 2014 thru July 4, 2014: Whitewater Street, from Fremont to Second Street and Fremont Street, between Whitewater and Ann Streets. July 4, 2014: James Street (from Ann to Trippe; Whitewater Street, from M.E. and my Pets business, thence easterly to Center Street, and Fremont Street, from Whitewater, thence north to alley south of Post Office. It was moved by Winship and seconded by Abbott to approve closure of Streets as submitted by the Whitewater 4th of July Committee. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS: Councilmember Binnie requested discussing the possibility of erecting a Peace Pole in support of world peace. Councilmember Winship noted that he had already made a request (discussion about the Fremont Street “fountain” and drainage issue).

ADJOURNMENT. Being no further business to come before the meeting, it was moved by Abbott and seconded by Bregant to adjourn the meeting. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Michele R. Smith, Clerk