

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**
Common Council Meeting
Tuesday, June 1, 2010 – 6:30 p.m.
City of Whitewater Municipal Building Community Room
312 W. Whitewater Street Whitewater, Wisconsin

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

CONSENT AGENDA:

CA-A	Approval of Payment of Invoices Processed through May 26, 2010.
CA-B	Acknowledgment of Receipt and Filing of: *CDA minutes of 4/19/10. *Police and Fire Commission minutes of 2/10/10.
CA-C	Expedited approval of the following items, per city staff recommendation: R-1, O-3, O-4, C-5, C-7, C-8, C-8a

REPORTS:

Asst. City Mgr.	Report on issues discussed at joint meeting of Wisconsin Alliance of Cities and League of Wisconsin Municipalities (City Mgr. Asst. Cameron Clapper).
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HEARING OF CITIZEN COMMENTS. No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a 3-5 minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

COMMON COUNCIL ANNOUNCEMENTS.

RESOLUTIONS:

*R-1	Waiving No Wake Ordinance to allow water ski show on Cravath Lake for July 4 th celebration (4 th of July Committee request)
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ORDINANCES: First Reading

O-1	Adopting statewide smoking ban statute. (City Manager Request)
O-1a	Amending Section 1.21.010, Schedule of Deposits. (City Manager Request)

ORDINANCES: Second Reading

O-2	Ordinance Creating Chapter 19.25 R-O Family Residential Overlay District (Councilmember Winship Request/Plan and Architectural Review Commission Request).
*O-3	Ordinance Amending Chapter 2.44 Equal Opportunities Commission.
*O-4	Ordinance Amending Chapter 2.46 Handicapped Discrimination Commission Renaming it the Disability Rights Commission.

CONSIDERATIONS:

C-1	Approval of renewals of Class "A"; "Class A"; Class "B"; and "Class B" and Wholesale alcohol licenses for license year 2010-2011. (City Clerk Request).
C-2	Approval of expansion of premises for "Class B" (Beer & Liquor) license for Fat Jack's Roadhouse, 146 W. Main Street. (for the purpose of allowing a sidewalk café). (City Clerk Request)
C-3	Approval of expansion of premises for Class C Wine license for The Guild on the Triangle, Whitewater Street, (for the purpose of allowing a sidewalk café). (City Clerk Request)
C-4	Approval of transfer of "Class B" Beer and Liquor license for 111 W. Whitewater Street to C. Christon LLC (contingent upon consummation of the sale of Novak's to C. Christon LLC). (City Clerk Request)
*C-5	Approval of quote from Water Well Solutions (for repair of Water Dept. Utility Motor Control Center).

	(Water Supt. Request)
C-6	Approval of lease with Arts Alliance for White Memorial Building. (City Mgr. Request)
*C-7	Purchase of wetland credits (\$46,000) for Starin Road extension. (DPW Director Request)
*C-8	Appointment of citizen member to Ethics Committee. (City Clerk Request)
*C-8a	Action on Request from 4 th of July Committee to close Parking Lots and portions of Whitewater Street for Independence Day celebration (4 th of July Committee Request)
C-9	Councilmember Requests for Future Agenda Items.
C-10	<p>EXECUTIVE SESSION. Adjourn to closed session, TO RECONVENE 10 minutes from time of entering into closed session, pursuant to Wisconsin Statutes Chapter 19.85(1)(e) "Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.</p> <p>RECONVENE TO OPEN SESSION Resolution authorizing purchase of real estate for purpose of extending Starin Road (Kligora property). [City Manager Request]</p> <p>ADJOURNMENT</p>

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.

- Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.

MEMORANDUM

TO: Common Council

FROM: Kevin Brunner, City Manager

DATE: May 27, 2010

RE: Comments on June 1, 2010 Agenda Items

The following are my comments and/or background information on various items contained in next week's Common Council agenda.

1. **Adopting Statewide Smoking Ban Statute.** I requested that City Attorney McDonell draft an ordinance that would adopt the statewide smoking ban statute that goes into effect on July 5, 2010. Many municipalities around the state are formally adopting the statute and amending the schedule of deposits so that the smoking ban can be enforced at the local level. I certainly recommend similar adoption a local ordinance here in Whitewater.
2. **Ordinance Creating Chapter 19.25 R-O Family Residential Overlay District.** I concur with the Plan and Architectural Review Commissions recommendation that this ordinance be approved. I believe adoption of the ordinance is consistent with the goals of community neighborhood preservation contained in the City Comprehensive Plan. The ordinance allows neighborhoods to request application of this overlay district so this is a type of direct legislation that will allow property owners the opportunity to influence the future of their own neighborhoods.
3. **Ordinance Amending Chapter 2.44 and 2.46.** I support the suggested changes to the Equal Opportunity Commission as well as renaming the Handicapped Discrimination Commission to the Disability Rights Commission.
4. **Approval of expansion of premises for Fat Jacks and The Guild on the Triangle for the purposes of allowing Sidewalk Café.** I'm pleased that we have had two downtown businesses come forward to allow a sidewalk café. There's also a third that has also applied (Dan's Meat Market), however, they have not requested to serve alcohol so they do not need formal City Council approval per the new city ordinance. I recommend approval of both of these requests for Sidewalk Café licensure.
5. **Approval of quote from Water Well Solutions.** I recommend approval of this quote for repair of the water utility motor control center. Sufficient funds have been allocated in the 2010 Water Utility Budget for completion of this project.
6. **Approval of lease with Arts Alliance for the White Memorial Building.** I recommend approval for this five year lease with the Arts Alliance for their continued use of the White Memorial Buildings first floor. The Arts Alliance will continue to operate the Whitewater Cultural Arts Center in the facility.

7. **Purchase of wetland credits for Starin Road extension.** This is part of the Wisconsin Department Natural Resource wetland requirements for the extension of Starin Road and the city must purchase wetland credits through the WDNR. \$46,000 is the amount that's been negotiated for the purchase of these wetland credits and these will have to be absorbed as part of the project costs for the Starin Road extension. I recommend approval.
8. **Appointment of citizen member to Ethics Committee.** Common Council President Singer and I recommend that Greg Torres be re-appointed as a citizen member to the city Ethics Committee.

If you have any questions regarding any of these matters, please feel free to contact me prior to next Tuesdays meeting.

Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
ADVANCE PRINTING INC						
1295	ADVANCE PRINTING INC	10718	LEGISLATIVE/NEWSLETTER	06/02/2010	495.00	100-51100-310
1295	ADVANCE PRINTING INC	11182	COURT/ENVELOPES	06/02/2010	178.00	100-51200-310
Total ADVANCE PRINTING INC:					673.00	
ADVANTAGE SAFETY PLUS						
4998	ADVANTAGE SAFETY PLUS	2058	GEN BLDG/OPERATING SUPPLI	06/02/2010	236.72	100-51600-340
4998	ADVANTAGE SAFETY PLUS	2058	LIBRARY/BLDG MAINTENANCE	06/02/2010	28.76	100-55111-355
4998	ADVANTAGE SAFETY PLUS	2139	GEN BLDG/OPERATING SUPPLI	06/02/2010	172.56	100-51600-340
Total ADVANTAGE SAFETY PLUS:					438.04	
AIRGAS NORTH CENTRAL						
4760	AIRGAS NORTH CENTRAL	105694043	WASTEWATER/OPERATING SU	06/02/2010	38.20	620-62840-340
Total AIRGAS NORTH CENTRAL:					38.20	
ALL PEST CONTROL						
4613	ALL PEST CONTROL	2010-0562	COMMUNITY BLDG/ PEST CON	06/02/2010	52.00	100-51600-245
Total ALL PEST CONTROL:					52.00	
ALLIANCE GROUP INC						
4204	ALLIANCE GROUP INC	072417	GEN BLDG/HEAT & AIR	06/02/2010	257.51	100-51600-244
Total ALLIANCE GROUP INC:					257.51	
AROPA DESIGNS						
880	AROPA DESIGNS	30205	REC/COACHES SHIRTS	06/02/2010	828.00	100-55300-341
880	AROPA DESIGNS	30283	REC/BASEBALL JERSEYS	06/02/2010	368.00	100-55300-341
Total AROPA DESIGNS:					1,196.00	
AT&T						
3917	AT&T	3917-060210	GEN BLDG/PHONE	06/02/2010	768.85	100-51600-225
3917	AT&T	3917-060210	STREET/INTERNET	06/02/2010	60.00	100-51600-225
3917	AT&T	3917-060210	WATER/INTERNET	06/02/2010	60.00	610-61921-310
Total AT&T:					888.85	
AT&T LONG DISTANCE						
4746	AT&T LONG DISTANCE	4746-060210	SAFETY BLDG/LONG DISTANC	06/02/2010	105.85	100-51600-225
4746	AT&T LONG DISTANCE	4746-060210	CABLE/LONG DISTANCE	06/02/2010	5.70	200-55110-225
Total AT&T LONG DISTANCE:					111.55	
BINNING, RON						
5844	BINNING, RON	TNT SIGNS	CDA/BUY LOCAL BANNER	06/02/2010	580.00	900-56500-323
Total BINNING, RON:					580.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
BUCHTA APPRAISAL CO						
5699	BUCHTA APPRAISAL CO	MEYER TRUS	APPRAISAL/501 503 S JANESVI	06/02/2010	600.00	447-57663-219
Total BUCHTA APPRAISAL CO:					600.00	
CDW GOVERNMENT INC						
1234	CDW GOVERNMENT INC	SJT1698	POLICE PATROL/BRIEFING RO	06/02/2010	141.64	100-52110-154
1234	CDW GOVERNMENT INC	SNW8138	CDA/COMPUTER UPGRADE	06/02/2010	48.72	900-56500-310
Total CDW GOVERNMENT INC:					190.36	
CHRISTON, CHRIST						
5842	CHRISTON, CHRIST	BLACKHAWK	FIRE/EMPLOYEE ED & TRNG	06/02/2010	80.00	100-52200-154
Total CHRISTON, CHRIST:					80.00	
CITGO						
5404	CITGO	5404-060210	POLICE INV/GAS	06/02/2010	249.99	100-52120-351
5404	CITGO	5404-060210	POLICE PATROL/GAS	06/02/2010	2,264.32	100-52110-351
5404	CITGO	5404-060210	FIRE/GAS	06/02/2010	597.34	100-52200-351
5404	CITGO	5404-060210	RESCUE/GAS	06/02/2010	693.41	100-52300-351
5404	CITGO	5404-060210	CSO/GAS	06/02/2010	286.36	100-52140-351
Total CITGO:					4,091.42	
CLEAN MATS						
1033	CLEAN MATS	22383	WASTEWATER/OPERATING SU	06/02/2010	9.10	620-62840-340
Total CLEAN MATS:					9.10	
COACH S LOCKER, THE						
495	COACH S LOCKER, THE	526397	REC/BASES	06/02/2010	215.00	100-55300-341
495	COACH S LOCKER, THE	532522	REC/BASEBALL & SOFTBALL E	06/02/2010	357.50	100-55300-341
Total COACH S LOCKER, THE:					572.50	
DIGICORP INC						
4864	DIGICORP INC	R74370	IT/FIREWALL UPGRADES	06/02/2010	2,190.00	100-51450-810
4864	DIGICORP INC	R74370	IT/FIREWALL & MAIL SECURITY	06/02/2010	1,456.00	100-51450-244
4864	DIGICORP INC	R74370	WASTEWATER/FIREWALL REN	06/02/2010	392.00	620-62810-352
4864	DIGICORP INC	R74370	WATER/FIREWALL MAINTENAN	06/02/2010	392.00	610-61903-340
Total DIGICORP INC:					4,430.00	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	111526	FINANCE/MAY SVC	06/02/2010	360.34	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					360.34	
DOWNTOWN WHITEWATER INC						
3916	DOWNTOWN WHITEWATER IN	PROMOTE WH	CDA/COMMERCIAL SPONSORI	06/02/2010	400.00	900-56500-323
Total DOWNTOWN WHITEWATER INC:					400.00	
EPPSTEIN UHEN ARCHITECTS						
5549	EPPSTEIN UHEN ARCHITECTS	55029	INNOVATION CTR/LEED 70%	06/02/2010	16,178.70	440-57663-839
5549	EPPSTEIN UHEN ARCHITECTS	55030	INNOVATION CTR/PAY EST #6	06/02/2010	17,982.93	440-57663-839

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total EPPSTEIN UHEN ARCHITECTS:					34,161.63	
FIRE-RESCUE SUPPLY LLC						
3886	FIRE-RESCUE SUPPLY LLC	2767	FIRE/OPERATING SUPPLIES	06/02/2010	388.00	100-52200-340
3886	FIRE-RESCUE SUPPLY LLC	2762	FIRE/VEHICLE MAINTENANCE	06/02/2010	444.00	100-52200-241
Total FIRE-RESCUE SUPPLY LLC:					832.00	
GATEWAY TECHNICAL COLLEGE						
341	GATEWAY TECHNICAL COLLE	13835	FIRE/RYAN TRAINING	06/02/2010	14.14	100-52200-154
Total GATEWAY TECHNICAL COLLEGE:					14.14	
GEN COMMUNICATIONS INC						
119	GEN COMMUNICATIONS INC	180374	WASTEWATER/OPERATING SU	06/02/2010	98.50	620-62840-340
Total GEN COMMUNICATIONS INC:					98.50	
GMA PRINTING INC						
1920	GMA PRINTING INC	022310	FIRE/OFFICE SUPPLIES	06/02/2010	211.50	100-52200-310
1920	GMA PRINTING INC	R036088	CDA/MKT CAMPAIGN POSTCAR	06/02/2010	500.00	900-56500-323
Total GMA PRINTING INC:					711.50	
GUS' PIZZA						
601	GUS' PIZZA	6076	CRASH CREW/OPERATING SU	06/02/2010	89.87	100-52210-340
Total GUS' PIZZA:					89.87	
HASLER FINANCIAL SVC LLC						
4198	HASLER FINANCIAL SVC LLC	H1607642	POLICE ADMN/MAIL MACHINE	06/02/2010	82.79	100-52100-310
4198	HASLER FINANCIAL SVC LLC	H1607642	COUNCIL/MAIL MACHINE	06/02/2010	82.78	100-51100-310
4198	HASLER FINANCIAL SVC LLC	H1607642	GEN ADMN/MAIL MACHINE	06/02/2010	82.78	100-51400-340
4198	HASLER FINANCIAL SVC LLC	H1607642	PLANNING/MAIL MACHINE	06/02/2010	82.78	100-56300-310
4198	HASLER FINANCIAL SVC LLC	H1607642	COURT/MAIL MACHINE	06/02/2010	27.59	100-51200-340
4198	HASLER FINANCIAL SVC LLC	H1607642	FINANCE/MAIL MACHINE	06/02/2010	55.19	100-51500-310
4198	HASLER FINANCIAL SVC LLC	H1607642	WATER/MAIL MACHINE	06/02/2010	55.19	610-61921-310
4198	HASLER FINANCIAL SVC LLC	H1607642	WASTEWATER/MAIL MACHINE	06/02/2010	55.19	620-62820-310
4198	HASLER FINANCIAL SVC LLC	H1607642	CDA/MAIL MACHINE	06/02/2010	27.59	900-56500-311
Total HASLER FINANCIAL SVC LLC:					551.88	
HYDRITE CHEMICAL CO						
186	HYDRITE CHEMICAL CO	01287012	WASTEWATER/CHEMICALS	06/02/2010	760.38	620-62840-341
Total HYDRITE CHEMICAL CO:					760.38	
JAECKEL BROS INC						
493	JAECKEL BROS INC	4636	WATER/FREMONT & JAMES ST	06/02/2010	1,601.04	610-61651-350
Total JAECKEL BROS INC:					1,601.04	
JAMES IMAGING SYSTEMS INC						
4617	JAMES IMAGING SYSTEMS INC	9669063	GEN ADMN/COPIER	06/02/2010	383.13	100-51450-244
4617	JAMES IMAGING SYSTEMS INC	9669063	GEN ADMN/COPIES	06/02/2010	150.61	100-51400-310
4617	JAMES IMAGING SYSTEMS INC	9669063	COUNCIL/COPIES	06/02/2010	225.92	100-51100-310

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total JAMES IMAGING SYSTEMS INC:					759.66	
JOHNS DISPOSAL SERVICE INC						
42	JOHNS DISPOSAL SERVICE IN	32595	RECYCLE/EXTRA PICK UP	06/02/2010	25.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	32599	RECYCLE/EXTRA PICK UP	06/02/2010	200.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	33111	RECYCLE/EXTRA PICK UP	06/02/2010	25.00	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:					250.00	
JOHNSON BLOCK & CO INC						
4258	JOHNSON BLOCK & CO INC	00112664	FINANCE/09 AUDIT	06/02/2010	5,900.00	100-51500-214
4258	JOHNSON BLOCK & CO INC	00112664	WATER/09 AUDIT	06/02/2010	2,300.00	610-61923-210
4258	JOHNSON BLOCK & CO INC	00112664	WASTEWATER/09 AUDIT	06/02/2010	2,300.00	620-62810-219
4258	JOHNSON BLOCK & CO INC	00112664	TID 4/09 AUDIT	06/02/2010	1,000.00	440-57663-212
4258	JOHNSON BLOCK & CO INC	00112664	WASTEWATER/09 SEWER AUDI	06/02/2010	2,500.00	620-62810-219
Total JOHNSON BLOCK & CO INC:					14,000.00	
LAWSON PRODUCTS INC						
289	LAWSON PRODUCTS INC	9187737	WASTEWATER/REPAIRS & SUP	06/02/2010	50.83	620-62850-357
289	LAWSON PRODUCTS INC	9187737	WASTEWATER/REPAIRS & SUP	06/02/2010	24.60	620-62890-357
Total LAWSON PRODUCTS INC:					75.43	
LINDNER & MARSACK SC						
79	LINDNER & MARSACK SC	55839	GEN ADMN/LEGAL SERVICES	06/02/2010	102.50	100-51400-219
Total LINDNER & MARSACK SC:					102.50	
LOCAL GOVERNMENT INSTITUTE OF WI						
5843	LOCAL GOVERNMENT INSTITU	5843-060210	GEN ADMN/25X2025 GRANT	06/02/2010	1,000.00	100-51400-770
Total LOCAL GOVERNMENT INSTITUTE OF WI:					1,000.00	
LYCON INC						
55	LYCON INC	0655736-IN	EAST GATE PLAYGROUND/CO	06/02/2010	240.00	245-56120-822
55	LYCON INC	3032010-PP	TID 4/CREDIT #64090	06/02/2010	75.00	440-57663-832
Total LYCON INC:					165.00	
MORGAN BIRGE & ASSOCIATES INC						
4591	MORGAN BIRGE & ASSOCIATE	MC0025863	WASTEWATER/PHONE	06/02/2010	75.00	620-62820-225
Total MORGAN BIRGE & ASSOCIATES INC:					75.00	
MUNICIPAL CODE CORPORATION						
5550	MUNICIPAL CODE CORPORATI	122360	COUNCIL/SUPPLEMENTAL PAG	06/02/2010	2,069.75	100-51100-295
Total MUNICIPAL CODE CORPORATION:					2,069.75	
NCL OF WISCONSIN						
369	NCL OF WISCONSIN	269932	WASTEWATER/LAB SUPPLIES	06/02/2010	1,591.57	620-62870-340
Total NCL OF WISCONSIN:					1,591.57	
NORTHERN LAKE SERVICE INC						
1335	NORTHERN LAKE SERVICE INC	180376	WASTEWATER/LAB CONTRACT	06/02/2010	273.40	620-62870-295

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
1335	NORTHERN LAKE SERVICE INC	180425	WASTEWATER/LAB CONTRACT	06/02/2010	252.00	620-62870-295
Total NORTHERN LAKE SERVICE INC:					525.40	
PETRA INDUSTRIES INC						
455	PETRA INDUSTRIES INC	01A03796306	CABLE/CAPITAL EQUIPMENT	06/02/2010	128.94	200-55110-810
455	PETRA INDUSTRIES INC	01A06771805	CABLE/BATTERIES	06/02/2010	87.55	200-55110-810
Total PETRA INDUSTRIES INC:					216.49	
PREMIER ELECTION SOLUTIONS INC						
4828	PREMIER ELECTION SOLUTION	601485	GEN ADMN/ELECTION SUPPLIE	06/02/2010	485.46	100-51400-340
Total PREMIER ELECTION SOLUTIONS INC:					485.46	
RICOH AMERICAS CORP						
90	RICOH AMERICAS CORP	11504714	RESCUE/COPIER	06/02/2010	60.61	100-52300-310
90	RICOH AMERICAS CORP	11504715	FIRE/COPIER	06/02/2010	27.39	100-52200-310
90	RICOH AMERICAS CORP	11530189	WATER/COPIER	06/02/2010	25.91	610-61903-310
Total RICOH AMERICAS CORP:					113.91	
ROZELLE INVESTMENTS						
5838	ROZELLE INVESTMENTS	A410100004	TECH PARK/DELTA ELECTRIC	06/02/2010	1,000.00	440-57663-841
Total ROZELLE INVESTMENTS:					1,000.00	
SASSY SHIRTS						
131	SASSY SHIRTS	31850	REC/BENCH PLAQUES	06/02/2010	79.70	440-57663-820
131	SASSY SHIRTS	31954	REC/BASEBALL HATS	06/02/2010	1,080.00	100-55300-341
131	SASSY SHIRTS	32013	GEN ADMN/NAME PLATES	06/02/2010	25.00	100-51400-310
131	SASSY SHIRTS	32047	REC/SOFTBALL VISORS	06/02/2010	216.00	100-55300-341
131	SASSY SHIRTS	32048	REC/BASEBALL JERSEYS	06/02/2010	157.65	100-55300-341
131	SASSY SHIRTS	32088	REC/BASEBALL & SOFTBALL P	06/02/2010	804.00	100-55300-341
Total SASSY SHIRTS:					2,362.35	
STRAND ASSOCIATES INC						
358	STRAND ASSOCIATES INC	0078705	CLAY ST/RECONSTRUCTION	06/02/2010	7,446.90	493-57500-821
358	STRAND ASSOCIATES INC	0078706	PLANNING/GREENHOUSE EXP	06/02/2010	441.88	100-56300-219
358	STRAND ASSOCIATES INC	0078706	PLANNING/GIS SUPPORT	06/02/2010	43.10	100-56300-219
358	STRAND ASSOCIATES INC	0078706	WASTEWATER/E SIDE SEWER	06/02/2010	1,042.94	620-62820-219
358	STRAND ASSOCIATES INC	0078706	PLANNING/WALMART	06/02/2010	616.04	100-56300-219
358	STRAND ASSOCIATES INC	0078706	TRATT ST/SURVEY	06/02/2010	640.02	494-57500-821
358	STRAND ASSOCIATES INC	0078903	WASTEWATER/IMPROVEMENT	06/02/2010	30,003.96	620-62810-820
358	STRAND ASSOCIATES INC	0078925	TECH PARK/BASIC SVC	06/02/2010	25,247.12	440-57663-841
358	STRAND ASSOCIATES INC	0078926	TECH PARK/OTHER SVC	06/02/2010	1,589.28	440-57663-841
358	STRAND ASSOCIATES INC	0078927	STARIN RD/BASIC SVC	06/02/2010	18,137.18	440-57663-840
358	STRAND ASSOCIATES INC	0078928	STARIN RD/OTHER SVC	06/02/2010	1,607.17	440-57663-840
Total STRAND ASSOCIATES INC:					86,815.59	
TECHNOLOGY ASSURANCE CORP						
4475	TECHNOLOGY ASSURANCE C	1368	LIBRARY/AUTOMATION SUPPO	06/02/2010	1,200.00	220-55110-218
Total TECHNOLOGY ASSURANCE CORP:					1,200.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
TESTAMERICA LABORATORIES INC						
570	TESTAMERICA LABORATORIES	61002244	WASTEWATER/CONTRACTUAL	06/02/2010	184.80	620-62870-295
Total TESTAMERICA LABORATORIES INC:					184.80	
TINCHER REALTY INC						
5510	TINCHER REALTY INC	05/17/2010	NEIGHBORHOOD SVC/LAWN M	06/02/2010	175.00	100-52400-219
Total TINCHER REALTY INC:					175.00	
UNITED PARCEL SERVICE						
19	UNITED PARCEL SERVICE	00000X36X820	WATER/STATE LAB	06/02/2010	24.29	610-61630-340
19	UNITED PARCEL SERVICE	00000X36X820	FINANCE/VILLAGE OF E TROY	06/02/2010	14.30	100-51500-310
Total UNITED PARCEL SERVICE:					38.59	
USA BLUE BOOK						
1062	USA BLUE BOOK	151074	WATER/CHEMICAL ITEMS	06/02/2010	95.52	610-61630-350
Total USA BLUE BOOK:					95.52	
USELDING, JOSEPH						
2333	USELDING, JOSEPH	REIMBURSE	FIRE/EMPLOYEE ED & TRNG	06/02/2010	119.30	100-52200-154
Total USELDING, JOSEPH:					119.30	
VANDEWALLE & ASSOCIATES						
27	VANDEWALLE & ASSOCIATES	201004040	PLANNING/APRIL SVC	06/02/2010	2,942.50	100-56300-219
Total VANDEWALLE & ASSOCIATES:					2,942.50	
VWR INTERNATIONAL						
5098	VWR INTERNATIONAL	41877723	WASTEWATER/EQUIPMENT RE	06/02/2010	1,445.37	620-62810-822
Total VWR INTERNATIONAL:					1,445.37	
WALL CRAWLERS						
3847	WALL CRAWLERS	WINTER/SPRI	REC/ROCK CLIMB SESSION	06/02/2010	162.00	100-55300-346
Total WALL CRAWLERS:					162.00	
WE ENERGIES						
25	WE ENERGIES	25-060210	CITY/ELECTRIC	06/02/2010	5,296.61	100-51600-222
25	WE ENERGIES	25-060210	WASTEWATER/LIFT STATIONS	06/02/2010	789.31	620-62830-222
25	WE ENERGIES	25-060210	WASTEWATER/ELECTRIC	06/02/2010	11,902.55	620-62840-222
25	WE ENERGIES	25-060210	WASTEWATER/GAS	06/02/2010	1,646.45	620-62840-224
Total WE ENERGIES:					19,634.92	
WHITEWATER FIRE DEPT						
284	WHITEWATER FIRE DEPT	RADIO #1275	FIRE/CAPITAL EQUIPMENT	06/02/2010	782.55	100-52200-810
284	WHITEWATER FIRE DEPT	TOMAHAWK F	FIRE/EMPLOYEE ED & TRNG	06/02/2010	1,075.00	100-52200-154
Total WHITEWATER FIRE DEPT:					1,857.55	
WI ALLIANCE OF CITIES						
1003	WI ALLIANCE OF CITIES	MARCH 2010	GEN ADMN/BRUNNER	06/02/2010	15.00	100-51400-154

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total WI ALLIANCE OF CITIES:					15.00	
WI TAXPAYERS ALLIANCE						
490	WI TAXPAYERS ALLIANCE	FOCUS RENE	FINANCE/3 YR SUBSCRIPTION	06/02/2010	98.97	100-51500-154
Total WI TAXPAYERS ALLIANCE:					98.97	
WSFA						
3480	WSFA	2010 MEMBER	FIRE/OPERATING SUPPLIES	06/02/2010	880.00	100-52200-340
Total WSFA:					880.00	
Grand Totals:					194,247.44	

Dated: May 27, 2010

Finance Director: *[Signature]*

Report Criteria:

- Detail report.
- Invoices with totals above \$0.00 included.
- Paid and unpaid invoices included.



Whitewater CDA - MINUTES

Monday, April 19, 2010

4:30 PM - CDA Board of Directors

4:30 PM - Whitewater University Tech Park Board (items #6 & #7)

1st Floor - Community Room

Whitewater Municipal Building

312 W. Whitewater Street

Whitewater, WI 53190

1. Call to order and roll call

CDA

Tom Miller called the meeting to order at 4:33PM.

Present: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Absent: Al Stanek, Marilyn Kienbaum

Others Present: Mary Nimmo, Kevin Brunner, Doug Saubert

Tech Park Board

Present: Chancellor Telfer, Kevin Brunner, Peter Zaballos, John Chenoweth, Jim Stewart, Bud Gayhart, Jeff Knight

Absent: None

2. Approval of the Agenda

Jim Allen motioned to approve the agenda with changing the order of items 15a and 15b. Stewart seconded.

Ayes: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Nays: None

Absent: Al Stanek, Marilyn Kienbaum

The motion to approve the amended agenda passed on a voice vote.

3. HEARING OF CITIZEN COMMENTS. *No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.*

NONE

4. Approval of the February 22, 2010 Minutes

Jim Allen motioned to approve the February 22 Minutes. Knight seconded.

Ayes: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Nays: None

Absent: Al Stanek, Marilyn Kienbaum

The motion to approve the February minutes passed on a voice vote.

5. Discussion and Possible Action on Sponsoring Charter TV Commercials for Downtown Whitewater Promotions

Tamara Brodnicki, Executive Director for Downtown Whitewater made a request for continued sponsorship of the commercials for local business persons. Ms. Brodnicki stated that by partnering together as a group promoting Whitewater our commercial district is out there in TV Land. Last year 18 businesses participated in this program and they were all considered paid in advance so the merchants promoted the downtown commercial district with 6,120 commercials. Downtown Whitewater, Inc. will put forth \$500.00 and work with Dave Saalsaa to take the pictures. In the past Tourism and CDA put forth \$600.00 each and that lowered the price for the merchant. This year the Chamber will participate so we are asking for a \$400.00 sponsorship from CDA, Tourism and the Chamber of Commerce. The goal is to turn this campaign into a Shop Local Campaign for all of Whitewater.

Jim Allen motioned to approve the \$400 requested sponsorship. Marshall seconded.

Ayes: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Nays: None

Absent: Al Stanek, Marilyn Kienbaum

The motion to approve the sponsorship of the Charter TV commercials minutes passed on a roll-call vote.

6. Discussion and Possible Action on Bid(s) for construction of the Whitewater Innovation Center (as part of the Whitewater University Technology Park and Economic Development Administration Grant)

Brunner noted that bids were opened on Thursday, and it was a competitive process. Low bidders were outlined in an outline provided by JP Cullen. It was forecasted that construction of the Innovation center will have a cost of approximately \$5.4m, but bids came in at \$4.963m at approx 8% lower than the original estimate.

Jeff Knight motioned to (on behalf of both the CDA and the Whitewater Technology Park Board) approve the bids for the construction of the Whitewater Innovation Center. Jim Allen seconded.

CDA

Ayes: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Nays: None

Absent: Al Stanek, Marilyn Kienbaum

Tech Park Board

Ayes: Chancellor Telfer, Kevin Brunner, Peter Zaballos, John Chenoweth, Jim Stewart, Bud Gayhart, Jeff Knight

Nays: None

7. Discussion and Possible Action on Ground Breaking for Whitewater Innovation Center

Chancellor noted the ground breaking will be the next Tuesday at 4pm and requested that both boards please make an effort to attend.

Tech Park Board motioned to adjourn.

8. Discussion and Possible Action on Marketing Campaign for Whitewater Business Park

Nimm noted at the last meeting the Board approved extending the Business Park Marketing Campaign with the help of Bud Gayhart and his office(s). Bud is asking when the Board would like the extension of the campaign to commence... Gayhart suggested that we hold-off the mailing until end of summer, early fall to maximize the impact. Gayhart suggested that perhaps the timing should be close to the grand opening of the Innovation Center. Knight suggested a June launch of the mailing.

9. Receipt and Filing of February, 2010 and March, 2010 Financials

Jim Allen motioned to accept the February and March financials. Stewart seconded.

Ayes: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Nays: None

Absent: Al Stanek, Marilyn Kienbaum

10. Update: WCEDA (Walworth County Economic Development Alliance)

Brunner noted that the Executive Vice President of WCEDA has turned in his resignation and that Mike Vandebosch will step-in until the search for the new Vice President is complete. A draft of the MOU from WCEDA has not yet been received. This will need to be worked out in the future. No money will be paid to WCEDA until there is a MOU agreed upon between the CDA and WCEDA. Brunner will serve on the committee for the recruitment of the next Executive Director.

11. Discussion and Possible Action on Tax Increment Finance District(s)

a. District Map(s)

Per the request of Jim Caldwell, Nimm provided the CDA with a map of each of the five TIF districts, and a map with the five districts combined, each with a ½ mile radius drawn around each district. This information was provided to start the discussion on possible funding assistance, in the name of TIF districts, as they relate to assisting future developments.

12. CDA Coordinator

a. EI (Energy Independent) Communities 25x25 Planning Grant

Nimm reported she attended the first quarter meeting on April 7th in Eau Claire. She is working on gathering information on the City buildings for the Energy Star Portfolio for the City Facilities and then will be working on energy usage data entry.

b. First Time Homebuyers Workshop

Nimm reported she had nine registered for the workshop, only three attended. There was a positive response from the three who did attend the workshop. She able to recover the costs of the workshop through sponsors from both Commercial and First Citizens Banks.

c. Lead Safe Renovator Workshop(s)

Nimm reported the first workshop, conducted by Milwaukee Lead and Asbestos was a sell-out. She is working with MLIA to bring a second workshop to Whitewater in May. There is no cost to the CDA to make this workshop available in Whitewater. The workshop(s) in Whitewater was organized in response to contractor's requests for a workshop more local to Whitewater. The workshop will benefit the CDA Housing Loan Program as we will have certified Lead Contractors in and near Whitewater available for our rehab projects on our pre-1978 built homes.

d. Buy Local Program Update

Nimm reported the committee discussed a launch in June, perhaps a banner across the street announcing the program, perhaps marching in the July 4th parade.

e. Site Search Request(s)

Nimm reported there were no search requests in March or April.

f. Retention Visits

Nimm reported two retention visits were conducted with both Generac and Lavelle Industries

g. International Council Shopping Centers – Madison Show

Nimm reported she attended, along with Tamara Brodnicki, the Wisconsin ICSC conference in Madison on April 15th. They were able to make contact with several potential retailers and will be sharing specific information (traffic counts and lease spaces) with several of those they spoke with.

13. Future Agenda Items

None

14. May Meeting Update – May 24, 2010

Adjourn to closed session at approximately 6:30PM to reconvene at approximately 6:50PM per Wisconsin State Statutes 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility and Per Wisconsin Statute 19.85 (1)(e). Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session

Tom Miller motioned to adjourn to closed session at 5:50PM. Allen seconded.

Present: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Jim Stewart

Absent: Al Stanek, Marilyn Kienbaum

Others Present: Mary Nimm (present for item 15b, excused for item 15a), Kevin Brunner

a. Performance Review - CDA Coordinator

b. Economic Development Loan Payment Status at 210 W Whitewater St., Whitewater, WI

15. Convene to Open Session

16. Discussion and possible action on CDA Coordinator Performance Review

No action taken. Brunner will assemble a 360 Performance Review for Nimm and it will be distributed to the CDA for comment and assessment. The results of the review will be discussed at the May meeting.

17. Discussion and Possible Action on Economic Development Loan Payment Status for property at 210 W Whitewater St., Whitewater, WI

No action taken

18. Adjourn

The CDA meeting adjourned at 6:05PM.

It is possible that a quorum of Common Council and Technology Park Board members may attend this meeting. Even if a quorum is present, no Common Council and/or Technology Park Board business will be conducted at this meeting. Anyone requiring special arrangements is asked to call the office of the City Manager/ City Clerk at least 72 hours prior to the meeting.

**City of Whitewater Police and Fire Commission
 Quarterly Meeting Minutes
 February 10, 2010**

**ABSTRACT / SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF
 THE POLICE AND FIRE COMMISSION OF THE CITY OF WHITEWATER, WALWORTH AND
 JEFFERSON COUNTIES, WISCONSIN**

Vice President Bilgen-Craggs called the meeting of the Whitewater Police and Fire Commission to order at 7:12 p.m. Members present: Jan Bilgen-Craggs, Max Taylor and Rosa Verduzco. Gerald Wendt arrived at the meeting at 7:16 pm. Members absent: Mindy Triebold. Also in attendance: Councilperson Patrick Singer, Chief James Coan, and Support Services Manager Kathy Boyd.

APPROVAL OF MINUTES: Minutes from the December 14, 2009 meeting were approved unanimously on a Taylor/Verduzco motion.

AYES: Bilgen-Craggs, Taylor, Verduzco, Wendt

NOES: None

ABSENT: Triebold

CITIZEN'S COMMENTS: None

OLD BUSINESS: None

NEW BUSINESS:

A. REVIEW OF PATROL OFFICER INTERVIEW QUESTIONS

At the last meeting Bilgen-Craggs and Taylor wanted to add two interview questions. After a review by the commissioners the additional questions were accepted on a Taylor/Bilgen-Craggs motion.

AYES: Bilgen-Craggs, Taylor, Verduzco, Wendt

NOES:

ABSENT: Triebold

B. DISCUSSION OF CHIEF COAN'S ADVANCEMENT IN THE MANKATO, MN PUBLIC SAFETY DIRECTOR HIRING PROCESS

Chief Coan mentioned that he is one of four finalists for the position. It is overseeing, managing the police and fire departments there. He said there is no dissatisfaction with his position here, but it is an opportunity to move closer to family. Wendt asked if this was final. Chief Coan said that he would interview next week for two days. Taylor said that there wouldn't be another meeting of this body until May, but this whole interview process would be settled well before then and asked if Chief Coan would submit a letter of resignation. Chief Coan said that after next week he would call Jan to let her know the outcome. Bilgen-Craggs said that Mankato can call the Police and Fire Commission members.

C. CHIEF'S REPORT:

1. **REVIEW OF 2010 MANAGEMENT PLAN:** The Management Plan was sent to all of the PFC members. Some of the 2009 accomplishments include the Communications Center upgrade and completing the seventh Citizen's Academy. For 2010 the department will develop economical training alternatives such as online training and further develop a patrol accountability system. The department has divided Whitewater up geographically and formed the basics of a geo policing program. Chief Coan wants to refine that in 2010 by assigning officers to various areas of the city to work with neighborhoods, to work with city council members. To further strengthen ties with UW Police Department. Chief Coan has had discussions with Chief Keiderlein. The two departments are always looking for ways that they can work together. The departments train together and intermingle instructors. Possible joint operations, such as bike patrol in areas adjacent to or on campus. Enhance crime prevention efforts and team goals such as problem solving, traffic safety, community policing are due next week. Chief Coan said that he would keep the PFC updated. Bilgen-Craggs asked if there were any questions. Taylor asked how officers would be assigned to districts. Chief Coan said that there may be daily assignments such as the eastern portion of the city or each officer would be given a portion of the city that belongs to them. They would patrol and work on problem solving with neighborhoods or council persons. Other communities are using geo policing. Neighborhood groups are growing so this would be a good way to parallel. Bilgen-Craggs mentioned reading an article comparing geo policing to beat cops. Chief Coan said the officers know the community, but certain areas of the city have certain things crop up. Neighborhoods would have a liaison. When someone calls with a problem it would be assigned to that officer. In the future groups can call that officer. Officer Jennifer Ludlum is the department's Greek sorority-fraternity liaison. She does presentations and is very good at it. The concept is very similar. For example Madison has distinct neighborhoods that officers are assigned to. Taylor asked how many districts are being created. Chief Coan said there are three districts and within the district there is a zone area. Divided up into eastern, western, and central. Bilgen-Craggs said they are happy with the Greek liaison; Officer Ludlum is a very good officer they don't have to explain the history so it is helpful.

2. PERSONNEL UPDATE

- a) **STATUS OF PROBATIONARY OFFICERS:** Officer Kleinfeldt is off training and on his own. Officer Meyer is still in field training and doing well. The department has two good keepers.
- b) **STATUS OF EMPLOYEES ON MEDICAL LEAVES AND TRANSITIONAL DUTY:** Chief Coan said that the department has been plagued by injuries and people out with various medical conditions. Sgt. Trost was injured in the line of duty and received six stitches above his eye and a concussion during a domestic/battery situation with a combative individual and he will be out for a couple of weeks. Lt. Otterbacher is out on a medical leave and will be back next week. Officer Ludlum is out with pregnancy. Two other officers, one detective and one officer were injured off duty. One is back in a transitional duty and the other is waiting until Friday to hear about his medical update. Officer Villarello is still out on a medical leave. Unfortunately there has been a lot of overtime. The department has to fill the openings with overtime,

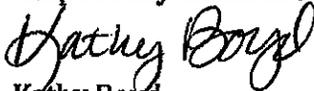
which is not preferable. Sgt. Trost and the other officer will be off for two weeks. Bilgen-Craggs asked if there were any questions. Taylor asked who was the officer that was kind of back. Chief Coan said Detective Uhl, with a shoulder surgery. He will be on transitional duty. It used to be called light duty. Most of the time they can't carry a sidearm. They don't act in any law enforcement capacity. Doing paperwork, working in the evidence area, things like that. Its work that needs to be done and gives the officer an opportunity to transition back to work. Wendt asked if it was the rotator cuff. Chief Coan said it was an old baseball injury. Taylor asked if Officer Villarello was still up in the air. Chief Coan said that she has a medical appointment in March and the department is hoping for a status update. It was off-duty injury so it doesn't impact the budget. It actually helps because the City isn't paying for that person. Taylor asked if there is money to support the overtime. Chief Coan said that it could be, however the City decides to cover. The bottom line is the department's budget is projected to be at or under even with the overtime.

Bilgen-Craggs mentioned that if the commissioners want something on the next agenda to contact her since it can't be discussed at the meetings if it isn't on the agenda. Taylor mentioned that this would be his last meeting because he is not running for reelection. Taylor said that it had been nice working with everyone. Wendt voiced that it had been nice working with Taylor. Bilgen-Craggs thanked Taylor for his service.

Bilgen-Craggs said that the next regular meeting of the PFC will be Wednesday, May 12, 2010 at 7:00p.m., which should give the City Council enough time to reappoint a Council member to the commission.

ADJOURNMENT: A Taylor/Verduzco motion to adjourn was passed by unanimous voice vote. The meeting adjourned at 7:30 p.m.

Respectfully submitted



Kathy Boyd

Support Services Manager



MEMORANDUM

TO: Kevin Brunner, City Manager
Whitewater Common Council

FROM: Cameron Clapper, Assistant to the City Manager

SUBJECT: WISCONSIN ALLIANCE OF CITIES/LEAGUE OF WISCONSIN MUNICIPALITIES
JOINT MEETING

DATE: 05/25/10

As requested, I attended the joint meeting of the Wisconsin Alliance of Cities and the League of Wisconsin Municipalities held in the City of Beloit. Attendees included representatives from Janesville, Beloit, and Whitewater, as well as Ed Huck from the Wisconsin Alliance of Cities and Curt Witynski from the League of Wisconsin Municipalities. The purpose of the meeting was to discuss the merger of the two organizations in 2011 and issues to be addressed in the legislative agenda for 2011-12. Below is a listing of issues discussed at the meeting.

Regional Economic Development Incentive. The proposed Regional Economic Development Incentive (REDI) would involve the creation of a new formula to generate shared revenues. REDI is built upon the idea that Wisconsin should end the per-capita funding mechanism currently in use for generating shared revenues and organize municipalities into regions and reward them for fostering economic development. Of the revenues generated under REDI, a total of 25% would be distributed through a regional funding system, rewarding growth, while the other 75% would be distributed through a statewide system.

New P.I.L.O.T. programs. The League will seek to establish PILOT programs for low-income housing and stormwater run-off.

Levy limits. The league will continue to oppose levy limits and advocate changes to the existing law.

Public Safety Protection. The League will seek to repeal the current protections against cuts in funding.

Both Curt Witynski and Ed Huck will be accepting any additional proposals from members of both the Alliance and the League through June, 2010; and will work to narrow the list into a workable municipal agenda for 2011-12. I have also included materials from the meeting with this memo.

Rich Eggleston

From: "Rich Eggleston" <rich@wiscities.org>
To: <rich@wiscities.org>
Sent: Tuesday, January 12, 2010 4:46 PM
Attach: 09-36692.pdf
Subject: Cosponsorship of LRB 3669/2 relating to additional municipal aid payments based on the amount of all municipal aid payments compared to total general fund expenditures and on regional factors and making an appropriation.

TO: Legislative Colleagues
FROM: Senator Plale and Representative Smith
DATE: January 11, 2010
RE: Cosponsorship of LRB 3669/2 - The Regional Economic Development Incentive

We are introducing REDI, the Regional Economic Development Incentive, which is supported by the Wisconsin Alliance of Cities, the Wisconsin League of Municipalities, the Wisconsin Towns Association, AFSCME, the Wisconsin Professional Police Association, and the Professional Firefighters of Wisconsin.

Shared revenue is intended to provide property tax relief to municipalities and provide compensation for services provided to certain utility properties. The formula used to calculate payment amounts has been under criticism for years and any readjustments to the formula are highly political. Reaching consensus for any changes to the current shared revenue program is unlikely, especially in Wisconsin's current fiscal situation.

This legislation does not affect the current shared revenue formula. Rather, it seeks to address some of the Kettl Commission recommendations by creating a formula for any new revenue generated by the state. REDI builds upon the Commission's recommendation that we end the per-capita funding mechanism and organize municipalities into regions and reward them for fostering economic growth. The REDI plan arranges municipalities around existing private sector regions that are already working together for regional economic development, including, for example, The New North, Thrive, and the Milwaukee Seven.

REDI provides a new funding mechanism for any additional funds added to the program, and wouldn't sunrise until 2014 or when the state begins to generate new revenue. Under this formula, 25% of additional aid would be distributed through a regional funding system and 75% would be distributed through a statewide system. The statewide allocation would be made on a per capita basis of equalized property value and adjusted gross income. The regional funding would be distributed to regions based on personal income growth competition. This is intended to encourage regional cooperation by rewarding municipal governments with higher aid payments when their region experiences economic growth.

If you would like to co-sponsor LRB 3669/2, please contact Sen. Plale's office by calling 266-7505 or reply to this email by 5:00PM, February 5, 2010.

In 2008, the Legislative Fiscal Bureau prepared a document entitled "Estimated Municipal Aid Payments Under Revision to Alliance of Cities Proposal" which goes into more depth on the impact that the REDI plan would have on municipalities in Wisconsin. If you would like a copy of this document, please contact Sen. Plale's office.

Analysis by the Legislative Reference Bureau

17

Under current law, generally, beginning in 2011, a municipality receives an annual municipal aid payment from the state (otherwise known as shared revenue) that is equal to the amount it received in 2010. Under this bill, beginning in 2014, each municipality also will receive a payment based on its population in proportion to the population of the region where the municipality is located. This bill

creates eight regions and each region consists of several counties. For purposes of determining the municipality's payment, the municipality's population is adjusted to reflect the average of the adjusted gross income of the municipality's population, as compared to that of the region, and the equalized value of the municipality's property, as compared to that of the region. The total amount of these payments is equal to 75 percent of the difference between the total amount of municipal aid payments paid in the previous year and the total amount of municipal aid payments paid in the previous year increased by a percentage that represents the portion of all general fund expenditures for the year allocated to municipal aid. In addition to the payment based on a municipality's region, each municipality will receive a payment based on its population in proportion to the population of all municipalities. The population used to determine the payment is adjusted to reflect the average of the adjusted gross income of the municipality's population, as compared to that of all municipalities, and the equalized value of the municipality's property, as compared to that of all municipalities. The total amount of these payments is equal to 25 percent of the difference between the total amount of municipal aid payments paid in the previous year and the total amount of municipal aid payments paid in the previous year increased by a percentage that represents the portion of all general fund expenditures for the year allocated to municipal aid.

<<09-36692.pdf>>

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.432 / Virus Database: 270.14.134/2614 - Release Date: 01/11/10 13:29:00

WISCONSIN ALLIANCE OF CITIES

Why REDI?

Q: Does Wisconsin need a Regional Economic Development Incentive?

A: Growth in jobs and income don't occur at the state level, they occur at a multi-county level around the state's metropolitan areas. The Wisconsin Economic Summits early in the last decade drove home the point there is no single "state economy," but rather a complex of regional economies that don't respect city, county or even state borders.

Q: But can't individual communities chart their own economic growth?

A: Communities in Wisconsin — and elsewhere — too often compete rather than cooperate to grow their economies. REDI is aimed at fostering a "growth without borders" philosophy to encourage communities to work with one another rather than against one another.

Q: Where can state government find new money to foster economic growth?

A: In today's economy, it can't. That's why the REDI has a sunrise of 2014. Only then will a portion of the increase in state general purpose spending — the same portion that state government devotes to its own purposes — go into a new revenue sharing formula for Wisconsin communities.

Q: What's the matter with the current formula?

A: The current formula was aimed at equalizing the differing fiscal capacities of Wisconsin communities, and it did that — better than the REDI formula, in fact — until state government ran out of money. Disparities have remained frozen or increased ever since. State shared revenue has seen only reductions for the past 10 years, during which inflation has hit local governments as hard or harder than it has hit state government. And state government cannot afford to pump enough new money into the current formula to make it work again.

Q: A regional approach to economic growth was proposed by the Kettl Commission back in 2001. Isn't it kind of naive to expect state government to embrace a program based on that approach nearly a decade later?

A: State government thrives on consensus. REDI has been by the League of Wisconsin Municipalities, the Wisconsin Towns Association, AFSCME, the Professional Firefighters of Wisconsin, the Wisconsin Professional Police Association and the Wisconsin Alliance of Cities. It is the first time these disparate local government and employee groups have united on an issue.

WISCONSIN ALLIANCE OF CITIES

Elements of REDI

- Bill is being circulated for co-sponsorship by Sen. Jeff Plale of South Milwaukee and Rep. Jeff Smith of Eau Claire. Ask your legislators to sign on!
- Bill sets a sunrise date of 2014 for the distribution of new money, based on percentage increase in state general fund spending.
- Endorsed by the League of Wisconsin Municipalities, the Wisconsin Towns Association, AFSCME, the Professional Firefighters of Wisconsin, the Wisconsin Professional Police Association and the Wisconsin Alliance of Cities.
- It is based on a recommendation by the Governor's Blue Ribbon Commission on State-Local Partnership for the 21st Century (the Kettl Commission) to convert the per capita portion of the current shared revenue formula to an incentive for regional development.
- REDI builds upon the Commission's recommendation that we end the per-capita funding mechanism and organize municipalities into regions and reward them for fostering economic growth.
- The REDI plan arranges municipalities around existing private sector regions that are already working together for regional economic development, such as The New North, Thrive, and the Milwaukee Seven.
- The new formula does not redistribute any existing payments, so it does not create winners and losers.
- Increases in the REDI formula are tied to GPR spending, which is an indicator of growth. Whatever percentage the state increases GPR spending in any one year is the percentage increase in this program.
- This program creates two pots of money for distribution. 25% of any new money goes to the regions, 75% is distributed statewide.
- Whatever amounts of money received from the state by local governments stays with local governments as part of their base until the next appropriation.
- The dollars are distributed on an adjusted per capita basis. Population is adjusted based on a community's per-capita property value and personal income.
- Each municipality receives a payment based on its adjusted population as a percent of the region's population (25%) or the state's population (75%). Whatever percent a community is of the state total is the share it receives of the pot.

- The current formula has not run for ten years; it required large sums of money to make it work. This formula does not need any certain amount to fairly distribute new money and achieve its goal.



REVENUE SHARING AND WISCONSIN

A New Vision for the future

Edward J. Huck, executive director, 2009



SHARED REVENUES v. LOCAL-OPTION TAXES

The issues:

- Equity among local units of government.
- Tax rate disparities.
- Land use impacts.
- Level of taxation.
- Separation of wealth and poverty.
- 21 • Ability of some to avoid the tax by moving.

HISTORY OF REVENUE SHARING

- Revenue sharing starts in 1901 with a statewide property tax to equalize education.
- It's expanded in 1911, using a state income tax to eliminate personal property and farm equipment taxes.
- In 1931 a motor fuel tax is implemented and automobiles are removed from the property tax.

Property tax exemptions are intimately tied to increases in funding.

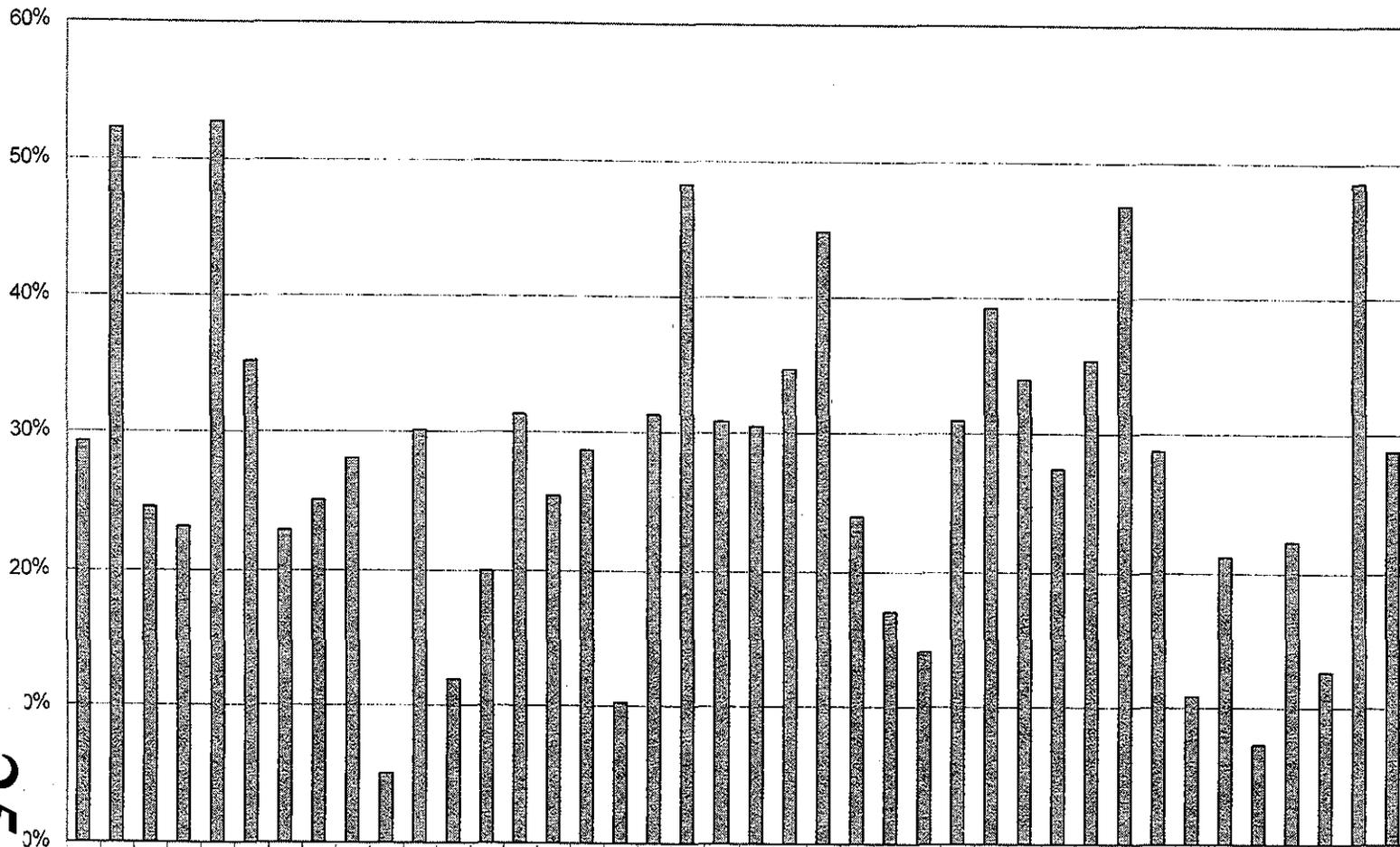
- In 1971 return-to-origin based distribution is repealed.
- A needs-based formula is developed.
- M&E and Line A stocks are exempted from the property tax.
- Shared Taxes end and Shared Revenue is formula driven with guaranteed increases.

As Equalization Increases So Do Complaints

- In 1972-75 per-capita payments accounted for one-half of the Shared Revenue distribution
- By the mid 1980s per-capita aid was about 20%
- Minimum guarantee was increased in the mid 1980s to mitigate criticism

Criticisms: 1. Lack of funding 2. Funding is all over the map.

Shared Revenue as % of Total Revenue
Wisconsin Alliance of Cities (2001)



25

SR

Criticisms, continued: Shared revenue

- **Is not equalizing (per capita, hold harmless).**
- **Relies too much on property values.**
- **Penalizes the thrifty.**
(The more local effort the more a municipality gets.)
- **Leads to more spending.**
- **Spends other people's money.**

TASK FORCES MAKE RECOMMENDATIONS

- In April 2000 Governor Thompson assembled the Commission on State/Local Partnership (the Kettl Commission).
- A report was issued in January 2001:
 - Focus was on a basic package of services (not defined)
 - Maintained equalization and reduced tax rate disparities

REGIONS INTRODUCED

- Kettl Commission recommends ending the per-capita payment and funding, grouping municipalities into regions and rewarding them for fostering economic growth.
- Sheehy Task Force, appointed by Governor McCallum, recommends linking shared revenue funding to a fixed percentage of the state budget.



Our proposal:

- There must be no redistribution of existing shared revenue appropriation.
- The state should index the new formula to GPR spending levels.
- Regions created should include the entire state.

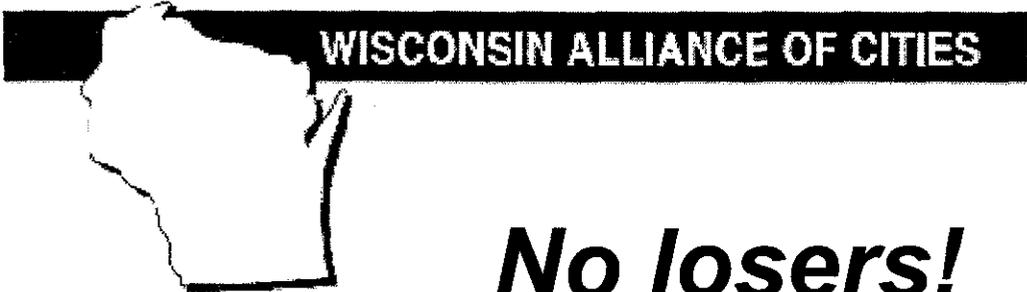


THE LEGISLATURE IS ENGAGED

**We've been working with
Rep. Jeff Smith (D-Eau Claire)**

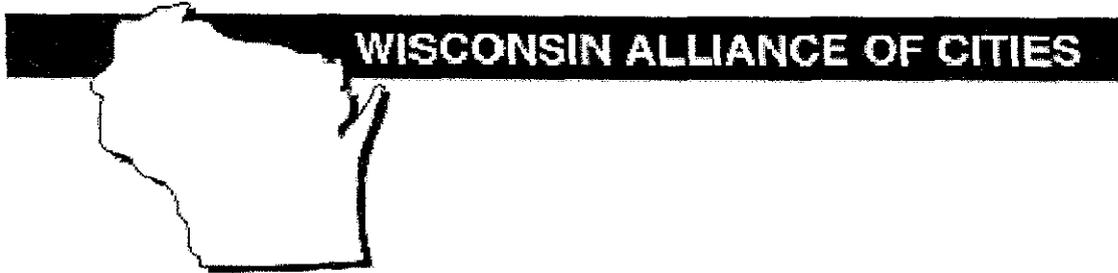


**and Sen. Jeff Plale (D-South Milwaukee)
on the new formula.**



No losers!

- **25 % of new money would be distributed by region;**
- **75% would be distributed statewide.**



Local effort required

- Prior to 1980 municipalities with average property tax rates for all purposes that were below 17 mills did not receive a payment.
- We propose a local effort of at least 1 mill before a municipality receives a payment under the needs formulas.

NEED COMPONENT NOT TIED TO LOCAL EFFORT

- Municipalities with mill rates 1 mill or more receive a payment based on the municipal population divided by the state population as altered by the formula.
- Municipalities that are high in value, low in poverty and high in income would be prorated; municipalities that are the opposite would be multiplied.

GOALS HAVE CHANGED

- Although equalization is maintained it is not the only focus of the new formula.
- Another focus is regional economic development. That is, the higher the income growth the more of the dollars the region would be eligible to distribute.

PARTNERSHIP BONDED AT THE JOBS NEXUS

- The new partnership meets at a point called economic development
- As local governments expand the state's economy there will be a predictable and permanent sharing of that economy.
- Combined with expenditure restraint, property tax relief is guaranteed

CHOICE IS THE ESSENCE OF DEMOCRACY

- Wisconsin will never compete within the Midwest, within the nation, within the world unless we can move from 19th century government to a new era.
- The state should concentrate on giving local governments the tools to be creative.

RESOLUTION TEMPORARILY WAIVING THE "NO WAKE" PROHIBITION

WHEREAS, there is presently in effect Whitewater Ordinance 7.38.025 which prohibits boats from causing wakes on Cravath Lake; and

WHEREAS, the 4th of July celebration for the City of Whitewater will be held from July 1st through July 4th, 2010 at Cravath Lake Park; and

WHEREAS, there are water ski shows scheduled for the public's entertainment on Cravath Lake during said period; and

WHEREAS, it is in the public's best interest to have the opportunity to watch said shows; and

WHEREAS, it is necessary to waive the no wake prohibition on a limited basis for the shows' purposes; and

WHEREAS, a limited waiver of the no wake prohibition will not cause any significant damage to the lake bed; and

WHEREAS, it is in the public's best interest to waive the no wake prohibition for the limited purpose of the water ski shows during the 4th of July celebration.

NOW THEREFORE, BE IT RESOLVED, that the prohibition against causing wakes in Cravath Lake Park provided for in Whitewater Ordinance 7.38.025 shall be temporarily waived for the period of July 1 through July 4th, 2010, for the limited purpose of allowing water crafts involved in the water ski shows during said period to travel at speeds which will cause wakes.

Resolution introduced by Councilmember _____, who moved its adoption.
Seconded by Councilmember _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. _____
ORDINANCE ADOPTING THE STATEWIDE SMOKING BAN

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

SECTION 1: Whitewater Municipal Code Chapter 5.18 is hereby created to read as follows:

5.18.010 - Adoption of Wisconsin Statute §101.123 – Statewide Smoking Ban.

The provisions of Section 101.123 of the Wisconsin Statutes, and all acts amendatory thereof, are adopted as a portion of this chapter.

5.18.020 – Definition of Enclosed Area.

In addition to the definition of “enclosed indoor area” set forth in Section 101.123, an enclosed indoor area for the purposes of this ordinance shall include all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

5.18.030 – Penalty.

The penalty for violation of this section shall be a forfeiture of not less than \$50.00 nor more than \$150.00 for a first offense, and not less than \$100.00 nor more than \$200.00 for a second offense, and not less than \$150.00 nor more than \$300.00 for any third or subsequent offense.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

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101.123 
101.123 Smoking prohibited.

101.123(1) 
(1) Definitions. In this section:

101.123(1)(ab) 
 (ab) "Assisted living facility" means a community-based residential facility, as defined in s. 50.01 (1g), a residential care apartment complex, as defined in s. 50.01 (1d), or an adult family home, as defined in s. 50.01 (1) (b).

101.123(1)(abm) 
 (abm) "Child care center" has the meaning given in s. 49.136 (1) (ad).

101.123(1)(ac) 
 (ac) "Correctional facility" means any of the following:

101.123(1)(ac)1. 
 1. A state prison, as defined or named in s. 302.01, except a correctional institution under s. 301.046 (1) or 301.048 (4) (b) if the institution is the prisoner's place of residence and no one is employed there to ensure the prisoner's incarceration.

101.123(1)(ac)2. 
 2. A juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.

101.123(1)(ac)3. 
 3. A jail, as defined in s. 165.85 (2) (bg), a Huber facility under s. 303.09, a work camp under s. 303.10, a reforestation camp under s. 303.07, or a lockup facility under s. 302.30.

101.123(1)(ac) 
 (ac) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

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101.123(1)(aj) 

(aj) Notwithstanding s. 101.01 (5), "employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

101.123(1)(ak) 

(ak) "Enclosed place" means a structure or area that has all of the following:

101.123(1)(ak)1. 

1. A roof.

101.123(1)(ak)2. 

2. More than 2 substantial walls.

101.123(1)(ar) 

(ar) "Immediate vicinity of the state capitol" means the area directly adjacent to the state capitol building, as determined by rule of the department of administration. "Immediate vicinity of the state capitol" does not include any location that is more than six feet from the state capitol building.

101.123(1)(b) 

(b) "Inpatient health care facility" means a hospital, as defined in s. 50.33 (2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.

101.123(1)(bn) 

(bn) "Lodging establishment" means any of the following:

101.123(1)(bn)1. 

1. A bed and breakfast establishment, as defined in s. 254.61 (1).

101.123(1)(bn)2. 

2. A hotel, as defined in s. 254.61 (3).

101.123(1)(bn)3. 

3. A tourist rooming house, as defined in s. 254.61 (6).

101.123(1)(d) 

(d) "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

101.123(1)(dj) 

(dj) Notwithstanding s. 101.01 (11), "place of employment" means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

101.123(1)(dn) 

(dn) "Private club" means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

101.123(1)(e) 

(e) "Public conveyance" means a mass transit vehicle as defined in s. 340.01 (28m), a school bus as defined in s. 340.01 (56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.

101.123(1)(eg) 

(eg) "Public place" means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

101.123(1)(f) 

(f) "Restaurant" means an establishment as defined in s. 254.61 (5).

101.123(1)(g) 

(g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted.

101.123(1)(gg) 

(gg) "Retail tobacco store" means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and

accessories.

101.123(1)(h)



(h) "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

101.123(1)(h)1.



1. A lighted cigar.

101.123(1)(h)2.



2. A lighted cigarette.

101.123(1)(h)3.



3. A lighted pipe.

101.123(1)(h)4.



4. Any other lighted smoking equipment.

101.123(1)(hm)



(hm) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

101.123(1)(i)



(i) "State institution" means a mental health institute, as defined in s. 51.01 (12), a center for the developmentally disabled, as defined in s. 51.01 (3), or a secure mental health facility at which persons are committed under s. 980.06.

101.123(1)(id)



(id) "Substantial wall" means a wall with an opening that may be used to allow air in from the outside that is less than 25 percent of the wall's surface area.

101.123(1)(im)



(im) "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.

101.123(1)(in)



(in) "Tobacco bar" means a tavern that generates 15 percent or more of its annual gross income

from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.

101.123(1)(io) 

(io) "Tobacco product" means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.

101.123(1)(ip) 

(ip) "Treatment facility" means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.

101.123(1)(j) 

(j) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02 (19).

101.123(2) 

(2) Prohibition against smoking.

101.123(2)(a) 

(a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:

101.123(2)(a)1g. 

1g. The state capitol.

101.123(2)(a)1m. 

1m. Residence halls or dormitories owned or operated by a college or university.

101.123(2)(a)1r. 

1r. Child care centers.

101.123(2)(a)2. 

2. Educational facilities.

101.123(2)(a)3. 

3. Inpatient health care facilities.

101.123(2)(a)4. 

4. Theaters.

101.123(2)(a)5m. 
5m. Correctional facilities.

101.123(2)(a)5t. 
5t. State institutions.

101.123(2)(a)7. 
7. Restaurants.

101.123(2)(a)7m. 
7m. Taverns.

101.123(2)(a)7r. 
7r. Private clubs.

101.123(2)(a)8. 
8. Retail establishments.

101.123(2)(a)8d. 
8d. Common areas of multiple-unit residential properties.

101.123(2)(a)8g. 
8g. Lodging establishments.

101.123(2)(a)8r. 
8r. State, county, city, village, or town buildings.

101.123(2)(a)9. 
9. All enclosed places, other than those listed in subds. 1. to 8r. [subds. 1g. to 8r.], that are places of employment or that are public places.

101.123 - ANNOT. 

Note: The correct cross-reference is shown in brackets. Corrective legislation is pending.

101.123(2)(d) 

(d) No person may smoke at any of the following outdoor locations:

101.123(2)(d)1. 

1. In the immediate vicinity of the state capitol.

101.123(2)(d)2. 

2. Anywhere on the premises of a child care center when children who are receiving child care services are present.

101.123(2)(d)3. 

3. Anywhere on the grounds of a Type 1 juvenile correctional facility.

101.123(2)(d)4. 

4. A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System.

101.123(2)(e) 

(e) No person may smoke in any of the following:

101.123(2)(e)1. 

1. A sports arena.

101.123(2)(e)2. 

2. A bus shelter.

101.123(2)(e)3. 

3. A public conveyance.

101.123(2m) 

(2m) Responsibility of persons in charge.

101.123(2m)(a) 

(a) No person in charge may allow any person to smoke in violation of sub. (2) at a location that is under the control or direction of the person in charge.

101.123(2m)(b)



(b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.

101.123(2m)(c)



(c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

101.123(2m)(c)1.



1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

101.123(2m)(c)2.



2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.

101.123(2m)(c)3.



3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

101.123(2m)(d)



(d) If a person refuses to leave a location after being requested to do so as provided in par. (c) 3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

101.123(2m)(e)



(e) A person in charge may take measures in addition to those listed in pars. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

101.123(3)



(3) Exceptions. The prohibition against smoking in sub. (2) (a) does not apply to the following:

101.123(3)(h)



(h) A private residence.

101.123(3)(i)



(i) A room used by only one person in an assisted living facility as his or her residence.

101.123(3)(j) 

(j) A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

101.123(3)(L) 

(L) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

101.123(3)(m) 

(m) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

101.123(4m) 

(4m) Local authority. This section does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this section, protect the health and comfort of the public. If a county, city, village, or town enacts an ordinance, or if a school district adopts a policy, regulating or prohibiting outside smoking in certain areas as authorized under this subsection, the ordinance may apply only to public property under the jurisdiction of the county, city, village, town, or school district. Such ordinance shall provide that the person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to the ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke. Such ordinance may not define the term "reasonable distance" or set any specified measured distance as being a "reasonable distance."

101.123(6) 

(6) Uniform signs. The department shall, by rule, specify uniform dimensions and other characteristics of the signs required under sub. (2m). These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.

101.123(7) 

(7) Signs for state agencies. The department shall arrange with the department of administration to have signs prepared and made available to state agencies for use in state facilities that set forth the prohibition against smoking.

101.123(8) 
(8) Penalties.

101.123(8)(a) 
 (a) Any person who violates sub. (2) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

101.123(8)(d) 
 (d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.

101.123(8)(dm) 
 (dm) For violations subject to the forfeiture under par. (d), if the person in charge has not previously received a warning notice for a violation of sub. (2m) (b) to (d), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

101.123(8)(em) 
 (em) No person in charge may be required under par. (d) to forfeit more than \$100 in total for all violations of sub. (2m) (b) to (d) occurring on a single day.

101.123(9) 
(9) Injunction. Notwithstanding s. 165.60, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

101.123 - ANNOT. 
Note: This section is shown as affected eff. 7-5-10 by 2009 Wis. Acts 12 and 185. Prior to 7-5-10 it reads:

101.123 - ANNOT. 
101.123 Smoking prohibited. (1) Definitions. In this section:

101.123 - ANNOT. 
 (a) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

101.123 - ANNOT. 

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(ad) "Day care center" has the meaning given in s. 49.136 (1) (d).

101.123 - ANNOT.



(am) "Hospital" has the meaning given in s. 50.33 (2), except that "hospital" does not include a nursing home licensed under s. 50.03 that is operated in connection with a hospital or a retirement home that is operated in connection with a hospital.

101.123 - ANNOT.



(ar) "Immediate vicinity of the state capitol" means the area directly adjacent to the state capitol building, as determined by rule of the department of administration. "Immediate vicinity of the state capitol" does not include any location that is more than one fathom from the state capitol building.

101.123 - ANNOT.



(b) "Inpatient health care facility" means a county home established under s. 49.70, a county infirmary established under s. 49.72 or a community-based residential facility or a nursing home licensed under s. 50.03.

101.123 - ANNOT.



(bg) "Jail" means a county jail, rehabilitation facility established by s. 59.53 (8), county house of correction under s. 303.16, or juvenile detention facility, as defined in s. 48.02 (10r).

101.123 - ANNOT.



(bm) "Lockup facility" has the meaning given in s. 302.30.

101.123 - ANNOT.



(br) "Motor bus" has the meaning given in s. 340.01 (31).

101.123 - ANNOT.



(c) "Office" means any area, whether publicly or privately owned or occupied, that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.

101.123 - ANNOT.



(d) "Person in charge" means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within a place where smoking is regulated under this section, regardless of the person's status as owner or lessee.

101.123 - ANNOT.



(dg) "Physician's office" means a place, other than a residence or a hospital, that is used primarily to provide medical care and treatment.

101.123 - ANNOT.



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(dm) "Prison" means a prison described in s. 302.01, except it does not include the correctional institution under s. 301.046 (1) if the institution is the prisoner's place of residence and does not include a Type 2 prison, as defined in s. 301.01 (6).

101.123 - ANNOT. 

Note: Par. (dm) is renumbered to s. 77.51 (11m) by 2009 Wis. Act 12 and is renumbered to s. 77.51 (11b) by the legislative reference bureau under s. 13.92 (1) (bm) 2., all eff. 7-5-10.

101.123 - ANNOT. 

(e) "Public conveyance" means mass transit vehicles as defined by s. 340.01 (28m) and school buses as defined by s. 340.01 (56).

101.123 - ANNOT. 

(f) "Restaurant" means an establishment defined in s. 254.61 (5) with a seating capacity of more than 50 persons.

101.123 - ANNOT. 

(g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license, and except bowling centers.

101.123 - ANNOT. 

(gm) "Retirement home" means a residential facility where 3 or more unrelated adults or their spouses have their principal residence and where support services, including meals from a common kitchen, are available to residents.

101.123 - ANNOT. 

(h) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

101.123 - ANNOT. 

(i) "State institution" means a prison, a mental health institute as defined in s. 51.01 (12) or a center for the developmentally disabled as defined in s. 51.01 (3).

101.123 - ANNOT. 

(j) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02 (19).

101.123 - ANNOT. 

(2) Regulation of smoking. (a) Except as provided in sub. (3), no person may smoke in the following places:

101.123 - ANNOT. 
1. Public conveyances.

101.123 - ANNOT. 
2. Educational facilities.

101.123 - ANNOT. 
3. Inpatient health care facilities.

101.123 - ANNOT. 
4. Indoor movie theaters.

101.123 - ANNOT. 
5. Offices.

101.123 - ANNOT. 
6. Passenger elevators.

101.123 - ANNOT. 
7. Restaurants.

101.123 - ANNOT. 
8. Retail establishments.

101.123 - ANNOT. 
9. Public waiting rooms.

101.123 - ANNOT. 
10. Any enclosed, indoor area of a state, county, city, village or town building.

101.123 - ANNOT. 
 (am) 1. Notwithstanding par. (a) and sub. (3) and except as provided in subd. 2., no person may smoke in a motor bus, in a hospital or in a physician's office.

101.123 - ANNOT. 
 2. Notwithstanding subd. 1., a person who is an adult patient of a hospital or unit of a hospital that has as its primary purpose the care and treatment of mental illness, alcoholism or drug abuse and who has the written permission of a physician may smoke in a room that is designated as a smoking area under sub. (4) (a) 2.

101.123 - ANNOT. 

(ar) Notwithstanding par. (a) and sub. (3), no person may smoke in the state capitol building or in the immediate vicinity of the state capitol.

101.123 - ANNOT. 

(b) The prohibition in pars. (a) and (am) 1. applies only to enclosed, indoor areas.

101.123 - ANNOT. 

(bm) Notwithstanding par. (a) and sub. (3), no person may smoke on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present.

101.123 - ANNOT. 

(br) Notwithstanding par. (a) and sub. (3), no person may smoke in any enclosed, indoor area of a Type 1 juvenile correctional facility or on the grounds of a Type 1 juvenile correctional facility.

101.123 - ANNOT. 

(bv) Notwithstanding par. (a) and sub. (3), no person may smoke in a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System or in any location that is 25 feet or less from such a residence hall or dormitory.

101.123 - ANNOT. 

(c) This section does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this section, protect the health and comfort of the public.

101.123 - ANNOT. 

(3) Exceptions. The regulation of smoking in sub. (2) (a) does not apply to the following places:

101.123 - ANNOT. 

(a) Areas designated smoking areas under sub. (4).

101.123 - ANNOT. 

(b) Rooms in which the main occupants are smokers, even if nonsmokers are periodically present in the office or room.

101.123 - ANNOT. 

(c) Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.

101.123 - ANNOT. 

(d) Restaurants holding a "Class B" intoxicating liquor or Class "B" fermented malt beverage license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than 50% of the restaurant's receipts.

101.123 - ANNOT.



(f) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.

101.123 - ANNOT.



(gg) A Type 2 juvenile correctional facility, as defined in s. 938.02 (20).

101.123 - ANNOT.



(gm) The correctional institution under s. 301.046 (1) if the institution is the prisoner's place of residence.

101.123 - ANNOT.



(gr) A Type 2 prison, as defined in s. 301.01 (6).

101.123 - ANNOT.



(4) Designation of smoking areas. (a) 1. Except as provided in subd. 2., a person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under sub. (2) (a) unless a fire marshal, law, ordinance or resolution prohibits smoking.

101.123 - ANNOT.



2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas in the state capitol building, in the immediate vicinity of the state capitol, in a Type 1 juvenile correctional facility, on the grounds of a Type 1 juvenile correctional facility, in a motor bus, hospital, or physician's office or on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present, in a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System, or in any location that is 25 feet or less from such a residence hall or dormitory, except that in a hospital or a unit of a hospital that has as its primary purpose the care and treatment of mental illness, alcoholism, or drug abuse a person in charge or his or her agent may designate one or more enclosed rooms with outside ventilation as smoking areas for the use of adult patients who have the written permission of a physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or her agent may not designate an entire room as a smoking area.

101.123 - ANNOT.



3. This paragraph does not apply to places described in par. (am).

101.123 - ANNOT.



(am) 1. The secretary of health services or his or her designee may designate areas where smoking is permitted in a state institution other than a prison, unless a fire marshal, law or resolution prohibits smoking in the area. The secretary of corrections or his or her designee may designate areas where smoking is

permitted in a prison, unless a fire marshal, law or resolution prohibits smoking in the area. Either secretary or his or her designee may designate an entire room as a smoking area in a state institution administered by the secretary's department.

101.123 - ANNOT.



2. A person in charge of a jail or lockup facility, or his or her agent, may designate areas where smoking is permitted in the jail or lockup facility, unless a fire marshal, law or resolution prohibits smoking in the area. The person in charge or his or her agent may designate an entire room in the jail or lockup facility as a smoking area.

101.123 - ANNOT.



3. Except in a prison, jail, or lockup facility, an entire building may not be designated as a smoking area.

101.123 - ANNOT.



(b) The person in charge or his or her agent shall post notice of the designation of a smoking area in or near the area designated. If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public. This paragraph does not apply to a place described in par. (bm).

101.123 - ANNOT.



(bm) The person in charge of a state institution, jail or lockup facility, or his or her agent, shall post notice of the designation of a smoking area under par. (am) in or near the area designated. If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all normally used entrances to the room. If an entire building in a prison, jail, or lockup facility is designated a smoking area, the person in charge, or his or her agent, shall post notice of the designation on or near all normally used entrances to the building, but need not post notice of the designation on or near entrances to rooms within the building.

101.123 - ANNOT.



(c) The person in charge or his or her agent shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This paragraph requires no new construction of physical barriers or ventilation systems in any building.

101.123 - ANNOT.



(d) This section requires the posting of signs only in areas where smoking is permitted.

101.123 - ANNOT.



(5) Responsibilities. The person in charge or his or her agent shall:

101.123 - ANNOT.



(a) Post signs identifying designated smoking areas; and

101.123 - ANNOT. 

(b) Arrange seating to accommodate nonsmokers if smoking areas are adjacent to nonsmoking areas.

101.123 - ANNOT. 

(6) Uniform signs. The department shall, by rule, specify uniform dimensions and other characteristics of signs used to designate smoking areas. These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.

101.123 - ANNOT. 

(7) Signs for state agencies. The department shall arrange with the department of administration to have the signs prepared and made available to state agencies for use in state facilities.

101.123 - ANNOT. 

(8) Penalties. (a) Any person who willfully violates sub. (2) (a), (am) 1., (bm), (br), or (bv) after being advised by an employee of the facility that smoking in the area is prohibited or any person in charge or his or her agent who willfully fails to comply with sub. (5) shall forfeit not more than \$10.

101.123 - ANNOT. 

(b) Any person who willfully violates sub. (2) (ar) after being advised by an employee of the facility that smoking in the area is prohibited shall forfeit not more than \$50.

101.123 - ANNOT. 

(c) A violation of this section does not constitute negligence as a matter of law.

101.123 - ANNOT. 

(9) Injunction. Notwithstanding s. 165.60, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

101.123 - ANNOT. 

History: 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185.

ORDINANCE NO. _____
AN ORDINANCE AMENDING SECTION 1.21.010
SCHEDULE OF DEPOSITS

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
5.18	Violation of Smoking Ban Ordinance	1 st offense - \$100.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment
		2 nd offense - \$150.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment
		3 rd and subsequent offense – \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

ORDINANCE NO. _____

**AN ORDINANCE CREATING CHAPTER 19.25
R-O NON-FAMILY RESIDENTIAL
OVERLAY DISTRICT
(05-14-10 11:00 a.m. Draft)**

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

SECTION 1: Whitewater Municipal Code, Chapter 19.25, R-O Non-family Residential Overlay District, is hereby created to read as follows:

19.25.010 – Purpose and Intent.

The purpose and intent of the Non-Family Residential Overlay District is to stabilize and protect property values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low density single family residential areas, in particular, areas where due to economic factors and housing pressure in the immediate area, there is the potential for the reduction of family occupied residences, and therefore the loss of the single family character of the neighborhood which will potentially lead to overcrowding, undue population concentration and lower property values.

19.25.020 - Overlay District Application. The restrictions set forth herein are in addition to the restrictions and requirements of the basic district applicable to a particular site. To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply. No party other than the owner of the property may initiate an action for the imposition of R-O non-family residential zoning on any particular property if such a petition has been made within the previous 12 months.

19.25.030 – Non-Family Residential Overlay District Additional Restrictions. In all Non-Family Residential Overlay Districts, the non-family household limitation set forth in Whitewater Municipal Ordinance 19.09.520 is reduced from 3 to 2. Therefore, in any Non-Family Residential Overlay District a non-family household shall be limited to 2 unrelated persons.

19.25.040 – Exceptions. This limitation shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and, in particular, those allowed under Wisconsin Statute §62.23.

19.25.050 – Non-Conforming Use and Registration. In order to assist the enforcement of this zoning classification, the owner of any property claiming non-conforming use status regarding the unrelated persons limitation imposed by R-O zoning shall register with the City Clerk on a form provided by the Clerk within ninety (90) days of the imposition of the zoning on the property. The information required on the registration form shall include the history of the

property that supports its designation as a non-conforming use which shall include the three letter initials and dates of residency of current tenants (or most recent tenants if not currently occupied), and the three letter initials and dates of residency of all tenants who resided at the premises for the last 120 days. The party claiming the non-conforming use status shall also have a continuing requirement to update the registration information to provide the initials of current tenants. Failure to register within ninety (90) days of the imposition of the R-O zoning classification shall cause the non-conforming use status to terminate. The City shall mail a notice of this requirement to the address on the property's real estate tax statement within fifteen (15) days of the imposition of the zoning on the property. The non-conforming use status of any property under this chapter will be subject to the provisions contained in City of Whitewater Ordinance 19.60.010 Existing Non-conforming Uses.

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

CHAPTER 2.44
EQUAL OPPORTUNITIES COMMISSION
 (Revised Draft – 05-26-10 – 10:45 a.m.)

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

2.44.010 Declaration of policy--Commission created.

It is the policy of the City pursuant to the United States and Wisconsin Constitutions and also the City's power to protect the public health, safety, and general welfare that all persons, regardless of age, race, creed, color, disability, marital status, sex, national original, ancestry, sexual orientation, or military service are entitled to fair and equal access to City services and facilities, and to that end the city hereby enacts this chapter which prohibits the City from discriminating against properly qualified persons by impairing to any degree, access to any City services and facilities.

2.44.020 Definitions.

The definitions related to protected classes set forth in Wisconsin Statute 111.32 and any acts amendatory thereto are incorporated herein.

2.44.030 Equal Opportunities Commission.

(a) The purposes and provisions of this chapter shall be implemented by:

(1) The Whitewater Equal Opportunities Commission whose five members shall be appointed by the City Manager and Common Council President within 10 days of the date a grievance is filed unless the City Manager has a conflict of interest, in which case the Council President shall make the appointments.

The appointees shall serve until all pending grievance proceedings are completed, or 3 years, whichever is less.

2.44.040 Commission--Powers and duties.

(a) It shall be a prohibited discriminatory practice for the City of Whitewater, or its officers or employees to do any of the following:

(1) To refuse to furnish services or facilities, whether ordinarily provided pursuant to legal duty or local custom, when such refusal is based to any degree on consideration of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, or military service.

(2) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, or military service while directly providing City of Whitewater services or facility use opportunities.

2.44.050 Grievance procedures.

(a) Grievance alleging discrimination by the City, its officers, employees or departments, prohibited by this chapter shall be in writing. Such grievance may be initiated by the individual who may dictate it to an agent of the individual or an agent of the commission, or it may be initiated by any member of the Commission on his or her own initiative. It shall contain:

(1) Name and address of the aggrieved;

(2) Name and address of the individual, or department against whom the grievance is alleged;

(3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;

(4) A request for an action that can be taken to solve the grievance, and various solutions that may be suggested for the Commission to review.

(b) Grievances shall be filed with the City Clerk who shall forward a copy of the grievance to the City Manager, and the chairperson of the Commission. The City Manager shall designate a staff person who shall attempt to resolve the matter with the aggrieved person. In the event that

a solution cannot be agreed upon between the aggrieved and the staff, the matter shall be placed on the agenda of a meeting of the Commission to be scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date which will be scheduled at a time convenient to the aggrieved and the Commission. At the meeting the Commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to properly present their position at the hearing.

(c) The grievance may be withdrawn by the complainant at any time and, subject to the approval of the Commission, may be amended under such terms as the Commission shall direct. Notice of amendment or withdrawal shall be given to all parties.

(d) Hearing. The aggrieved and/or an agent designated by the aggrieved person, and ~~the~~ a staff person assigned by the City Manager to represent the City's position, shall both present oral and/or written information under oath at the hearing. After the parties have been given the opportunity to present all information, the Commission shall make written findings of fact and conclusions and, if no violation is found, the Commission shall dismiss the grievance. If a violation is found, the Commission shall issue a proposed order and forward it to the City of Whitewater Common Council for consideration. The Council may affirm, modify, or reverse the order.

2.44.060 Disqualification of commissioners.

No commissioner who files a grievance on his or her own initiative shall participate in any subsequent hearing or proceeding except as a witness, and shall not participate in the deliberations of the Commission in such case.

2.44.070 Liberal construction - - Severability.

The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein. The provisions are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such shall not affect or impair any of the remaining provisions.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

DATED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 2.46 HANDICAPPED
DISCRIMINATION COMMISSION RENAMING IT THE DISABILITY RIGHTS
COMMISSION

(Revised Draft – 05-26-10 – 10:45 a.m.)

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

SECTION 1. Whitewater Municipal Code, Chapter 2.46, is hereby amended to read as follows:

Chapter 2.46 DISABILITY RIGHTS COMMISSION

2.46.010 Declaration of policy.

2.46.020 Definitions.

2.46.030 Commission - - Formation.

2.46.040 Commission - - Powers and duties.

2.46.050 General prohibitions.

2.46.070 Grievance procedures.

2.46.080 Disqualification of commissioners.

2.46.090 Liberal construction - - Severability.

2.46.010 Declaration of policy.

It is the policy of the city, pursuant to the United States and State of Wisconsin Constitutions and Regulations, and also the city's power to protect the public health, safety and general welfare, that all persons with disabilities are entitled to fair and equal access to City of Whitewater services, programs and benefits afforded to all persons; and to that end the city hereby enacts this chapter to prohibit discrimination against any person with a disability; and creates a disability rights commission with the power and duty to hear grievances of any person with a disability, concerning City actions or inaction.

2.46.020 Definitions.

- (a) “A person with disabilities” means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- (b) “Is regarded as having an impairment” means 1) a physical or mental impairment that does not substantially limit major life activities, but that is treated as constituting such a limitation, or 2) a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or 3) has none of the impairments, but is treated by others as having such impairment.
- (c) “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

2.46.030 Commission – Formation.

- (a) The purposes and provisions of this chapter shall be implemented by:
- (1) The Whitewater Disability Rights Commission whose five members shall be appointed by the City Manager and Common Council President within 10 days of the date a grievance is filed unless the City Manager has a conflict of interest, in which case the Council President shall make the appointments. The appointees shall serve until all pending grievance proceedings are completed, or 3 years, whichever is less.
- ~~(2) The City Attorney.~~

2.46.040 Commission - - Powers and duties.

The commission shall have the following powers and duties:

- (a) To adopt, amend, publish and rescind rules for governing its meetings and hearings;

- (b) To request assistance from city staff to promote the purposes of this chapter, subject to the approval of the City Manager, and to describe their duties;
- (c) To receive and investigate all grievances alleging any discriminatory practice prohibited by this chapter;
- (d) To recommend to the City Manager, for Common Council consideration, any budget and/or legislation necessary to further promote the purposes of this chapter and to file annual written reports of its work with the City Clerk.

2.46.050 General prohibitions.

- (a) It shall be a prohibited discriminatory practice for the City of Whitewater, or its officers or employees, to do any of the following:
 - (1) To exclude a qualified person with disabilities from participation in programs or activities open to the general public, regardless of the availability of permissibly separate or different programs or activities designed especially for persons with disabilities;
 - (2) To provide a different or separate aid, benefit or service to qualified persons with disabilities or to any class of qualified persons with disabilities than is provided to others, unless such action is necessary to provide such individuals with aid, benefits or services that are as effective as those provided to others;
 - (3) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the City of Whitewater program or activity;

2.46.070 Grievance procedures.

- (a) Grievance alleging discrimination by the City, its officers, employees or departments, prohibited by this chapter shall be in writing. Such grievance may be initiated by the individual who

may dictate it to an agent of the individual or an agent of the commission, or it may be initiated by any member of the Commission on his or her own initiative. It shall contain:

- (1) Name and address of the aggrieved;
 - (2) Name and address of the individual, or department against whom the grievance is alleged;
 - (3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;
 - (4) A request for an action that can be taken to solve the grievance, and various solutions that may be suggested for the Commission to review.
- (b) Grievances shall be filed with the City Clerk who shall forward a copy of the grievance to the City Manager, and the chairperson of the Commission. The City Manager shall designate a staff person who shall attempt to resolve the matter with the aggrieved person. In the event that a solution cannot be agreed upon between the aggrieved and the staff, the matter shall be placed on the agenda of a meeting of the Commission to be scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date which will be scheduled at a time convenient to the aggrieved and the commission. At the meeting the Commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to properly present their position at the hearing.
- (c) The grievance may be withdrawn by the complainant at any time and, subject to the approval of the commission, may be amended under such terms as the commission shall direct. Notice of amendment or withdrawal shall be given to all parties.
- (d) Hearing. The aggrieved and/or an agent designated by the aggrieved person, and ~~the~~ a staff person assigned by the City Manager to represent the City's position, shall both present oral

and/or written information under oath at the hearing. After the parties have been given the opportunity to present all information, the Commission shall make written findings of fact and conclusions and, if no violation is found, the Commission shall dismiss the grievance. If a violation is found, shall the Commission shall issue a proposed order and forward it to the City of Whitewater Common Council for consideration. ~~order any necessary action to be taken to remedy the violation. If the order includes the expenditure of city funds, The order shall be transmitted to the City Council for final action. The Commission's decision may be appealed to the Common Council by either the aggrieved person or the City Manager within twenty days of the decision of the commission. The Council may affirm, modify, or reverse the decision order.~~ under appeal procedures it establishes.

2.46.080 Disqualification of commissioners.

No commissioner who files a grievance on his or her own initiative shall participate in any subsequent hearing or proceeding except as a witness, and shall not participate in the deliberations of the Commission in such case.

2.46.090 Liberal construction - - Severability.

The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein. The provisions are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such shall not affect or impair any of the remaining provisions.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

ADOPTED:

Michele R. Smith, City Clerk

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Campus Quick Shop	Campus Quick Shop Inc. Jason McArdle	Class A Beer	N/A			24 hours - 7 days a week
Eastsider	Frawley Oil Co., Inc John Frawley Michael Frawley Betty Frawley	Class A Beer	N/A			24 hours - 7 days a week
Five Points BP	C.A. Pope, Inc. C.A. Pope M.E. Pope	Class A Beer	N/A			M-F 5:30 a.m. - midnight Sat. - 6 a.m. - midnight Sun. - 7 a.m. - midnight
Raceway Food Mart	Wish Enterprises, LLC Pankaj Kalra	Class A Beer	N/A			M-F 6 a.m. - 10 p.m. Sat. - 7 a.m. - 10:30 p.m. Sun. 7 a.m. - 10 p.m.
The Station	SBL Petro, Inc. Amar Nath, Agent	Class A Beer	N/A			M-F 6 a.m. - 10 p.m. Sat. - Sun. 7 a.m. - 10 p.m.
Walgreens	Kathy Schultz, agent	Class A Beer	N/A			7 days a week - 8 a.m. - 10 p.m.
Acorn Beverages	Hartmann's Acorn Beverages, Inc. Richard Hartmann	Class A Beer & Liq.	N/A		Ok	7 days a week - 8 a.m. - 9 p.m.

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Sentry Foods	Daniels of Whitewater, LLC Terry Daniels Dennis Riley, Agent	Class A Beer & Liq.	N/A			7 days a week - 6 a.m. - 11 p.m.
Wal-Mart	Joseph Marx, Agent	Class A Beer & Liq.	N/A			7 days a week - 7 a.m. - 11 p.m.
Westsider Liquor	Frawley Oil Co., Inc John Frawley Michael Frawley Betty Frawley	Class A Beer & Liq.	N/A			Sun. - Thur. - 5 a.m. - 11 p.m. Fri - Sat. - 5 a.m. - 12 a.m.
Beer Here	Cordio Inc. John Cordio Michelle Cordio	Class B Beer		Fire extinguisher due for service		7 days a week - 8 a.m. - 2 a.m. (usually 12 a.m.) Closed Christmas
Gus' Pizza Palace	George Christon	Class B Beer	Extension cord must be removed.	1) ABC extinguisher with minimum 2a:10BC rating needed; 2) Class K extinguisher needs to be recharged; 3) Remove extension cord running from basement to first floor.		Mon. - Sun. 4:30 p.m.- 12 a.m.
LaPreferida	Luis Martinez Islas	Class B Beer		Tag and mount class K extinguisher.		M - Sat. - 9 a.m. - 9 p.m. (sometimes later) Sun. - 9 a.m. - 5 p.m.

9-69

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Pizza Hut	P H Green Bay, LLC Agent - Ronald Klimeck	Class B Beer		No visible violations found		Sun. - Thur. - 11 a.m. - 10 p.m. F - Sat. - 11 a.m. - 11 p.m.
Rocky Rococo's	TRH Whitewater Restaurant Inc. Kenneth Dahnert	Class B Beer	Grease trap paperwork	No visible violations found		7 days a week - 11 a.m. - 10:30 p.m.
San Jose Mexican Store	Jose J. Barajas	Class B Beer	Railing missing (back) - to be corrected within 2 weeks.	Class K extinguisher needed.		M - Sat. - 9 a.m. - 9 p.m. Sun. - 9 a.m. - 6 p.m.
Brass Rail	R & B Brass Rail Corp. David Bergman Dale Pellmann	Class B Beer & Liq.		No visible violations found	10/1/08 - Closing hours violation 6/3/07 - Furnish alcohol to underage persons	Mon - Sat. 10 a.m. - closing Sunday - 11:30 a.m. - close
College Pub	College Pub, LLC Kirk Rasmussen, Agent	Class B Beer & Liq.		No visible violations found		M - Sat. 8 p.m. - bar time Sun - 12 p.m. - close (bar time)
Coyote Grill	Salvo's Coyote Grill, L.L.C. Dennis Salverson	Class B Beer & Liq.		No visible violations found	10/16/08 Furnish alcohol to underage persons	Mon. - Sat. 11 a.m. - close (bar time)

69-2

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Cozumel	Lopez, Ramon Lopez, Miguel	Class B Beer & Liq.		1) Mount extinguisher in front of store; 2) Clear area around hood pull station.		Mon. - Sat. - 11 a.m. - 10 p.m. Sun. - 11 a.m. - 9 p.m.
Denny K's	Dennis Knopp	Class B Beer & Liq.		Ensure all CO2 tanks are secured.		Mon - Thur. - 10 a.m. - 2 a.m. Fri. and Sat. - 10 a.m. - 2:30 a.m. Sun. 10 a.m. - 2 a.m.
Downstairs Sports Bar & Grill	Robert Sweet	Class B Beer & Liq.	Grease trap information to Wastewater. Extension cord - back room to pool table room. Front awnings need to be replaced (July 1st deadline)	Alarm system needs service /test		Tues. and Thurs. - 4 p.m. - 2 a.m. Remainder of week - 8 a.m. - 2 a.m.
Fat Jack's Roadhouse	WMED, LLC Mark T. Wokasch	Class B Beer & Liq.	Electrical update by grill (extension cords) and provide paperwork regarding grease trap (wastewater)	No visible violations found		M - F - 4 p.m. - close Sat. - 11 a.m. - close Sun. - 11 a.m. - close

69-d

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Hammer's Hometown Tap	Barbara Hamilton	Class B Beer & Liq.	No Problems	Rear exit light out.		Mon. - Sat. 10 a.m. Sunday - 12 p.m. Close anytime after midnight (10 on Sun)
Hawk Bowl	DLK Enterprises, Inc. David Kachel Lolita Kachel Michael Kachel	Class B Beer & Liq.	Ok	No visible violations found		Closed end of July and beginning of August for lane maintenance Fall (Aug. 15th) - Tues. - Thurs. - 12 p.m. - 12 a.m. Fri. - Sat. 6 p.m. - 12 a.m. Sun. 12 p.m. - 6 p.m.

59-e

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Hawks Nest Bar & Grill	Dan Caravetti Patrick Dufer	Class B Beer & Liq.	Bar area amended without building permit	1) rear Exit light out; 2) Visible Street side address; 3) Class K extinguishers needed; 4) Hood system due for service; 5) Ensure all C02 tanks remain chained.		Left message - waiting for confirmation
Karina's Mexican Restaurant	Clara Rocha	Class B Beer & Liq.		No visible violations found		Mon. - Thurs. 11 a.m. - 9 p.m. Fri. and Sat. 11 a.m. - 10 p.m. (usually 11-12 p.m. / a.m.)

f-69

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Lakeside Banquet	Linda Troemel	Class B Beer & Liq.	Cease putting tables in front of exit door upstairs.	No visible violations found		No set hours at this time - special events. Memorial Day all day - Veteran's Day - open for weddings and parties. Linda/Vicki to get specific hours to clerk.
Mad Boar Pub	Mad Boar Pub LLC Nicolas A. Marietta	Class B Beer & Liq.	Wastewater - grease trap report. Exit doors - remove illegal locks and re-install. Ensure all C02 tanks are secured.	No visible violations found. Ensure all C02 tanks are secured.	4/16/09 - Furnish alcohol to underage persons 10/18/08 Allow underage person to consume alcohol	Summer hours - Mon. - Wed. 6 p.m. - 2 a.m. Thurs. - Fri. 11 a.m. - (close) Sat. - Sun. 9 a.m. - (close) School hours - Mon - Fri. 11 a.m. - (close) Sat. - Sun. 9 a.m. - (close)

6-69

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Mitchell's/Pumper	GAC Enterprises LLC Robyn L. Hantropp Greg Condos	Class B Beer & Liq.		Exit Light needed on Beer Garden.	10/27/09 Furnish alcohol to underage persons 4/30/10 Furnish alcohol to underage persons	Mitchells - (Closed Sun. - Mon.) 9 p.m. - close at least 5 days a week Pumpers - (Closed Sun., Mon. and Wed.) 9 p.m. - close on Tues, Thurs. Fri. and Sat.
Novak's (scheduled to see 6/15 - approval of renewal requested in the event sale not consummated)	G. Christon Inc. George and Karon Christon	Class B Beer & Liq.	Remove extension cords (Christmas lights)	No visible violations found		Tues. - Sat. - 6 a.m. - 8 p.m. Sun. - 6 a.m. - 3 p.m. Closed Mondays
Novak's / Whitewater Street Restaurant (Approved for renewal, contingent upon consummation of sale)	C. Chirston	Class B Beer & Liq.	Remove extension cords (Christmas lights)	No visible violations found		Not yet determined

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Randy's Supper Club	Fun Hunters, L.L.C. Kristina Cruse	Class B Beer & Liq.		Visible street side address needed.		Tues. - Thurs. 11 a.m. - 8:30 p.m. Fri. & Sat. 11 a.m. - 2 a.m. (bar time) Sun. 10:30 a.m. - 8:30 p.m. (Bar will be open longer) Closed Christmas and Thanksgiving
Ricks Eastside Pub and Grill	Richard Hartmann	Class B Beer & Liq.		Class K extinguisher needed and all fire extinguishers need to be mounted.		Mon - Sat. - 11 a.m. - close Sundays 10 a.m. - 10 p.m. Closed Easter

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Split Decision	DLK Enterprises, Inc. David Kachel Lolita Kachel Michael Kachel	Class B Beer & Liq.	Exit/light problem	Ensure all exit lights are illuminated.		Closed June, July and Aug. 1 - 14th. Starting Aug. 15th - May 1st on Wed., Thurs. and Sat. - 7 p.m. - midnight
Sugar Bay	MBCK, LLC Gary R. Fiedler Victoria M. Fiedler	Class B Beer & Liq.	Mortar up chimney pipes.	Ensure furnace room door remains closed.		Summer - 6:30 a.m. - 6:30 p.m. Mon. - Fri. 8 a.m. - 2 p.m. Sat. and Sun. Winter - open till 9 p.m. Mon. - Thur.
The Sweet Spot Coffee Shop	LLP, LLC Lacey Reichwald	Class B Beer & Liq.		Extinguisher needs to be mounted to the wall / serviced yearly		7 days a week - 6:30 a.m. - 7 p.m.
Tokyo	En Zheng	Class B Beer & Liq.	Extension cord	No visible violations found		Mon. - Sat. - 11 a.m. - 10 p.m. Sun. - 12 p.m. - 10 p.m.

BUSINESS	AGENT	TYPE LICENSE APPLIED FOR	CODE ENFORCEMENT / INSPECTION RESULTS	FIRE INSPECTION RESULTS	POLICE / AGENT BACKGROUND CHECK (violations occurring on or after 6/01/2007)	COMMITTED MINIMUM HOURS OPEN
Whitewater Street Restaurant	C. Christon, LLC Christ G. Christon	Class B Beer & Liq.	Remove extension cords (Christmas lights)	No visible violations found		Tues. - Sat. - 6 a.m. - 8 p.m. Sun. - 6 a.m. - 3 p.m. Closed Mondays
The Guild on the Triangle	Craze Leuca Chicks LLC	Class C Wine				Tues. - Sat. - 10 a.m. - 6 p.m. and special events. Closed Sun. and Mon.

69K

Request for amendment of existing licensed area for purpose of having a sidewalk cafe

C-2

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning 6-2 20 10 ;
ending 6-30 20 10

TO THE GOVERNING BODY of the: Town of
 Village of } City of Whitewater
 City of

County of Walworth Aldermanic Dist. No. (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): W MED LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Mark T. Wokasch</u>	<u>647 S Wisconsin</u>	<u>Whitewater WI</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>same as above</u>		
Directors/Managers			

3. Trade Name Fat Jack's Roadhouse Business Phone Number
4. Address of Premises 146 W Main, Whitewater Post Office & Zip Code Whitewater

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? already completed Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date 4-2009 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Basement storage area, plus

10. Legal description (omit if street address is given above): 1st floor area in brick bldg @ 146 W Main PLUS 15x20

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? roped off sidewalk cafe Yes No
(b) If yes, under what name was license issued? W MED LLC area north south of bldg

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No

14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 27 day of May, 20 10

X
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Clerk/Notary Public)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

My commission expires _____

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

C-2

For purpose of having sidewalk cafe
(expansion of licensed area)

C-3

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning June 1 20 10 ;
ending 6-30 20 10

TO THE GOVERNING BODY of the: Town of
 Village of } Whitewater
 City of }

County of Walworth Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Crazy Leuca Chicks LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
(Mgr)	President/Member	<u>Linda Bricco Schalk</u>	<u>10102 N. Klug Milton WI</u>	<u>53563</u>
	Vice President/Member	<u>Jennifer Preiss</u>	<u>8242 N. Ridge Tr., Milton, WI</u>	<u>53563</u>
	Secretary/Member			
	Treasurer/Member			
	Agent			
	Directors/Managers			

3. Trade Name The Guild on the Triangle Business Phone Number 262-473-3373

4. Address of Premises 141 W Whitewater St., # B Post Office & Zip Code Whitewater

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

10. Legal description (omit if street address is given above): 3000 sq area in lower level of 141 Whitewater, and

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? outdoor roped off area Yes No
(b) If yes, under what name was license issued? north of bldg - approx

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) 16 x 7.5 to west of door plus 10 x 7.5 east of door before beginning business? [phone 1-800-937-8864] Yes No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No

14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
this 11 day of May, 20 10
Michelle Smith
(Clerk/Notary Public)
My commission expires 6-13-10

Linda Bricco Schalk
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>5-11-10</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

for purpose of adding sidewalk cafe

C-3

contingent upon consummation of sale

C-4

FINAL ALCOHOL BEVERAGE LICENSE APPLICATION

submit to municipal clerk.

pending - approx 6/15/10

For the license period beginning 20 ending 6-30 20 10

TO THE GOVERNING BODY of the: Town of Village of City of White Water + renewal

County of Walworth Aldermanic Dist. No. _____ (if required by ordinance)

- 1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

- 2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Christon, Inc. C. Christon LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

President/Member Christon, Christ G. Title Christon, Christ G. Name Christ G. Home Address 274 Woodland, Post Office & Zip Code Whitewater

Vice President/Member _____

Secretary/Member Christon, Bethany A.

Treasurer/Member _____

Agent Christ Christon

Directors/Managers _____

- 3. Trade Name Whitewater Street Restaurant Business Phone Number _____
- 4. Address of Premises 111 Whitewater St. Post Office & Zip Code 53190

- 5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
- 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
- 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
- 8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

- 9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 1 story frame bldg 7,791 sq ft building @ 111 Whitewater

- 10. Legal description (omit if street address is given above): same + outdoor patio area
- 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? (south of bldg.) Yes No
- (b) If yes, under what name was license issued? G Christon, Inc
- 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
- 13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
- 14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 22nd day of April, 20 10

Michelle R Smith
(Clerk/Notary Public)

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

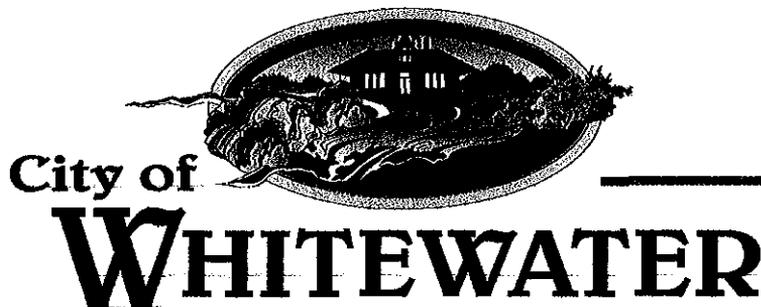
My commission expires _____

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4/22/10</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

ALC - May 18 TO P.D. 5/10/10 DH

C-4



Richard T. Lien
Water Superintendent
P.O. Box 690
Whitewater, WI 53190

PHONE: (262) 473-0543
FAX: (262) 473-0548
Email: RLien@ci.whitewater.wi.us
WEBSITE: www.ci.whitewater.wi.us

TO: Dean Fischer, Public Works Director
FROM: Rick Lien, Water Superintendent *RL*
RE: Motor Control Center
DATE: May 10, 2010

As you are well aware, we have experienced numerous problems with our Motor Control Center (MCC). Being installed in 1998 to satisfy the demands from the power plant, we have found the MCC was undersized for the demands of the water plant. Over the years we have replaced some of the control "buckets" in the panel. Currently, Booster #1 is non-functional, Booster #3 is tripping breakers and Booster #4 is mainly used for backup. We must replace these obsolete and undersized components so that our boosters are functional and dependable as we go into the busy pumping season. The manufacturer, Cutler Hammer, has discontinued making replacements or repairs but has sold the rights to a private company. Replacements are available but expensive for these obsolete parts.

I solicited bids to replace these controls with a company that now manufactures these Cutler Hammer replacements and a bid for updated components through a Wisconsin company, ABB, in Milwaukee. I received two bids from qualified contractors familiar with soft start systems, WaterWell Solutions and Power/mation. Bids are enclosed.

We currently have an ABB Variable Speed Drive Unit which performs very well. The ABB updated replacements are about ½ of the cost of Cutler Hammer replacements. I recommend we have WaterWell Solutions install the ABB components, as the lowest bidder, to repair/replace the aging booster station at a cost of \$13,226.00.

Please place on the Council Agenda for their consideration.

Richard T Lien
Water Superintendent

*I concur with Rick's recommendation
Dean 5/24/10*



Power/mation®

C-5

Providing innovative automation solutions with exceptional customer service.

20-May-10
Mr. Rick Lien
City of Whitewater
P.O. Box 178
Whitewater, WI 53190

Re: Well No. 5 Booster Pump Controls

Dear Rick;

Powermation is pleased to submit this proposal for one and possibly three of the booster pumps at the No. 5 treatment plant.

There are two options:

Option 1- Replace the obsolete Cutler Hammer soft start starters with new Cutler Hammer solid state starters.

One (1) Cutler Hammer S801/S811 Solid State Start starter with soft stop feature and PSS Power supply rated for 50 HP.

One (1) steel plate to cover existing opening in door of MCC panel.

Time delay relays and wiring as necessary to complete installation.

\$8,925.94

Additional cost to replace an additional 2-75 HP Soft Starter starters....

\$ 18,887.64

Total cost for all three starters

\$ 27,813.58

Option II- Replace existing starters with ABB solid state starters.

One (1) ABB PST series solid state start with soft stop feature.

One (1) steel plate to cover existing opening in door of MCC panel.

Time delay relays and wiring as necessary to complete installation.

\$ 4,591.37

Additional cost to replace an additional 2-75 HP Soft Start starter.

\$ 9,560.45

Total cost for all three starters

\$ 14,151.83

Adder for external keypad \$627.00 each.

Soft starters can be obtained from the factory in 3-4 weeks and the install would be 5 working days. Install cost is included in the project pricing.

Truly yours,
Mike Justus
Power/mation

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C-5

April 2, 2010

Mr. Rick Lien
 City of Whitewater
 P. O. Box 178
 Whitewater, Wisconsin 53190

Post-It® Fax Note	7671	Date	5/20	# of pages	4
To	RICK	From	TIM		
Co./Dept.	WHITE WATER	Co.	WWS		
Phone #		Phone #			
Fax #	(912) 473-0548	Fax #			

RE: Well No. 5 Booster Pump Controls

Dear Rick;

Water Well Solutions is pleased to submit a proposal to replace the failing soft start starters for one and possibly three of the booster pumps at the No. 5 treatment plant. Based on inspection and testing the obsolete 50 HP soft starter has failed and serious issue is beginning to occur with one of the 75 HP soft start starters.

For your consideration we have prepared two options for the replacement of the electrical equipment:

Option I – Replace the obsolete Cutler Hammer soft start starters with new Cutler Hammer solid state starters.

- One (1) Cutler Hammer S801/S811 Solid State Soft Start starter with soft stop feature and PSS Power supply rated for 50 HP.
- One (1) steel plate to cover existing opening in door of MCC panel.
- Time delay relays and wiring as necessary to complete installation.

Lump Sum.....\$8,342.00

Additional cost to replace an additional 2 – 75 HP Soft Start starters. ADD.....\$17,652.00

Total Cost for all three starters\$25,994.00

Option II – Replace existing starters with ABB solid state starters.

- One (1) ABB PST Series solid state soft start with soft stop feature.
- One (1) steel plate to cover existing opening in door of MCC panel.
- Time delay relays and wiring as necessary to complete installation.

Lump Sum.....\$4,291.00



75

Mr. Rick Lien
City of Whitewater
Page 2 of 2

C-5

Additional cost to replace an additional 2 – 75 HP Soft Start starter. ADD.....\$8,935.00

Total Cost for all three starters\$13,226.00

The ABB soft start starters can have a door mounted external key pad for ease of programming and historical data observation added for an additional cost of **\$587.00** per starter or **\$1,761.00** for all three. This would be a nice added feature when considering the new NEC laws regarding the opening of live panels without the necessary safety equipment.

The equipment will require about 1 to 2 weeks to acquire and about 2 days to install and start up. We have enclosed a copy of the data on the ABB starters for you review as well as the information on the external keypad.

We are looking forward to providing these water supply services for the City of Whitewater. Simply sign one copy of the enclosed form and return it to our office.

If you have any questions, please do not hesitate to contact us.

Very truly yours,
WATER WELL SOLUTIONS SERVICE GROUP, INC.


Timothy L. Kelly
Vice President Illinois Division

Enclosure

76



Water Well Solutions

C-5

Work Agreement

The undersigned Purchaser hereby instructs Water Well Solutions Service Group Inc. (WWS) to proceed with the work described with the understanding that the Terms and Conditions shown on the reverse are hereby incorporated as part of this Work Agreement. The Purchaser further understands that all quotes or estimates, if any are based on the best information available prior to beginning work. As the scope of work, conditions or estimated quantities change, revised quotations or estimates will not be issued unless requested. All prices are subject to Federal, State and Local Sales and Use Taxes.

Work Location: City of Whitewater Job No. Quotation

	Description	Price
<u>Well No. 5 Booster Pump Soft Start Starters</u>		
<u>Option I</u>		
1	Cutler Hammer Solid State Soft Start Starter with Power supply.	
1	Steel patch for door on MCC panel	
1	Timers and wiring as required to install new starter.	
	Lump Sum	\$8,342.00
	Additional cost for 2 - 75 HP Cutler Hammer units	\$17,652.00
	Total for 3 units	\$25,994.00
<u>Option II</u>		
1	ABB Solid State Soft Start Starter with power supply	
1	Steel patch for door on MCC panel	
1	Timers and wiring as required to install new starter.	
	Lump Sum	\$4,291.00
	Additional cost for 2 - 75 HP ABB units	\$8,935.00
	Total for 3 units	\$13,226.00
	Optional external key pad for ABB units.	\$587.00
	All three units	\$1,761.00

Purchaser

City of Whitewater, Wisconsin

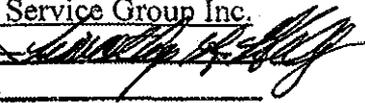
By: _____

Title: _____

Date: _____

Contractor

Water Well Solutions Service Group Inc.

By: Timothy L. Kelly 

Title: Vice President

Date: April 2, 2010

Water Well Solutions Service Group Inc., supports the principle of equal opportunity for all, without regard to race, creed, color, sex, age, national origin, disabled or veteran's status and commits to compliance with applicable executive orders, and applicable federal, state and local laws supporting equal opportunity for all.

MEMORANDUM

TO: Common Council

FROM: Kevin Brunner, City Manager

DATE: May 26, 2010

RE: Recommendation for Lease Extension of White Memorial Building Space to the Arts Alliance of Whitewater, Inc.

The current lease of the first floor of the White Memorial Building with the Arts Alliance of Whitewater, Inc. expires as of May 31st. I have worked with the Arts Alliance for an extension of this lease for the next 5 year period and I'm recommending this lease for approval by the Common Council.

Let me briefly highlight the major changes to the current lease contained in this new lease.

1. The rent for the building will increase from \$400 to \$800 for the initial year of the lease and thereafter will increase to \$1,200 per month. The lease contains an incentive during the first year to the Alliance to provide expanded public services and programs. As long as those performance objectives are met in the first year, the rent will be at \$800 per month.
2. The City shall remain responsible for paying all the utilities as well as maintenance of the sidewalk and parking lot adjacent to the premises.
3. The Arts Alliance continues to be responsible for all telephone charges and internet connections and related ongoing costs as well as all normal cleaning and housekeeping of the premises.
4. The Arts Alliance continues to be required to follow the mandate of the Walworth County Circuit Court wherein it is required that the building be used for public purposes with an emphasis on public access uses.
5. We have asked that the Arts Alliance appoint a representative who shall have managerial duties and obligations and that this manager be available during regular business hours and also on an emergency basis for after hours and weekends for the City to contact.
6. There will be no assigning or subletting of this lease without the written permission of the City.
7. The Arts Alliance continues to have the right to make improvements and repairs to the premises but shall not make any structural repairs or improvements without consultation with the City.

8. The Arts Alliance has also agreed to work with the City on any public fundraising efforts that may be necessary to fund future capital improvements and repairs to the White Memorial Building.
9. The Arts Alliance needs to update its business plan. This business plan will be submitted soon and is regarded as a material part of the lease document.
10. The Alliance is also responsible for providing insurance for the personal property that it owns located on the premises.
11. There is a provision that if the Whitewater Arts Alliance ceases to exist it must provide no less than a 90 day notice of its intention to terminate this lease to the City.

The Arts Alliance has already agreed to this document and I'm proud that we are able to go forward and continue the use of this city owned building for the Whitewater Cultural Arts Center. I am also pleased that the Arts Alliance is willing to increase the rent payment to better cover the operating costs of this facility in the future.

I will not be in attendance at next week's Council meeting to discuss this, however, I have asked Roni Telfer, President of the Arts Alliance, to attend the meeting to answer any questions that you might have. City Attorney McDonell will also be available to answer any questions, as well.

Cc: Wally McDonell, City Attorney

LEASE

This lease made this 1st day of June, 2010, by and between the City of Whitewater, hereinafter called Lessor, and The Arts Alliance of Whitewater, Inc., hereinafter called Lessee.

WITNESSETH:

The Lessor hereby demises and leases unto Lessee the first floor of 402 West Main Street (White Building) in the City of Whitewater, Walworth County, Wisconsin, to be occupied for publicly accessible artistic displays and education purposes by Lessee as well as some limited storage areas in the basement of this building with the facility to be called the Whitewater Cultural Arts Center.

1. The term hereof shall begin on the 1st day of June, 2010, and shall end at 5:00 P.M. on the 31st day of May, 2015.

2. As rent for said premises the Lessee shall pay Lessor \$1,200.00 per month on or before the 1st day of each month at its office. This rent will be discounted to \$800.00 per month for the initial year of this agreement in recognition of the public services and programs that the Lessee provides at this building and will remain so for the duration of this agreement as long as certain organizational performance objectives are met by the Lessee. These performance objectives for the Lessee to achieve each year are as follows: 1) provide at least eight (8) events or opportunities each year to engage the community in the arts and to make Whitewater a destination to bring people into the City to experience the arts; 2) work with other groups in the area to further develop a climate encouraging creativity and opportunities in the community of Whitewater; 3) increase the number of visitors to the Whitewater Cultural Arts Center by 5% annually; 4) sponsor and stage the annual outdoor public art project in downtown Whitewater; 5) sponsor and stage the annual Fran Achen Photography contest 6) continue to develop and foster partnerships with local and regional arts groups; 7) provide an annual report to the Whitewater Common Council detailing these performance objectives and the Lessee's achievement of same, and 8) increase the revenues of the Whitewater Arts Alliance each year such that the Whitewater Cultural Arts Center can be self-sustaining.

LESSOR'S RIGHTS AND OBLIGATIONS

3. Lessor shall pay for water, gas, heat, and electricity. Lessor shall also pay the hazard insurance for the entire real estate which includes the premises.

4. Lessor shall have the right to the use and maintenance of the remainder of the premises during the term of this lease. Lessor shall have access to the first floor in the event of exceptional circumstances requiring immediate access.

5. Lessor shall have the right of use and access at all times to the front entry, the rear entryway and elevator, the first floor bathroom and the first floor storage room.

6. Lessor shall be responsible for the maintenance (including snow and ice removal) of the sidewalk and parking lot adjacent to the demised premises.

7. Lessor shall make available to the Lessee the existing telephones and telephone system for use by the Lessee as limited by Section 10 following.

8. Lessor may, at its discretion, remove the horizontal architectural band (frieze) which runs just below the ceiling of the premises. If said frieze is removed, the Lessor will repair the damage caused by the removal process and finish the wall so as to cause it to appear in the state of proper repair.

LESSEE'S RIGHTS AND OBLIGATIONS

9. Lessee shall, at the expiration of this lease, return the demised premises to Lessor in good condition, ordinary wear and tear excepted.

10. Lessee shall be responsible for all telephone charges and internet connections and related on-going costs concerning the same.

11. Lessee shall be responsible for all normal cleaning and housekeeping of the premises including, but not limited to, carpet cleaning, dusting, waste removal, etc.

12. Lessee shall be required to follow the mandate of the Walworth County Circuit Court set forth in the Judgment of the Circuit Court dated August 21, 1992, wherein it was required that the building be used for public purposes with an emphasis on public access uses. A copy of the Judgment is attached hereto.

13. Lessee may use the outside grounds for special functions with permission of the Parks and Recreation Board.

14. Lessee shall appoint a representative who shall have managerial duties and obligations at said premises. Said manager, who will be responsible for the day-to-day operations of the Center, shall provide a phone number and address at which the Lessor can reach him or her during regular business hours and also provide an emergency number for after-hours and weekends.

15. Lessee shall not assign or sublet this lease without the written permission of the Lessor.

16. Lessee shall have the right to make improvements and repairs to the premises, but shall not make any structural repairs or do anything to impair the structural integrity of the building without written permission from the Lessor. The Lessee agrees to assist the Lessor with any public fundraising efforts that may be necessary to fund future improvements and repairs to the premises.

17. Lessee shall maintain the existing Whitewater Cultural Arts Center signage. Any changes to this signage shall be approved by the Zoning Administrator and shall be in compliance with the applicable City of Whitewater Ordinances.

18. Any new carpeting will be supplied by Lessee.

19. Lessee shall update its business plan. A copy of this business plan will be submitted by the lessee and will remain in effect unless a new plan is submitted.

20. Lessee shall be responsible for providing insurance coverage for personal property owned by or under the control of Lessee located on the premises.

OTHER PROVISIONS

21. The covenants, conditions and agreements contained in this lease shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns. Except, in the event that the Whitewater Arts Alliance, Inc., no longer has the volunteers and/or Board Personnel, to oversee the operation of the Cultural Arts Center, as determined by the Whitewater Arts Alliance, Inc., it shall provide the City of Whitewater, with no less than a 90 day notice of its intention to terminate this lease. Thereafter, the City of Whitewater, contingent upon receipt of the last two monthly rental payments of \$800.00 each from the Whitewater Arts Alliance, Inc. agrees to fully release and hold harmless, the Whitewater Arts Alliance, Inc. from any responsibility for payment of rent or liability for upkeep of the first floor of the White Building and/or any other performance under the terms of this lease.

In the event that the Whitewater Arts Alliance, Inc. must dissolve as a non-profit corporation, it will provide 90 day notice to the City of Whitewater, of its intention to dissolve as a non-profit corporation. Thereafter, the City of Whitewater, upon receipt of the Whitewater Arts Alliance's last two monthly rental payments of \$800.00 each, will fully release and hold harmless, the Whitewater Arts Alliance, Inc. and its Board from any and all further liability and/or performance under the terms of this lease.

22. If the premises or any portion thereof shall be partially or wholly destroyed or damaged by fire or other casualty to the extent of ten percent (10%) or more of the total value of the premises as a whole, then Lessor shall have the sole and exclusive option to either rebuild or replace the premises or not rebuild or replace the premises. If Lessor elects to rebuild or replace the premises, then this Lease shall remain in full force and effect, and Lessor shall commence said rebuilding or replacement immediately following the exercise of such option and shall proceed with the same with reasonable diligence to completion. If Lessor elects to rebuild or replace the premises, the rent due shall equitably abate. If Lessor elects not to rebuild or replace the premises, then this Lease shall terminate upon the exercise of such option by Lessor.

23. Lessor shall not be liable for any loss, injury, death or damage to persons or property that may be suffered or sustained by Lessee or by any person who may at any time be using or occupying or visiting the premises, and Lessee shall indemnify Lessor against all claims, liability, loss or damage for such injuries or loss.

24. Lessee shall name Lessor as an additional insured on Lessee's general liability insurance policy and provide certificate of insurance noting same to Lessor.

WITNESS the due execution hereof the day and year first above written.

CITY OF WHITEWATER

**THE ARTS ALLIANCE OF
WHITEWATER, INC.**

By: _____
Kevin Brunner, City Manager

By: *Roni Selzer*

By: _____
Michele Smith, City Clerk

By: *Jaye Ferris*

MEMORANDUM

To: Kevin Brunner, City Manager
Fr: Dean Fischer, Director of Public Works
Date: May 24, 2010



**Subject: Starin Road Extension
Wetland Bank Credits**

Attached you will find the affidavit and invoice to purchase wetland credits from Northland Wetland Mitigation Bank.

The Starin Road Extension will require construction on some wetlands. DNR permits construction on wetlands, but the wetlands need to be mitigated or the city can purchase wetland credits from an established wetland bank.

The wetlands to be impacted were minimized as much as possible by changing the route of Starin Road and narrowing the terrace and multi-use path through the wetland location.

Starin Road will impact .743 acres of wetland. When you mitigate or purchase wetland credits the replacement ratio rate is 1.5 times the acres being displaced, thus the city needs to purchase 1.12 acres.

Staff recommends the approval of the purchase of 1.12 wetland credits from Northland Wetland Mitigation Bank for the amount of \$46,320.

Please place this on the Council's June 1 agenda for consideration.

C: Starin Road Project File

NORTHLAND WETLAND MITIGATION BANK
AFFIDAVIT OF BANK CREDIT TRANSFER

Applicant Information

Name: City of Whitewater

Address: 312 West Whitewater Street, P.O. Box 178, Whitewater, WI 53715

Telephone: (262) 473-0140

Project Summary

Brief Description of Project: The project involves the proposed extension of Starin Road, an urban arterial street, from an existing roadway bridge over Whitewater Creek located approximately 400 feet east of Fremont Street eastward to Newcomb Street (Wisconsin STH 59) in the City of Whitewater.

Location: (quarter, quarter, section, Town-Range; county, state, WDNR geographic management unit)
N ½, NE ¼. Section 4, T.4N, R.15E
City of Whitewater, Walworth County, Wisconsin
Illinois-Fox GMU

Acres of Wetland Impact by Wetland Type:

Fresh Wet Meadow, Second Growth and Farmed Wetland = 0.683 acres

Fresh Wet Meadow, Second Growth and Southern Wet to Wet-mesic Lowland

Hardwoods = 0.06 acres

Replacement Ratio and Required Bank Credits:

Replacement Ratio: 1.5

Credits Required: 1.12

U.S. Army Corps of Engineers Permit Type / Number:

Section 404 Letter of Permission / 2009-05571-SLM

Certification

- I certify that I have received 1.12 acres of compensatory mitigation credit from the Northland Wetland Mitigation Bank.

Applicant Signature

Date

- I certify that the Northland Wetland Mitigation Bank has distributed 1.12 acres of approved compensatory mitigation credit to the above named applicant and that such debit has been noted in the Bank accounting system.

Bank Administrator

Date

Legacy Bogs, LLC
2321 West Grand Avenue
Wisconsin Rapids, WI 54495

BILL TO:

DATE: May 21, 2010

CITY OF WHITEWATER
 312 WHITEWATER STREET, PO BOX 178
 WHITEWATER, WI 53715

INVOICE No. 1007

DESCRIPTION	UNIT PRICE	AMOUNT
1.12 Acre Compensatory Wetland Mitigation Credit	\$36,000	\$40,320
Wisconsin Administrative Code NR 350 Surcharge	\$6,000	\$6,000
<p>TERMS: Affidavit of Bank Credit Transfer to be endorsed upon receipt of payment.</p> <p>Federal Tax ID #: 20-4365423</p>		
Please make check payable to Legacy Bogs, LLC	TOTAL	\$46,320

MEMORANDUM

TO: Kevin Brunner, Patrick Brunner
Common Council

FROM: Michele Smith

DATE: 5/27/2010

RE: Ethics Committee

It was noted that there is one more position open on the Ethics Committee that was not listed on the Council agenda. I have spoken with both City Manager Brunner and Council President Singer, who are in agreement that they would like to nominate Greg Torres for the open position. Appointment is requested.

CITIZEN SERVICE INFORMATION FORM

Name (Print): Torres Gregory M. Date: 04/14/2010
Last First Middle

Home Address: 755 N. Tratt Street # 31, Whitewater, WI 53190

Business Name: _____

Business Address: _____

Telephone (Home): (262) 490-1734 (Work): (262) 472-9817

E-mail address: Torresgm14@uww.edu

How long have you lived in the City of Whitewater?: 5 Years and 7 Months

Which Boards, Commissions, and/or Committees interest you?
Ethics

Please give a brief overview of your background, experience, interest, or concerns in the above areas:

- Whitewater Common Council April 2005 – April 2007
- Jefferson County Board April 2006 – Present
- Whitewater Plan Commission May 2008 - Present

-Numerous other committees and boards representing our community both at the city and county level.

References:

1. Marilyn Kienbaum Phone: (262) 473-6120

2. Max Taylor Phone: (414) 881-4598

Return this form to:
City Clerk
312 W. Whitewater Street
Whitewater, WI 53190
msmith@ci.whitewater.wi.us

Signature

MEMORANDUM

TO: Kevin Brunner
Common Council

FROM: Michele Smith, City Clerk

RE: 4th of July Committee request to close portions of Whitewater Street and Parking Lots

DATE: 5/27/2010

The 4th of July Committee has requested approval to close the following Street/Parking Lots:

1. Closure of the parking lot next to Cravath Lake (Parking Lot B) starting Sunday 27th thru festival end.
2. Beginning June 30 at 7:00 a.m, close **Whitewater Street between Fremont and Second Street.**
3. Beginning at 3:00 p.m. on Thursday, close **Whitewater Street from Fremont Street to the M.E. and my Pets store.** Close the same area on Friday (same time) and on Saturday from 10:00 a.m. – close.
4. At 7:00 a.m. On the 4th of July, close **Parking Lot A** (west of Depot/across from City Hall) and the **James Street Parking area.**
5. Beginning June 27th, close **S. Fremont Street (between Whitewater and Ann).**

R-1

(post closed session)

RESOLUTION AUTHORIZING THE PURCHASE OF LANDS FOR THE RIGHT-OF-WAY NECESSARY TO EXTEND STARIN ROAD

WHEREAS, the City of Whitewater has decided to extend Starin Road from its intersection with Fremont Street to a planned intersection with Highway 59; and

WHEREAS, in order to complete said improvement, the City will need to acquire real estate; and

WHEREAS, it is in the City of Whitewater and the general public's best interest to acquire said property in order to extend Starin Road.

Now, therefore, **BE IT RESOLVED** that the City Manager and the City Clerk are hereby authorized to sign any and all documents necessary to purchase the property as set forth in the attached Kligora Offer to Purchase on the terms and conditions, including the price, as set forth therein.

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

ADOPTED:

Michele R. Smith, City Clerk

