

**CITY OF WHITEWATER  
COMMON COUNCIL AGENDA**  
Common Council Meeting  
Tuesday, July 20, 2010 – 6:30 p.m.

Amended Agenda as of 7/19/2010 at 3:30 p.m. – Changing name of company Approval of transfer of “Class B” Beer and Liquor License from Barbara Hamilton to Fire Station 1 LLC, Patrick Wellnitz, Agent, 140 W. Center Street, Whitewater, moving R-1 to closed session item 2 Adjourn to Closed Session, to reconvene, pursuant to Wisconsin Statutes Ch. 19.85(1) (g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.” Items to be Discussed: 2) Possible action on Resolution relating to Claim filed by Whitewater Court LLP concerning 2009 real estate assessment and reconvening. Adding C-22 and C-23 Resolution authorizing purchase of Fremont Street real estate for purposes of expanding Starin Park and Action on Whitewater Court’s Claim regarding 2009 real estate taxes.

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 Council Minutes of 5/18/10 and 6/1/10 and 6/15/2010.
CA-B	Approval of Payment of Invoices Processed through July 15, 2010.
CA-C	Acknowledgment of Receipt and Filing of: *CDA Minutes of May 24, 2010. *Irvin L. Young Memorial Library Board Minutes of May 10, 2010 and June 14, 2010. *Plan and Architectural Commission Minutes of May 10, 2010 and June 14, 2010. * Financial Reports for June, 2010. *Whitewater Landmarks Commission Minutes of May 5, 2010. *Police Department Consolidated Monthly Report for May, 2010. *Park and Recreation Minutes of June 7, 2010. *University Technology Park Board Minutes of 3/2/10; 3/12/10; 6/7/10.
CA-D	Expedited approval of the following items, per city staff recommendation: O-7, C-3, C-4, C-5.

**REPORTS:**

City Manager	1) WaterStar Presentation; 2) Update on Innovation Center Construction Project.
Park & Recreation	1) Update on Department of Transportation Trail Expansion.

**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 three-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:**

<b>R-1</b>	<b>WHITEWATER COURT RESOLUTION MOVED TO END OF AGENDA</b>
R-2	Accepting donation of land from Jean Trost for parkland purposes.
R-3	Expanding Alcohol License Premises Description to allow Rick’s East Side Pub, 561 E, Milwaukee Street, to hold a Polka Party, with overflow attendees in an outside tent (located in parking lot of establishment) on August 1, 2010 from 12:00 p.m. to 7:00 p.m.

**ORDINANCES: First Reading**

O-1	Imposing the Non-Family Residential Overlay District Zoning Classification for certain properties on Esterly Avenue, North Franklin Street, Park Street, and Starin Road (Plan Commission Request).
O-2	Creation of Ch. 19.485, Large Retail and Commercial Service Development Standards (City Atty. Request).
O-3	Amending Ch. 5.19.060(14) Sidewalk Cafes (Councilmember Olsen Request).
O-4	Amending Ch. 5.19.030(5), Sidewalk Café Permit, Conditional Use Requirements (Councilmember Olsen Request).
O-5	Creating Ordinance Chapter 5.18 Outdoor Café Permit (Councilmember Olsen Request).
O-6	Ordinance Repealing Whitewater Municipal Code Section 7.72.030 – Carrying Dangerous Weapons (City Attorney Request).

**ORDINANCES: Second Reading**

*O-7	Amending Chapter 9.08 entitled “Animal Controls and Regulations – Licensing,” (City Treasurer Request).
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**CONSIDERATIONS:**

C-1	Approval of transfer of “Class B” Beer and Liquor License from Troemel’s Lakeside “Banquets to Capn’s of Whitewater LLC, Randall R. Schopen, Agent, (American Legion Building on Wisconsin Street) (City Clerk Request).
<b>C-2</b>	<b>Approval of transfer of “Class B” Beer and Liquor License from Barbara Hamilton to Fire Station 1 LLC, Patrick Wellnitz, Agent, 140 W. Center Street, Whitewater (City Clerk Request).</b>
C-2a	Amendment of licensed premises area for Rick Hartmann, Rick’s Eastside Pub, 561 E. Milwaukee Street to allow outdoor sidewalk café area on private property (effective date and conditional use requirement dependent on council action[s] relating to sidewalk cafes listed above) (City Clerk Request).
*C-3	Action on request from Whitewater High School Physical Education Department for donation of 15 bicycles from Police Department’s recovered, but unclaimed, bicycles in the possession of Police Department.
*C-4	Approval of Memorandum of Understanding between City of Whitewater and CESA 2, for construction of leased space in Whitewater Innovation Center (City Manager Request).
*C-5	Approval of Agreement with Wisconsin Main Street Communities for extension of Wisconsin Main Street Program (City Manager Request).
C-6	Action on renaming of Park (former Indian Mounds Park) to Whitewater Effigy Mounds Preserve (Park & Recreation Director Request).
C-7	Review of and possible direction regarding city ordinances related to grass, weeds and natural lawns and enforcement thereof. (Councilmember Olsen request).
C-8	Approval of Change Order #3 for Wastewater Equipment Project Contract #4-2009.
C-9	Approval of Change Orders #3, #4, #5 and #6 for Whitewater Innovation Center Project.
C-10	Approval of Amendment #3 to Strand Contract – Agreement for Planning, Design & Construction Services.
C-11	Approval of Contract for Project 2-2010 – Whitewater University Technology Park.
C-12	Approval of Contract for Project 3-2010 – Starin Road extension.
C-13	Discussion and possible direction regarding vacant Aldermanic District 2 position.
C-14	Election of Council President Pro Tem.
C-15	Appointment of Council Representative to Park and Recreation Board and Police and Fire Commission.
C-16	Presentation of Capital Improvement Plan (Finance Director, City Mgr. and DPW Director Request).
C-17	Approval of contract for HVAC work for White Building, Whitewater Municipal Building, and Irvin L. Young Memorial Library (Neighborhood Services Director Request).
C-18	Approval of Agreement for Economic Positioning Services with Vandewalle Associates for State Department of Commerce Grant (City Manager Request).
C-19	Councilmember Requests for Future Agenda Items.
C-20	<b>Adjourn to Closed Session, to reconvene, pursuant to Wisconsin Statutes Ch. 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</b>

	<p>closed session AND 19.85(1) (g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.” Items to be Discussed: 1) Possible acquisition of Real Estate for Expansion of Starin Park; and 2) Possible action on Resolution relating to Claim filed by Whitewater Court LLP concerning 2009 real estate assessment.</p> <p>RECONVENE INTO OPEN SESSION 15 MINUTES AFTER MOTION TO GO INTO EXECUTIVE SESSION.</p>
C-21	<b>Resolution authorizing purchase of Fremont Street real estate for purposes of expanding Starin Park.</b>
C-22	<b>Action on Whitewater Court’s Claim regarding 2009 real estate taxes.</b>
C-23	Adjournment

**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.**