

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

January 6, 2009

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: No.

It was moved by Taylor and seconded by Kienbaum to approve the Council minutes of 9/16/08; 10/7/08; 10/21/08 and 12/2/08 and to acknowledge receipt and filing of the Police Department Consolidated Monthly Report for September, 2008. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Taylor and seconded by Kienbaum to approve payment of city invoices in the total sum of \$ 73,951.87. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

STAFF REPORTS: City Manager Brunner presented the 2008 City Management Performance Report. Brunner also reported that Whitewater University Technology Park planning is underway and further reports on the Park will be forthcoming.

APPOINTMENT OF INTERIM COUNCILMEMBER FOR ALDERMANIC DISTRICT 1.

Aldermanic District 1 residents James Allen and David Stone submitted letters of interest to serve the remainder of the term for the Aldermanic 1 seat vacated by Craig Stauffer. David Stone is a candidate for the seat on the April, 2009 ballot. So as not to give one of the AD 1 candidates an advantage, it was agreed that James Allen would be the best person to serve out the unexpired term. It was moved by Binnie and seconded by Stewart to appoint Jim Allen to the AD 1 position until a candidate is elected in April, 2009. Councilmember Nosek expressed respect for the candidates, but felt the seat did not need to be filled for the short time it will be vacant. AYES: Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ABSTAIN: Nosek. James Allen will attend the January 20th council meeting and will take the Oath of Office at that time.

CITIZEN COMMENTS: None.

COMMON COUNCIL ANNOUNCEMENTS. None.

FIRST READING OF ORDINANCE AMENDING TITLE 11 REGARDING GENERAL PARKING FORFEITURE AMOUNTS.

The proposed parking ordinance increases parking forfeitures to a \$20 minimum. Councilmember Taylor indicated he has been opposed to the increase. Request was made for waiver of the second reading of the ordinance. It was moved by Binnie and seconded by Nosek to approve the ordinance as presented. It was then moved by Nosek and seconded by Binnie to suspend the requirement for a second reading of the ordinance. Councilmember Stewart felt that the second reading of an ordinance was required to be assured that the citizenry knew about proposed regulations and Stewart felt that process should be maintained. A vote was taken on the proposed ordinance. AYES: Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. A vote was then taken on waiver of the second reading of the ordinance. AYES: Nosek, Binnie. NOES: Taylor, Singer, Kienbaum, Stewart.

**ORDINANCE AMENDING TITLE 11 REGARDING GENERAL PARKING
FORFEITURE AMOUNTS.**

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

Section 1: Whitewater Municipal Code, Chapter 11.56, Sub-section 11.56.010(4), is hereby amended to read as follows:

(4) Parking. The forfeiture for violation of parking regulations provided in this title, unless otherwise specifically provided for in this title, and except as otherwise provided by adoption and reference in Chapter 11.04 of this title, shall be no less than twenty nor more than one hundred five dollars.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Nosek. AYES: Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. FIRST READING APPROVED: January 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ORDINANCE AMENDING CH. 11.56.030 REGARDING PARKING FORFEITURE
INCREASES FOR LATE PAYMENT.**

**ORDINANCE AMENDING TITLE 11 REGARDING SUBSECTION 11.56.030
REGARDING PARKING FORFEITURE INCREASES FOR LATE PAYMENT.**

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

Section 1: Whitewater Municipal Code, Chapter 11.56, Subsection 11.56.030, is hereby amended to read as follows:

11.56.030 Parking forfeitures.

- (a) Any person charged with violating any parking provision of Title 11 of this code shall be notified that he or she has the right to contest the citation by requesting, in writing to the clerk of municipal court, within seven days of issuance, an appearance in the city municipal court. If such request is made a date shall be assigned.
- (b) The use of the parking ticket system in which the defendant pays the stipulated amount instead of appearing in court is extended to parking offenses under Title 11 of this code. The forfeiture, stipulated amount and increased forfeiture amount shall be as follows:
 - (1) The forfeiture for any person who fails to pay a forfeiture as indicated on the citation within seven days after issuance shall be increased by 50%.
 - (2) The forfeiture for any person who fails to pay a forfeiture as indicated on the citation within thirty days after issuance shall be doubled.
- (3)(c) Any person requesting an appearance within seven days after issuance, shall have the right to a trial and shall be given a date of hearing on the issue of whether or not the party is guilty of the charge.
- (4)(d) If a party has requested the appearance in writing within seven days, the party shall not be subject to the increased forfeiture provided for herein, even if there is a finding of guilty.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Stewart. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. FIRST READING APPROVED: January 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING SCHEDULE OF DEPOSITS FOR PARKING VIOLATIONS.

ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended by adding the following:

Chapter or Section Number	Offense	Deposits and Costs
11.56.010 (4)	General Parking Violations	1 st offense - \$20 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 Binnie, who moved its adoption. Seconded by Councilmember Nosek. AYES: Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. FIRST READING APPROVED: January 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING ORDINANCE AMENDING TITLE 11 REGARDING HANDICAPPED PARKING.

ORDINANCE AMENDING TITLE 11 REGARDING HANDICAPPED PARKING.

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

Section 1: Whitewater Municipal Code, Chapter 11.50, Handicapped Parking, Sub-section 11.50.020, is hereby amended to read as follows:

11.50.020 Penalty for violation. Any person who violates the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than eighty nor more than one hundred dollars, together with the costs of prosecution.

Ordinance introduced by Councilmember Taylor, who moved its adoption. Seconded by Kienbaum. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart. ADOPTED: January 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CH. 1.21.010, SCHEDULE OF DEPOSITS, AMENDING 11.50.020.

AN ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to change the deposit and costs for Section 11.50.020, Handicapped parking, to read as follows:

Chapter or Section Number	Offense	Deposits and Costs
11.50.020	Handicapped Parking	Any offense - \$80.00
	Violations	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 Taylor, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart. ADOPTED: January 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

COMMERCIAL AND MULTI-FAMILY RECYCLING PRACTICES. Councilmember Nosek requested a report on how rental properties in the City were handling their recycling. After a poll of three area refuse collectors, it was noted that one vendor has 34 customers with only 15 having recycling service. Nosek noted that this was not compliant with existing city ordinances. It was agreed that city staff needs to work on improving recycling compliance. DPW

Director Fischer asked for a six month period to identify the non-recycling customers and correct the problem. Councilmember Nosek felt the six month request was excessive in light of the fact that the ordinance has been on the books for more than 20 years. It was agreed that the City administration will meet with the three refuse vendors and work towards solutions to enforce recycling mandates.

APPROVAL OF CHANGE OF AGENT FOR CLASS A BEER LICENCE FOR RACEWAY FOOD MART II. A change of agent has been requested for the Raceway Food Mart at 1138 W. Main. It was moved by Taylor and seconded by Kienbaum to approve a change of agent (new agent is Pankaj Kalra). AYES: Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None

APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO CDA. It was moved by Kienbaum and seconded by Singer to appoint Max Taylor as council representative to the CDA. Discussion ensued about designating newly appointed interim Councilmember Allen as Council representative to the CDA. It was noted it was unfair to be maneuvering positions affecting Allen when he was not present to comment. AYES: Taylor, Binnie, Singer, Kienbaum. NOES: Nosek, Stewart.

DISCUSSION REGARDING ORDINANCES BEING BROUGHT TO THE COMMON COUNCIL. At their 5/20/08 Council meeting, concerns were expressed about any one council member or staff member bringing forth an ordinance without some additional support for the proposal. At that time, consensus was that discussions will take place first, with the ordinance following, hopefully with council consensus as to the language. It was noted that the current procedure lengthens the process of adopting an ordinance, often unnecessarily. It was agreed that councilmembers and staff members should use good judgment about bringing forth ordinances that have not been previously discussed by Council.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. None.

ADJOURNMENT. It was moved by Stewart and seconded by Nosek to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk