

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

December 1, 2009.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Taylor, Winship, Binnie, Singer, Kienbaum. Olsen (arrived at 7:50 p.m.). MEMBERS ABSENT: Olsen (arrived at 7:50 p.m.), Stewart. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Winship to approve the Council minutes of 11/3/09 and to acknowledge receipt and filing of the following: .Whitewater University Technology Board minutes of 11/13/09. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Binnie and seconded by Winship to approve payment of city invoices in the total sum of \$300,044.75. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

REPORTS. City Manager Brunner reported that the Stress TIF Bill passed in the Assembly and remains to be passed in Senate. Brunner also reported that the State Assembly also unanimously passed a bill renaming the Highway 12 bypass the “Stephen Ambrose Memorial Highway”. A ceremony is planned for a future date. Brunner also referenced Senate Bill 283, which would authorize State Judges to serve a four-year term (instead of two years) as well as requiring that Court staffing be located away from the police department. City Manager Brunner introduced Dr. Suzanne Zentner, District Administrator of the Whitewater Unified School District. Zentner indicated that the School District’s vision is in educating all residents, not just the young. Park and Recreation Director Amundson announced changes in the facility reservation policy effective 1/1/10, including fee changes.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. Councilmember Taylor expressed appreciation for the 4th of July Committee’s financial report. Taylor noted that the Committee had a \$12,000 profit in 2009 and noted that the Committee has funds in the amount of \$60,000. Taylor requested that the Committee consider whether the \$5,000 City donation towards the festival is necessary, and if it isn’t, return the money to the taxpayers.

**RESOLUTION IN SUPPORT OF WISCONSIN CABLE CONSUMER REPAIR
LEGISLATION.**

**City of Whitewater, Wisconsin
In Support of Wisconsin Cable Consumer Repair Legislation**

WHEREAS, ACT 42 (The Video Competition Bill) was enacted into law in January of 2008, and

WHEREAS, Act 42 abrogated all local cable TV franchises and established statewide licensing under the Department of Financial Institutions, and

WHEREAS, Act 42 reduced local authority over cable operator access to Rights of Way and consumer protections without increasing state enforcement capabilities in the area of consumer protection, and

WHEREAS, Act 42 has done great harm to Wisconsin's public, education, and government access (PEG) community television channels by

- Eliminating in 2011, PEG fees paid to local municipalities,
- Imposing costs for transmission equipment upon local municipalities that were traditionally the responsibility of the cable operator,
- Allowing video providers to move community channels out of the basic channel lineup (channels 2-23) and into the 90's and digital 900's for no apparent reason,
- Allowing video providers to reduce the quality, functionality and accessibility of community channels particularly by carrying community channels as websites under a series of menus.

WHEREAS, Act 42 promised "lower rates" in return for the above noted additional expenses, reduced revenues, reduced community programming accessibility and quality, and reduced local authority,

WHEREAS, Act 42 failed to deliver "lower rates" for the City of Whitewater cable TV subscribers,

NOW, THEREFORE, BE IT RESOLVED, that the City of Whitewater endorses the provisions of LRB 0945/7, the Cable Consumer Repair Bill, which seek to

- Rescind the sunset of PEG fees and allow municipalities to reinstate them up to 1%,
- Move oversight from the Department of Financial Institutions to the Public Service Commission,
- Mandate that video providers be required to pay for any change to the format of the community programming signal, transmission equipment, and the first 200 feet of a moved transmission line (clarification),
- Provide community access channels near to and with the same accessibility, functionality and quality as that provided to local broadcast television stations on the basic tier,
- Require that community access channels be viewable by every subscriber without additional service or equipment charges and without material degradation.

BE IT FINALLY RESOLVED, that a copy of this Resolution be transmitted to the Speaker of the Assembly Michael Sheridan, Leader of the Senate Russ Decker, Representative Gary Hebl (author), Representative Kim Hixson and Senator Judy Robson

Resolution introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Taylor. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE REPEALING THE TREE COMMISSION.

Councilmember Winship stated that the proposed ordinances are a result of the Urban Task Force's recommendation. A unanimous recommendation to repeal the existing Tree Commission and create a more definite Urban Forestry Commission was put forth.

FIRST READING OF ORDINANCE REPEALING CHAPTER 2.62 TREE COMMISSION

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

Section 1. Whitewater Municipal Code Chapter 2.62 Tree Commission is hereby repealed.

Ordinance introduced by Councilmember Winship. Seconded by Councilmember Singer. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart. FIRST READING APPROVED: December 1, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE ESTABLISHING URBAN FORESTRY COMMISSION.

Councilmember Winship stated that the Urban Forestry Task Force Committee felt that the provisions of the proposed ordinance would clarify some conflicting language that existed in the Tree Commission ordinance. The proposed ordinance clarifies that the Committee does not have supervisory authority over city employees.

ORDINANCE ESTABLISHING AN URBAN FORESTRY COMMISSION

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

Section 1. Whitewater Municipal Code Section 2.52.090 is hereby created to read as follows:

2.52.090 Urban Forestry Commission.

(1) **CREATION AND MEMBERSHIP.** The Urban Forestry Commission is hereby established as a permanent committee of the Park and Recreation Board. There shall be seven members on the Whitewater Urban Forestry Commission. Membership shall be as follows:

(a) Five citizen members shall be appointed under the procedures set forth in Whitewater Municipal Code, Chapter 2.12, each serving three year terms, staggered annually.

(b) One member of the Plan and Architectural Review Commission shall be appointed to the Whitewater Urban Forestry Commission.

(c) One member of the Park and Recreation Board shall be appointed to the Urban Forestry Commission.

(d) The City Forester or his/her designee shall serve as the nonvoting staff liaison to the Whitewater Urban Forestry Commission.

(2) POWERS AND DUTIES. The Urban Forestry Commission shall:

(a) Make recommendations to the City Forester and Park and Recreation Board concerning the care of all trees and shrubs planted in the rights-of-way of all streets or highways, or in any park or other public areas of the city;

(b) Prepare, and recommend for adoption by the Park and Recreation Board and the City Council, an Urban Forestry Management Plan, which shall include provisions for the planting, maintenance and protection of all public trees and shrubs, and make recommendations for amendments thereto as the Urban Forestry Commission shall determine appropriate from time to time. The Urban Forestry Management Plan may contain any or all of the following elements:

1. Street Tree and Shrub Planting Plan. A proposed plan for the orderly and systematic planting of new or replacement trees and shrubs in the terraces or boulevards along city streets in a manner which minimizes conflicts between trees and shrubs and other public use of streets, facilitates care of the trees and shrubs, and enhances the aesthetics of the city streetscapes. The plan shall designate the appropriate species of tree(s) and shrub(s) for each street segment and shall take into consideration the mature size and requirements of the species, the width of the terrace or boulevard, depth of building setbacks, location of street lights, safety signals and signs, the location of overhead or underground public utility facilities, the location of existing desirable trees and any other relevant site factors.

2. Tree and Shrub Maintenance. Plans for the maintenance of trees and shrubs located in public places to preserve the function or beauty of such public places in accordance with the applicable city maintenance standards. The plan shall provide plans for the trimming, removal, pruning, spraying, fertilizing or other treatment of any tree or shrub on any public place when necessary or appropriate to promote the general welfare, improve the city's appearance or alleviate any unsafe condition.

(c) Serve in an advisory capacity to the City Council on all issues relating to trees and shrubs located within street right-of-ways, parks, and other public places in the city; and to any other matter involving trees and shrubs that affect, or may affect, public areas;

(d) Prepare and maintain an inventory of trees and shrubs located in public areas within the city and an inventory of areas along streets where street trees cannot be planted due to site limiting factors;

(e) Prepare and recommend for adoption by the Park and Recreation Board and the City Council rules and regulations for the protection and maintenance of trees and shrubs located on public property, and to protect the public health, safety and welfare against dangers resulting from any trees and shrubs, including any regulations deemed necessary to protect against injury or damage caused by the spread of disease, insects or fungus.

(f) Identify and maintain a list of tree and shrub species deemed to be nuisances due to their propensity to harbor pests or transmit diseases which endanger other trees or shrubs or the public health, safety and welfare.

(g) Subject to the approval of the City Manager, apply for county, state, federal and private grant funds for the city's urban forestry program;

(h) Recommend such persons or firms who are qualified in urban forestry to assist with the city's urban forestry program;

(i) Provide a forum for and encourage public comments on city tree and shrub projects and the urban forestry program;

(j) Encourage public participation in urban forestry practices and projects within the city and the surrounding extraterritorial area;

(k) Conduct an Arbor Day observance each year;

(l) Inform and educate city residents about the care of natural areas in their neighborhoods;

(m) Undertake programs for education of the public with regard to the benefits of urban trees, the proper selection, planting and care of urban trees and other matters relating to urban forestry as it deems appropriate.

(n) Maintain the "Tree City USA" status of the city.

(o) Provide, upon request, on such terms and conditions as determined by the requesting body, plan review and technical assistance to the Planning & Zoning Commission and any other board, committee or commission of the City and provide technical advice and assistance with respect to matters affecting the urban forest to the public.

(p) Provide at each Park and Recreation Board meeting a report of the Commission's activities since its last report to the Board.

(q) The Park and Recreation Board shall receive and review all reports, whether written or oral, provided to them by the Urban Forestry Commission.

(3) LIMITATION ON POWERS.

(a) The Urban Forestry Commission shall not have any power to direct or manage any city employee, officer, or agent in their day-to-day work activities.

Ordinance introduced by Councilmember Winship. Seconded by Councilmember Singer. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart. FIRST READING APPROVED: December 1, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 9.08, ANIMAL CONTROLS AND REGULATIONS. City Treasurer DeKemper stated that the proposed ordinance increases the fees for dog licenses in the City. Walworth County is increasing the price of their fees, and it is necessary for the City to do the same so that the City does not incur costs relating to the program. Although Jefferson County has not yet increased their license fees, it is more efficient to increase the fees for the entire City instead of just the Walworth County portion. Although proper legal notice was given, Councilmember Taylor objected to voting on the ordinance since he had not received his copy (which was mailed) prior to the Council meeting.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 9.08,
ANIMAL CONTROLS AND REGULATIONS.**

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

Section 9.08.020(d) of the Municipal Code entitled "Licensing" is hereby amended to read as follows:

9.08.020(d) Fees.

- (1) A license shall be issued after payment of the applicable fee:
 - (A) For each unneutered male dog, fifteen dollars;
 - (B) For each neutered male dog, ten dollars;
 - (C) For each unsprayed female dog, fifteen dollars;
 - (D) For each spayed female dog, ten dollars.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. . AYES: Olsen, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSTAIN: Taylor. ABSENT: Stewart. FIRST READING APPROVED: December 1, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

PRESENTATION OF 2009 COMPREHENSIVE PLAN COMMUNITY SURVEY REPORT. Dr. Susan Johnson, co-director of the Center for Political Science and Public Policy Research and Associate Professor of Political Science, presented a summary of results of the recent Comprehensive Plan survey. Questions to residents concerned overall quality of life, evaluation of services and facilities, perception of safety, and inquiry concerning possible future development in the City.

REVIEW OF COMMON COUNCIL E-MAIL POLICY AND POSSIBLE ACTION ON POLICY. At the request of Councilmember Binnie, this item was removed from the Agenda and will be discussed at a future date.

APPROVAL OF 2010-2012 AMBULANCE SERVICES AGREEMENTS WITH TOWNS OF COLD SPRING, LIMA, KOSHKONONG, WHITEWATER, JOHNSTOWN, AND RICHMOND. City Manager Brunner has negotiated renewal of contracts between the City and area Townships for rescue squad services. It was moved by Binnie and seconded by Winship to approve the 2010-2012 ambulance services agreements with the towns of Cold Spring, Lima, Koshkonong, Whitewater, Johnstown and Richmond. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

AUTHORIZATION FOR THE DISPOSAL OF SURPLUS CITY-OWNED VEHICLES AND SUBSEQUENT SALE BY SWEENEY AUCTION ASSOCIATES. DPW Director Fischer requested approval to dispose of surplus city-owned vehicles through the sale by Sweeney Auction Associates. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

DISCUSSION AND POSSIBLE DIRECTION REGARDING GENERAL PARKING REGULATIONS. DPW Director Fischer indicated that both he and Police Chief Coan had met with Mark Wokasch, owner of Fat Jack's. Wokasch expressed several parking concerns, and stated that he would like to see lot parking limitations amended to four, 10, or 24 hour limits. Wokasch also recommended that the 24-hour parking stalls be re-evaluated and possibly spread out more. Fischer stated that there could be changes to the parking time limit for certain spaces in lots from two-hour to four-hour parking, and to eliminate the restrictions entirely (except for 2 a.m. – 5 a.m.) on North Street, from Second Street to Ketterhagen's alley. This would open up parking spaces for downtown employees. North Street parking would change to accommodate voters on election days. Fischer stated that both the City Manager and Downtown Whitewater have requested that people are allowed to park their vehicles after 5:00 pm on week days. Downtown Whitewater Director Brodnicki stated that many resources are taken up by parking, and it would be efficient to have people sharing spaces over a 24 hour period. Permits in lots could be for overnight parking only, allowing others to be able to park in these spaces during daytime hours. Councilmember Singer suggested the possibility of selling single night parking permits via a dispenser. Councilmember Taylor expressed concern over the costs associated with parking in Whitewater and suggested that permit sales occur three times per year, more in keeping with the University class schedule. Councilmember Winship indicated that people

should be encouraged to leave their cars parked and walk during the day. Councilmember Binnie suggested that there be two levels of parking permits; one for 24 hours and one for a 12 hour period. Councilmember Olsen suggested that business parking be a priority over that of downtown resident parking. Further information will be forthcoming.

CANCELLATION OF JANUARY 5, 2010 COUNCIL MEETING. Historically the first meeting in January has been cancelled. Two Councilmembers indicated that they will be out of the Country on January 5th. It was moved by Winship and seconded by Taylor to cancel the January 5, 2010 Council meeting. AYES: Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Olsen, Stewart.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Taylor would like to review and discuss the ordinance that authorizes the City Manager to determine parking lot regulations. Councilmember Kienbaum recommended that the City consider providing funding to the Touched by a Paw organization.

ADJOURNMENT. Being no further business to come before the meeting, it was moved by Olsen and seconded by Taylor to adjourn the meeting at 8:50 pm. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart.

Respectfully Submitted,

Michele R. Smith, City Clerk