

**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 15, 2009.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

APPROVAL OF MINUTES. It was moved by Olsen and seconded by Winship to approve the Council Minutes of 11/17/09 and 12/1/09, and to acknowledge receipt and filing of the following: Consolidated Monthly Police Report for October, 2009; Landmarks Commission Minutes of 10/7/09; CDA Minutes of 10/26/09; Report of Manually-issued Checks for November, 2009; Plan and Architectural Review Commission Minutes of 3/12/07, 3/26/07, 1/28/08, 2/25/08, 3/24/08, 4/7/08, 9/21/09, and 11/9/09; Park & Recreation Board Minutes of 11/2/09; and the Financial Statements for November, 2009. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Winship to approve payment of city invoices in the total sum of \$155,660.47. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REPORTS. City Manager Brunner complimented the Public Works Department on their impressive job in responding to the previous week's snow storm., which resulted in costs around \$15,000. Brunner reported that long range plans for expansion of Highway 12 to four lanes have been discussed with SEWRPC. Brunner also mentioned that the City is preparing a draft of a statement for employee use of social media as well as a revision of computer use policy. Brunner also stated that there are two projects forthcoming relating to Hwy 59. Federal stimulus money is funding the resurfacing of the highway south from the Highway 12 overpass to the Rock County Line. The realignment of Highway 59 at its intersection with Highway 89 most likely will take place the following year.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. Councilmember Taylor stated that the Main and Whiton intersection project is awaiting the signature of the Governor, planned to be signed in mid May. Taylor encouraged calls and letters of support to the Governor's office and our representatives to speed up the process. Taylor congratulated the UW Whitewater Football team on making it to the division playoffs. Councilmember Kienbaum expressed concern over plans for the realignment on Highway 59. Councilmember Olsen complimented the Street Department on the efficient job they did on snow removal.

INITIAL RESOLUTION AUTHORIZING \$3,290,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICT NO. 4.

City Manager Brunner stated that the CDA and the Tech Park Board had a joint meeting and recommended approval of the proposed financing. The total budget for the three projects is \$11,051,728. The projects are interrelated and are being made possible through an EDA grant. Proposed projects are the design and construction of the Whitewater Innovation Center; the extension of Starin Road east to Highway 59; and infrastructure improvements for the Technology Park and Moraine Park. The EDA grant is \$4.74 million. The Community Development Authority is contributing \$.75 million, TIF 4 will contribute \$2,560,919; and Build America bonds will add \$3,000,000. The innovation center will be owned by the CDA, but operations will be managed in cooperation with UW-Whitewater. It is anticipated that an Executive Director will be hired to manage the facility. The initial goal of the Innovation Center is to generate enough money through leasing of space to provide for the debt service on the Build America bond obligation. Brad Viegut of R.W. Baird & Company was present to describe how the Build America bonds would function. Final approval is expected to take place at the January 19, 2010 Council meeting. Binnie questioned what the operating costs would be. Brunner stated that there could be EDA money available to fund operations.

INITIAL RESOLUTION AUTHORIZING \$3,290,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICT NO. 4

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$3,290,000 by issuing its general obligation bonds for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying the cost of the construction of public infrastructure improvements in the City's Tax Incremental District No. 4 and paying other project costs included in the project plan for the District.

Resolution introduced by Councilmember Binnie who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Passed this 15th day of December, 2009. Approved this 15th day of December, 2009.

Kevin M. Brunner, City Manager
Attest:
Michele R. Smith, City Clerk

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS.

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS

WHEREAS an initial resolution authorizing general obligation bonds has been adopted by the City Council of the City of Whitewater, Wisconsin and it is now necessary that said initial resolution be published to afford notice to the residents of the City of its adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Resolution introduced by Councilmember Binnie who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Passed this 15th day of December, 2009. Approved this 15th day of December, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED \$3,290,000 TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS.

RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED \$3,290,000 GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS

WHEREAS the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") has adopted an initial resolution (the "Initial Resolution") authorizing the issuance of general obligation bonds for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying the cost of the construction of public infrastructure improvements in the City's Tax Incremental District No. 4 and paying other project costs included in the project plan for the District.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of Bonds. The bonds authorized by the Initial Resolution shall be issued as taxable Build America Bonds designated "Taxable General Obligation Community Development Bonds (Build America Bonds-Direct Payment)," and the City shall issue the Bonds in an amount not to exceed \$3,290,000 for the purpose above specified.

Section 2. Sale of Bonds. The City Council hereby authorizes and directs that the Bonds be offered for public sale. At its meeting on January 19, 2010, or a subsequent meeting of the City Council, the City Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Robert W. Baird & Co. Incorporated. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

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

Passed this 15th day of December, 2009. Approved this 15th day of December, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADOPTING 2010 SALARY RESOLUTION. The annual salary resolution was presented for adoption. Union salary increases are effective 1/1/10, while management salary increases are effective 12/31/2010.

**CITY OF WHITEWATER
2010 SALARY RESOLUTION**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2010, in which wages are established.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2010 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning January 1, 2010.

**SCHEDULE I
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	01/01/2008	95,781.56
		12/31/2010	98,176.10
Chief of Police	1	01/01/2009	86,805.42
		12/31/2010	88,975.56
Municipal Judge	1	05/01/2009	19,099.28
City Attorney	1	01/01/2009	50,000.00
		12/31/2010	51,250.00

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
A*	3/4	Senior Coordinator (Part-time)	F	1	Assistant Finance Director - City Treasurer
	2	Administrative Assistant II - Records Technician		1	City Clerk
	2	Administrative Assistant II - General Administrative Offices		1	Human Resources/Special Projects Manager
	1/2	Administrative Assistant II - Utilities (Part-time)	G		
		H	1	Water Superintendent	

B*	1	Accounting Technician II - Payroll & Accounts Payable	I	1	Chief Information Officer
	1	Accounting Technician II - Utilities	J	1	Streets, Parks & Forestry Superintendent
	1	Administrative Assistant I - Neighborhood Services		1	Neighborhood Services Director
	1	Clerk of Courts		1	Parks & Recreation Director
C				1	Wastewater Treatment Plant Superintendent
D	1	Support Services Manager	K	1	Lieutenant - Administrative Services
E	1	Community TV/Media Services Manager		1	Lieutenant - Field Services
	1	CDA Coordinator	L	1	Finance Director
	1	Recreation & Community Events Programmer		1	Public Works Director

*Non-Exempt Positions

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade		1	2	3	4	5
A*	Hourly Wage	14.57	15.02	15.66	16.32	16.96
	2080 Hours	30,295.72	31,233.80	32,576.96	33,941.44	35,284.60
B*	Hourly Wage	15.61	16.32	17.03	17.73	18.44
	2080 Hours	32,470.36	33,941.44	35,412.52	36,883.60	38,354.68
C	Salary	34,418.15	35,981.87	37,545.82	39,111.17	40,675.12
	effective 12/31/2010	35,278.60	36,881.42	38,484.47	40,088.95	41,692.00
D	Salary	37,170.00	38,860.09	40,547.80	42,237.65	43,929.16
	effective 12/31/2010	38,099.25	39,831.59	41,561.50	43,293.59	45,027.39
E	Salary	40,793.95	42,647.83	44,501.45	46,356.50	48,211.29
	effective 12/31/2010	41,813.80	43,714.03	45,613.99	47,515.41	49,416.57
F	Salary	43,982.57	45,981.62	47,979.74	49,980.21	51,978.10
	effective 12/31/2010	45,082.13	47,131.16	49,179.23	51,229.72	53,277.55
G	Salary	47,170.94	49,315.67	51,459.21	53,601.34	55,746.06
	effective 12/31/2010	48,350.21	50,548.56	52,745.69	54,941.37	57,139.71
H	Salary	50,359.54	52,647.35	54,937.50	57,223.89	59,515.45
	effective 12/31/2010	51,618.53	53,963.53	56,310.94	58,654.49	61,003.34
I	Salary	53,546.98	55,981.39	58,414.38	60,847.84	63,282.24
	effective 12/31/2010	54,885.66	57,380.92	59,874.74	62,369.04	64,864.30
J	Salary	56,734.18	59,312.84	61,892.91	64,470.39	67,050.22
	effective 12/31/2010	58,152.54	60,795.66	63,440.23	66,082.15	68,726.48
K	Salary	59,923.97	62,646.87	65,371.20	68,092.93	70,817.24
	effective 12/31/2010	61,422.07	64,213.04	67,005.48	69,795.25	72,587.67

L	Salary	63,111.41	65,979.74	68,849.48	71,716.88	74,587.57
	effective 12/31/2010	64,689.20	67,629.23	70,570.72	73,509.80	76,452.26

*Non-Exempt Positions

**SCHEDULE III
LIBRARY POSITIONS**

Pay Grade	# of Positions	Classification Titles	Step				
			1	2	3	4	5
A1	3	Library Aide*	11.62	12.14	12.68	12.68	12.68
A2	5	Library Assistants*	12.63	13.20	13.79	14.35	14.92
A3	3	Library Technical Assistants*	14.35	15.02	15.66	16.32	16.96
	3	Library Associates*					
A4	1	Youth Service Librarian	34,418.15	35,982.10	37,545.82	39,111.17	40,675.12
		effective 12/31/2010	35,278.60	36,881.65	38,484.47	40,088.95	41,692.00
A5	1	Assistant Library Director	43,982.57	45,981.62	47,979.74	49,975.69	51,978.10
		effective 12/31/2010	45,082.13	47,131.16	49,179.23	51,225.08	53,277.55
A6	1	Library Director	56,734.18	59,312.84	61,892.91	64,470.39	67,050.22
		effective 12/31/2010	58,152.54	60,795.66	63,440.23	66,082.15	68,726.48

*Non-Exempt Positions

**SCHEDULE IV
WHITEWATER POLICE DISPATCH UNION**

Position	# of Positions	Effective Date	Step			
			1	2	3	4
Records Communications Coordinator	1	01/01/2010	18.01	18.96	19.95	20.18
			37,460.80	39,436.80	41,496.00	41,974.40
		07/01/2010	18.19	19.15	20.15	20.38
			37,835.41	39,831.17	41,910.96	42,394.14

Dispatch / Records Communications Aide	7	01/01/20 10	16.20	17.04	17.94	18.12
6 @ Per 1947 Hours			31,541.4 0	33,176.8 8	34,929.1 8	35,279.64
1 @ Per 976 Hours			15,811.2 0	16,631.0 4	17,509.4 4	17,685.12
		07/01/20 10	16.36	17.21	18.12	18.30
6 @ Per 1947 Hours			31,856.8 1	33,508.6 5	35,278.4 7	35,632.44
1 @ Per 976 Hours			15,969.3 1	16,797.3 5	17,684.5 3	17,861.97
Parking/Community Support	1	01/01/20 10	14.70	15.48	16.30	16.46
Per 1872 Hours			27,518.4 0	28,978.5 6	30,513.6 0	30,813.12
		07/01/20 10	14.85	15.63	16.46	16.62
Per 1872 Hours			27793.5 84	29268.3 46	30818.7 36	31121.25 12

**SCHEDULE V
AFSCME UNION**

Pay Grade	Classification Title	Step					
		1 0-11 mos.	2 12-23 mos.	3 24-35 mos.	4 36-47 mos.	5 48-59 mos.	6 60+ mos.
A	Chemist Assistant	12.27	12.87	13.48	13.48	13.48	13.48
B	Custodian/Groundskee per <i>Per 2,080 Hours</i>	14.60 30,359. 68	15.15 31,510.9 6	15.70 32,662.2 4	16.24 33,770.8 8	16.78 34,900.8 4	17.32 36,030.8 0
C	Laborer II <i>Per 2,080 Hours</i>	17.06 35,476. 48	17.61 36,627.7 6	18.15 37,757.7 2	18.70 38,887.6 8	19.25 40,038.9 6	19.78 41,147.6 0
D	Building Maintenance <i>Per 2,080 Hours</i>	19.10 39,719. 16	19.65 40,870.4 4	20.17 41,957.7 6	20.75 43,151.6 8	21.28 44,260.3 2	21.83 45,411.6 0
E	Engineering Technician Laborer I Laborer I - Mechanic Code Enforcement/Building Maintenance	21.36	21.84	22.31	22.80	23.27	23.76

Water Operator - no certification (1)						
Wastewater Operator - no certification (1)						
Wastewater Operator - Lab Technician no certification (1)						
<i>Per 2,080 Hours</i>	44,430. 88	45,432.9 2	46,413.6 4	47,415.6 8	48,396.4 0	49,419.7 6

(1) Additional twenty cents (\$.20) per hour upon completion and receipt of Grade I certification and one (1) subgrade

Grade

F: Successful completion of Grade II and all Grade II subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$24.51 2 50,976.1

Grade

G: Successful completion of Grade IV and all Grade IV subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$24.76 2 51,509.1

**SCHEDULE VI
WHITEWATER PROFESSIONAL POLICE ASSOCIATION UNION**

Position	# of Positions	Effective Date	Hourly Wage	<i>Per 2,080 Hours *Patrol (2,008 Hours)</i>
Sergeant*	4	01/01/2010	29.08	58,392.64
		07/01/2010	29.37	58,976.57
Detective Sergeant	1	01/01/2010	29.08	60,486.40
		07/01/2010	29.37	61,091.26
Detective	2	01/01/2010	27.80	57,824.00
		07/01/2010	28.08	58,402.24
Juvenile Officer	1	01/01/2010	27.80	57,824.00
		07/01/2010	28.08	58,402.24
Patrol Officer I*	13	01/01/2010	26.60	53,412.80
		07/01/2010	26.87	53,946.93
Patrol Officer II*		01/01/2010	24.11	48,412.88
		07/01/2010	24.35	48,897.01
Patrol Officer III*		01/01/2010	22.74	45,661.92
		07/01/2010	22.97	46,118.54

**SCHEDULE VII
FIRE-RESCUE**

Position	# of Positions (Part-time)	Wage
Fire-Inspector	6	\$11.00 per hour

Volunteer Fire	48	\$8.00 per call
Rescue Squad Captain	1	\$10.00 per call
Rescue Squad Lieutenant	4	\$9.00 per call
Rescue Squad Maintenance	1	\$100.00 per month
EMT Driver		\$15.00 1st hour + \$4 each addl. 15 minutes
EMT Basic		\$17.50 1st hour + \$4 each addl. 15 minutes
EMT Intermediate		\$20.00 1st hour + \$4.25 each addl. 15 minutes
EMT On-Call Pay		\$2.00 per hour
Fire Chief	1	\$15.00 per call
1st Asst. Fire Chief	1	\$13.00 per call
2nd Asst. Fire Chief	1	\$11.00 per call
Fire Vehicle Maintenance	5	\$50.00 per month

**SCHEDULE VIII
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	1	01/01/2009	\$10.54

**SCHEDULE IX
PART-TIME SEASONAL EMPLOYEES**

Position	Step				
	1	2	3	4	5
Election Officials	8.00	8.00	8.00	8.00	8.00
Crossing Guards	10.96	10.96	10.96	10.96	10.96
Cable TV Camera Operator	7.25	7.50	8.00	8.75	9.75
Adult Sport Officials	10.00	11.00	12.00	13.00	15.00
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.75	8.00	8.25	8.50	8.75
Youth Sport Officials	20.00	21.00	22.00	24.00	25.00
Seasonal Labor	7.25	7.50	8.00	8.75	9.75

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

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

2009 BUDGET TRANSFER RESOLUTION #3.

**2009
BUDGET TRANSFER RESOLUTION III**

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2009 on November 18, 2008, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

Increase

TID #3-Fund #430

Transfer Out-Fund Close Out

Whitewater School District	430.57662.650	\$ 59254.00
Gateway Technical College	430.57662.650	\$ 8,261.00
Walworth County	430.57662.650	\$ 25,597.00
City of Whitewater General Fund	430.57662.650	\$ 33,119.00

Other Professional Services	430.57662.219	\$ 1,752.00
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REVENUES:

Decrease

Fund Balance Applied

Residual Equity Transfer	430.49310.57	\$ 127,983.00
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To close out TID #3-Fund #430 and distribute residual equity to the under laying taxing authorities.

2) REVENUES:

Increase

General Fund #100

Transfer In-Residual Equity Transfer	100.49310.00	\$ 33,119.00
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Decrease

Fund Balance Applied	100.49300.00	\$ <33,119.00>
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To record the close-out of TID #3-Fund #430 portion allocated to the City of Whitewater-General Fund.

3) EXPENDITURES:

Increase

General Fund #100

Police Patrol	100.52110.xxx	\$ 1,713.00
Police Investigation	100.52120.xxx	\$ 1,176.00

REVENUES:

Decrease

Contingencies	100.51100.910	\$ 2,889.00
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To recognize the \$0.40 per hour increase, effective 7/31/09 for the 3 patrol sergeants, detective sergeant and juvenile officer. Approved at the August 18th, 2009 council meeting.

4) EXPENDITURES:

Increase

TID #4 – Fund 440

Settlement-Property Tax Assessments	440.57663.525	\$ 91,023.30
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REVENUES:

Decrease

Fund Balance Applied	440.49300.57	\$ <91,023.30>
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To recognize the settlement regarding the property assessment for the Generac Corporation. Property assessment was appealed to the State of Wisconsin Tax Appeals Commission. This property is assessed by the State of Wisconsin Manufacturing & TELCO Division. Settlement involved years 2007 & 2009. Manufacturing values were also reduced for 2009 thru 2013. Approved by council on August 4, 2009.

5) EXPENDITURES:

Increase

Communications/Dispatch

Radio Service	100.52600.292	\$ 3,298.00
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Decrease

Capital Equipment	100.52600.810	\$ <3,298.00>
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To transfer within the Communication/Dispatch budget from Capital Equipment to the Radio Service, per the request of the Police Chief. The transfer will cover unexpected expenses related to the Radio Service. The Communications/Dispatch budget is not affected overall.

6) REVENUES:

General Fund #100

Miscellaneous Revenues

Insurance Dividend	100.48420.00	\$ 28,992.00
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Decrease

Fund Balance Applied	100.49300.00	\$ 28,992.00
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To recognize the insurance dividend received in May from the League of Wisconsin Mutual Insurance Company for liability insurance in force for 2008.

7) REVENUES:

Increase

Parkland Development Fund #245

Miscellaneous Revenue

Donation-Park Development	245.48410.56	\$ 5,000.00
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Decrease

Fund Balance Applied	245.49300.56	\$ 5,000.00
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To recognize the \$5,000 donation from the Whitewater Lions Club toward the Trippe Lake Shelter project. Approved at the September 1, 2009 council meeting.

8) REVENUES:

Increase

Parkland Development Fund #245

Miscellaneous Revenue

Donation-Park Development	245.48410.56	\$ 10,000.00
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Decrease

Fund Balance Applied	245.49300.56	\$ 10,000.00
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To recognize the \$10,000 donation from the Breakfast Kiwanis Club toward the Starin Park playground. Approved at the September 15, 2009 council meeting.

9) EXPENDITURES:

Increase

Government Equipment Fund #217

Capital Equipment

217.52600.810	\$ 86,000.00
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Dispatch Center Upgrade

217.52600.812	\$ 61,000.00
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REVENUES:

Decrease

Fund Balance Applied	217.49300.52	\$ 147,000.00
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To recognize the equipment purchases, dispatch center upgrades and siren upgrades which occurred in 2009.

10) EXPENDITURES:

Increase

Lakes Improvement Fund #272

Postage/Office Supplies

272.51920.310	\$ 1,495.00
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Design/Engineering/Survey

272.51920.821	\$ 375.00
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REVENUES:

Decrease

Fund Balance Applied	272.49300.00	\$ 1,870.00
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To recognize expenses paid for Lakes Management Survey for 2009.

11) EXPENDITURES:

Increase

Sister City Fund #270

Donation-Sister City

270.51920.660	\$ 116.74
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REVENUES:

Decrease

Fund Balance Applied	270.49300.00	\$ 116.74
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To close out Sister City Fund #270. Balance of \$116.74 was distributed to East Hancock Elementary School in the City of Bay St. Louis, Mississippi in October 2009.

12) EXPENDITURES:

Increase

Whitewater Homecoming 2007 Fund #271

Donation-Close Out 271.51920.911 \$ 412.35

REVENUES:

Decrease

Fund Balance Applied 271.49300.00 \$ <412.35>

To close out Whitewater Homecoming 2007- Fund #271 with the remaining balance being distributed to the Whitewater Food Pantry per the requests of the co-chairs of the Whitewater Homecoming Committee.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

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

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF AMENDMENT TO OPEN BURNING ORDINANCE.

Neighborhood Services Director Parker stated that recreational burning has in the past been allowed in front yards. McDonell has rewritten the ordinance to ban this type of burning as well as to require burning to be on a non-combustible surface.

**AN ORDINANCE AMENDING SUBSECTION 8.32.010
CONCERNING BURNING REGULATIONS**

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

SECTION 1: Whitewater Municipal Code Chapter 8.32, Subsection 8.32.010 (b) is hereby amended to read as follows:

(b) A substance that is burned outdoors for any purpose including outdoor recreation or for cooking in a grill, broiler, rotisserie, or any other appliance shall be attended to at all times.

(1) All outdoor fires shall be no closer than fifteen feet from any structure or side lot line and ten feet from any rear lot line. There shall be no outdoor fires in front yards or street yards.

(2) All open flame devices, cooking appliances, including grills, or decorative fireplaces shall be placed on a noncombustible surface and no closer than five feet to any building structure when in use.

Ordinance introduced by Councilmember Winship. Seconded by Councilmember Binnie.

AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart.

NOES: Taylor.

ABSENT: None.

FIRST READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AUTHORIZING VEHICLE ACCIDENT SITE RESPONSE CHARGES. Brunner stated that this request from the Finance Department allows for charges for individual services in addition to the standard Fire Department and EMS response charges. Taylor asked who would be assigning the charges and added that these services are part of what City taxes pay for. Olsen stated that tax payments to support this service should go down as funds are paid by the recipients of the service. McDonell stated that insurance companies are more likely to pay for enumerated charges than a general charge.

ORDINANCE CREATING
SECTION 2.24.096 AUTHORIZING VEHICLE ACCIDENT SITE
RESPONSE CHARGES

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

Section 1: Whitewater Municipal Code, Section 2.24.096, is hereby created to read as follows:

2.24.096

(a) Purpose of Section. This section is enacted because the City of Whitewater Fire Department responds to the scene of motor vehicle accidents and provides services at the scene in addition to emergency medical services, to preserve the health and property of persons and the public. In order for the Fire Department to provide such services, it is necessary to charge the owners of the vehicles involved in the accident, and their insurance companies, for the services provided.

(b) Charges Authorized. The City of Whitewater Fire Department is hereby authorized to charge fees to the owner and/or operator of a motor vehicle (and their insurance companies) when the City of Whitewater Fire Department provides services to their vehicle, or to the accident scene, as a direct result of their vehicle's involvement. This may include but is not limited to: car fires, disconnecting the battery, fluid clean-ups, flush-downs, stabilization, site clean-up and extrications. This fee shall be charged in addition to the emergency medical services charges that are incurred.

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Taylor. ABSENT: None. FIRST READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 11 RELATING TO PARKING RESTRICTIONS ON NORTH STREET. DPW Director Fischer stated that this ordinance would change parking time limitations on North Street to be unlimited, except for the hours of 2:00 am to 5:00 am.

WHITEWATER MUNICIPAL CODE ENTITLED “STREET INDEX OF PARKING RESTRICTIONS.

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

SECTION 1: Chapter 11.16.150 entitled “Street Index of Parking Restrictions” shall be amended as follows:

The following is hereby *deleted* from the Street Index of Parking Restrictions:

North Street	South side; from east curblin of First Street; east 125 feet	11.16.070	Two-hour parking
North Street	South side; from west curblin of N. First Street, west 140 feet	11.16.070	Two-hour parking
North Street	South side; from N. First, east to N. Jefferson	11.16.090	No parking from 2:00 a.m. – 5:00 a.m.

The following is hereby *added* to the chart entitled Street Index of Parking Restrictions:

North Street	Both sides; from George Street to Jefferson Street	11.16.090	No parking from 2:00 a.m. – 5:00 a.m.
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SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Binnie. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE REPEALING TREE COMMISSION.

SECOND 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 Olsen. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. SECOND READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE ESTABLISHING URBAN FORESTRY COMMISSION.

SECOND READING OF 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 Olsen. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. SECOND READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPER 9.08, ANIMAL CONTROLS AND REGULATIONS.

SECOND 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 Olsen. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. SECOND READING APPROVED: December 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

REPORT ON REFINANCING OF SEWER SYSTEM REVENUE BONDS AND GO REFUNDING BONDS. Brad Viegut of R.W. Baird & Associates presented an option for refinancing of sewer system costs. The City will be able to refinance with an improved payment schedule and cost savings of approximately \$35,000 per year using Build America Bonds.

DISCUSSION AND POSSIBLE DIRECTION REGARDING COUNCILMEMBER E-MAIL POLICY. Councilmember Binnie stated that in 2008 Council approved a Councilmember E-mail Use Policy, which incorporated Open Records law requirements. Binnie reported that a Councilmember recently requested that his personal e-mail address be posted on the City web page. The City Attorney advised that substantial weight be given to the use policy, but also that substantial weight be given to the councilmember who believes that he is better able to perform his duties by using his personal email account. The City Attorney concluded that the councilmember cannot be required to use the City-assigned e-mail address

because of his 1st amendment rights of communication, and his right to conduct his own obligations in a manner which best serves his constituents. Binnie argued that Council has the right to place limitations on its members for the common good, and that the existing policy represents best practice in this regard. Binnie did not feel that publishing a member's personal e-mail on the website was in the best interest of the City. City IT Administrator Nobling agreed with Binnie's statement. Councilmember Winship agreed that all e-mails should be saved on the City's server. Stewart stated that he could store all emails on the City site for archiving purposes. Singer stated that naming convention and standardization are important for the future. Stewart asked whether there could be a general Council e-mail address. Nobling agreed that he could do this and would take Councilmember Stewart's City e-mail address off the website the next day. The email addressed to him would be routed to the City Clerk, who would in turn forward the e-mail to Stewart.

APPROVAL OF EMPLOYEE MANUAL UPDATES. A revised Employee Manual was presented for approval. The changes made are to reflect changes in federal and state employment law and current management practices. Prohibiting personal use of city property, nepotism policies, and the possibility of residency requirements were mentioned. It was moved by Olsen and seconded by Binnie to approve updated Employee Manual as presented. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None.

PRESENTATION OF HOTEL MARKET STUDY . This item was removed from the Council Agenda at the request of City Manager Brunner.

APPROVAL OF TWO-YEAR CONTRACT WITH RADICOM FOR TECHNICAL SUPPORT OF DISPATCH COMMUNICATIONS CENTER. Police Chief Coan stated that this is an annual contract for support services, but that there would be savings for the City if a two- year contract was approved as the cost would be maintained at the one year level. Brunner stated that the budgeted amount is for only one year of service and the City did not budget for a two-year payment in year 2010. It was moved by Binnie and seconded by Olsen to approve a two-year contract with Radicom for support of the dispatch communications center assuming the payment of fees is charged separately for each year. (and in the event the two-year fee is due up front, approval is for only a one-year contract). AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

AUTHORIZING EAST SIDE SANITARY SEWER STUDY. DPW Director Fischer stated that the proposed Capital Improvement Plan identifies several projects for reconstruction, including replacement of sanitary sewers on Clay and Milwaukee Streets. There may be changes in the number and placement of lift stations as well as planning for trouble spots on the east side. It was moved by Olsen and seconded by Binnie to authorize Strand Associates to create a study of East side sanitary sewers. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

DISCUSSION AND POSSIBLE DIRECTION REGARDING "NATURAL LAWN" ORDINANCE. Councilmember Kienbaum expressed concerns about residents being allowed to have "natural lawns." Kienbaum felt that some of these lawns are nuisances. City Attorney McDonell stated that the current ordinance allows for a "natural lawn" upon written permission

but there are no standards written into the ordinance and no indication as to who approves the natural lawn. He added that with the existence of rain gardens and other modern landscape features, that it may be time to add detailed standards. It was moved by Binnie and seconded by Winship to refer consideration of regulations concerning Natural Lawns to the newly-formed Urban Forestry Commission, with the understanding that their recommendation be submitted to the Common Council. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF AMENDMENT TO EMERGENCY COMMUNICATIONS CENTER MEMORANDUM OF UNDERSTANDING WITH UW-WHITewater. City Manager Brunner requested removal of this item from the Council Agenda.

DISCUSSION AND POSSIBLE DIRECTION REGARDING CITY MANAGER'S AUTHORITY TO SET PARKING LOT REGULATIONS. Councilmember Taylor expressed surprise that the City Manager had sole authority to set parking lot regulations. Taylor thought that the Council should be responsible for all permanent changes to regulations in parking lots. Councilmember Singer stated that in practice, only small and temporary changes are made by the City Manager. Councilmember Winship supported the status quo, stating that the current method is working.

DISCUSSION REGARDING BUMP OUTS ON CITY STREETS. Councilmember Kienbaum asserts that the recently built bump outs are dangerous. DPW Director Fischer replied that these design elements were previously approved by Council, and that there are public meetings that allow comment on each project. Fischer stated that the bump outs shorten the walking distance between curbs for pedestrians, as well as slowing traffic. Fischer stated that it is possible more bump outs will be added in the East Gate project and on Main Street between Whitewater and First Street.

APPROVAL OF PURCHASE OF SIX CHEMICAL FEED SCALES FOR WATER SYSTEM. It was moved by Olsen and seconded by Winship to approve purchase of six chemical feed scales for the water system. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF 2010-2012 ELECTION INSPECTORS & TABULATORS. It was moved by Olsen and seconded by Winship to approve the 2010-2012 list of election inspectors and election tabulators. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

DISCUSSION REGARDING 2010 EMPLOYMENT POSITION CHANGES AND REORGANIZATION. City Manager Brunner presented proposed changes in job descriptions for the Finance Director and the Neighborhood Services Director. Brunner stated that the Cable TV Coordinator position will now be titled the "Community TV/Media Services Manager" with additional duties and an office in the municipal building. The Information Technology Manager position will be renamed the "Chief Information Manager". In addition proposed is a new position, Assistant to the City Manager. This position will replace the current Human Resources/Special Project Coordinator position. Brunner stated that should Council approve this new

position, advertising will start at the beginning of 2010, and the position will be filled in March or April. Councilmember Singer questioned how the position would be funded. Brunner stated that the additional dispatch communications money as well as a couple other sources, would go toward the additional salary for this position. It was noted that the position will require that employee to reside within the City limits. Councilmember Winship stated that some of the Human Resources tasks could be sent back to the Department Directors doing hiring, in particular, pre-testing and background checks. Councilmembers Taylor and Binnie were concerned that the Human Resources function would be diluted. There was some discussion of how specific the job requirements should be for this position. It was agreed that City Manager Brunner will bring a specific timeline to the Council, including budget adjustment information and language for residency requirement.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Olsen would like to discuss mandated City of Whitewater residency for Department heads. Councilmember Kienbaum would like to hear the opinion of the Street Department on the bump outs. Councilmember Taylor would like to see City staff be proactive on Main/Whiton Street intersection improvements. Councilmember Stewart would like to discuss granting an exception to the policy for Council email. Councilmember Winship would like to explore changing the allowable number of unrelated persons in a R-1 zoning district to a maximum of two.

EXECUTIVE SESSION. ADJOURN TO CLOSED SESSION, NOT TO RECONVENE, PER WISCONSIN STATUTES 19.85(1)(c) “CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY’. It was moved by Singer and seconded by Olsen to adjourn to closed session, not to reconvene, per Wisconsin Statutes 19.85(1)(c), “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility”. Item to be discussed: City Manager’s Performance Evaluation for 2009. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Michele R. Smith, City Clerk