

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

May 4, 2010

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.

CONSENT AGENDA. Winship requested removal from the consent agenda O-19 – Equal Opportunities and O-20 – Disability Rights Commission. Taylor would like to remove O-10 – Fire Department, O-11 – Authorizing Vehicle Accident Site Response Charges and O-21 – Park and Recreation Board. Binnie would like to remove O-14 – Fire and Police Commission. It was moved by Olsen, seconded by Taylor to acknowledge receipt of the Council Minutes of March 16, 2010 and expedited approval of Chapter Two Ordinances; O-4 – Administrative Organization, O-5 – City Council, O-6 – City Manager, O-7 – Department of Administration, O-8 – Department of Public Works, O-9 – Neighborhood Services Department, O-12 – Police Department, O-13 – Humane Officer, O-15 – Department of Public Health, O-16 – Municipal Court, O-17 – Emergency Management, O-18 – Emergency Joint Action for County and City, O-22 – Birge Fountain Committee, O-23 – Library Board, O-24 – Board of Review, O-25 – Public Records, O-26 – Personnel and Compensation Renaming it Human Resources and Compensation, O-27 – Special Provisions – Salaried Employees. AYES: Olsen, Winship, Binnie, Stewart, Kienbaum, Taylor, Singer. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Binnie and seconded by Taylor to approve payment of city invoices processed through April 29, 2010 in the total sum of \$159,962.81. AYES: Taylor, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

REPORTS. City Manager Kevin Brunner presented to Mariann Scott, Landmarks Chairperson, **a Proclamation for Wisconsin Historic Preservation Month and a Proclamation for Wisconsin Archaeological Month.** Mariann Scott announced the Whitewater Preservation Day coming up on May 22nd. Brunner reported on the **Main and Whiton Street traffic signal project** and the delay until next spring due to the moving of the stone walls at the entrance of the University campus at the Whiton driveway entrance. Brunner presented the **Janesville – Milton – Whitewater transit study report.** Dave Mooma, Transit Director of Janesville, David Sampson who is the lead consultant on this project, from AE Com. and Terry Nolan, MPO coordinator and transportation planner for the City of Janesville were present. Nolan presented a power point presentation and answered questions. Brunner stated this will be looked at again in the fall when they are doing the budget for next year.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. Olsen reported on the joint meeting with the Aquatic/School Board/Council touring the Aquatic Center. Kienbaum reported on the Five

Points Study meeting held the night before. Kienbaum commented that money seemed to be an issue and this project will have to wait. Taylor apologized for not attending the ground breaking ceremony for the Innovation Center. Winship commented on the wonderful preparation and weather for the Cinco De Mayo celebration. Binnie corrected a statement he made in the last meeting regarding the Police and Fire Commission meeting quarterly. A quarterly meeting is not required by State statute.

SUPPORTING GRANT APPLICATION FOR REGIONAL ENERGY CLUSTER PLANNING INITIATIVE.

City Manager Kevin Brunner explained the Department of Commerce approached him about the city being a financial conduit for a planning grant to evaluate a structural strategy for the design of a regional energy cluster in southern Wisconsin. They were impressed with the work of the Whitewater University Technology Park and Innovation Center and our location being between Madison, Milwaukee and Chicago. The Department of Commerce needs a local unit of government and Vandewalle is the consultant to put this strategy together. This would be submitted to the federal government for potential designation of our greater region as the natural hub for energy efficiency building systems research and development. Brunner is recommending working with the Dept. of Commerce because; 1) there is no out-of-pocket cost for the city for the administration of this grant and; 2) the local match would be secured by the Dept. of Commerce. Possibly donors are WE Energies and Johnson Controls for this project. We would not obligate ourselves unless the match was made through these sources.

RESOLUTION APPROVING SUBMITTAL OF GRANT APPLICATION TO WISCONSIN DEPARTMENT OF COMMERCE FOR PLANNING ASSISTANCE TO DEVELOP A REGIONAL ENERGY CLUSTER STRATEGY FOCUSED ON RESEARCH DEVELOPMENT AND COMMUNITY IMPLEMENTATIONS

WHEREAS, the City of Whitewater has recently been approached by the State of Wisconsin Department of Commerce to serve as the local government applicant for a planning assistance grant that will create a structural strategy for the design of a regional energy cluster focused on research, development and community implementation; and

WHEREAS, the City of Whitewater was chosen to be the applicant for these grant funds because of its strategic location in southern Wisconsin, the presence of the University of Wisconsin-Whitewater as well as the leadership the City has shown in the development of the Whitewater University Technology Park and Whitewater Innovation Center; and

WHEREAS, the State of Wisconsin Department of Commerce has designated \$25,000 in funding for this project through the Community Development Block Planning Grant Program and \$25,000 through the Economic Development Administration's Strategic Flood Recovery Project technical assistance fund; and

WHEREAS, the local required match of \$25,000 will be secured from private funding sources including WE Energies; and

WHEREAS, participation in this planning process will assist the City and the University of Wisconsin-Whitewater in its economic development efforts;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin that the City Manager be authorized to submit an application to the State of Wisconsin Department of Commerce for regional energy cluster planning assistance as directed by the department with all local match funding required to come from private sources; and

BE IT FURTHER RESOLVED that any out of pocket expenses that the city might incur in the administration of this grant be fully reimbursed from grant proceeds received by the City.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Taylor, Binnie, Winship, Stewart, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

2009 BUDGET TRANSFER RESOLUTION #4. Finance Director Doug Saubert stated this is the fourth and final budget transfer resolution for 2009. This will be included in the city's audit which will be provided at the next council meeting.

**2009
BUDGET TRANSFER RESOLUTION IV**

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<Decrease>

General Fund #100

Court	100.51200.xxx	\$	6,500.00
Legal	100.51300.xxx	\$	4,300.00
General Buildings/Plant	100.51600.xxx	\$	10,200.00
Police Patrol	100.52110.xxx	\$	<104,000.00>
Police Investigation	100.52120.xxx	\$	<20,000.00>
Public Works-Parks Maintenance	100.53270.xxx	\$	16,000.00
Public Works-Snow & Ice	100.53320.xxx	\$	21,000.00
Public Works-Street Lights	100.53420.xxx	\$	45,000.00

Library Services	100.55110.xxx	\$	<14,000.00>
Library Building	100.55111.xxx	\$	<2,000.00>
Parks Administration	100.55200.xxx	\$	<1,000.00>
Recreation Administration	100.55210.xxx	\$	<13,000.00>
Recreation Programs	100.55300.xxx	\$	<6,000.00>
Celebrations	100.55320.xxx	\$	<3,000.00>
Planning	100.56300.xxx	\$	<u>60,000.00</u>
	TOTAL		-0-

To adjust the General Fund Expenditures per the 2009 Financial Statements.

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 Binnie who moved its adoption. Seconded by Councilmember Olsen. AYES: Winship, Olsen, Taylor, Kienbaum, Stewart, Singer, Binnie NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CH. 5.19 CONCERNING AMENDMENT OF CONDITIONAL USE PERMITS FOR SIDEWALK CAFES. City Attorney Wally McDonell explained under the current statutes, if the alcohol premise is in any way expanded where one can serve alcohol, it does require a conditional use for the property. This would require going back to the Plan Commission and amending the conditional use. Between Brunner and McDonell, they suggested if any establishments wanted to do this the council would give the approval. McDonell stated a possible downside to this ordinance is, the sidewalk café ordinance could go through without the surrounding properties knowing and giving their input. Brunner stated if we do this, we would send notices out to the surrounding property owners and he would like to see this referred to the Plan Commission for their comments. The Plan Commission is meeting before the next council meeting.

Singer made a motion and Taylor seconded to add the following language to the end of the ordinance. “Property owners within 300 feet of the licensed premises shall be sent notice of the council meeting where the expansion of the licensed premises will be considered at least one week prior to the meeting.” AYES: Taylor, Binnie, Winship, Olsen, Kienbaum, Stewart, Singer. NOES: None.

Olsen stated this is a problem because it’s no longer a sidewalk café but it’s getting the bars on the streets. This was written up so people could have a sandwich and maybe a drink but now we are opening it up to have a beer garden in front of every bar.

Police Chief Coan agreed with Olsen, it’s possible for anyone in a bar to walk out on the sidewalk with a drink in their hand.

Winship explained, 1) The council passed the sidewalk café ordinance; 2) we wanted to get this in place as soon as possible to see what happens this summer and; 3) if there turns out to be abuses, then we can do something when cold weather comes. If we don't do this, then it delays the start of the time when owners can do this.

Olsen stated it delays the alcohol part not the eating part.

President of the Downtown Whitewater Board, Geoff Hale stated alcohol is not going to be walking up and down the street. There are places where it has to be confined. This was discussed before. He thinks this should be given a chance. This rule stops at 10 p.m. and only for the summertime. We have been through this many times. Exaggerating this by saying people will be walking up and down the streets doesn't help.

Mark Wokasch 647 S. Wisconsin St. stated he has been out of the loop on these until recently. He understood there was to be a certain percentage of food sales.

McDonell stated that was taken out.

Binnie stated at the last council meeting, there was a business owner who just wanted to serve wine. This business does not serve food at their establishment.

Kienbaum commented she feels one of the reasons people are looking for this sidewalk café idea is because of the smoking ban which is approaching. People want a place to eat, drink and smoke.

ORDINANCE AMENDING CHAPTER 5.19
SIDEWALK CAFÉ PERMIT
CONCERNING CONDITIONAL USE PERMIT REQUIREMENTS

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

SECTION 1: Whitewater Municipal Code Chapter 5.19 is hereby amended by creating subsection 5.19.030 5, to read as follows:

If the City Council expands the description of the licensed premises in the applicant's alcohol license to include a sidewalk café area, the applicant's current conditional use permit, that allows sale of alcoholic beverages by the drink, shall be deemed to allow the serving of alcohol in the sidewalk café area, and the applicant will not be required to obtain an amended conditional use permit for the sidewalk café area. **Property owners within 300 feet of the licensed premises shall be sent notice of the council meeting where the expansion of the licensed premises will be considered at least one week prior to the meeting.**

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Singer, Winship, Binnie, Stewart, Taylor, Kienbaum, Olsen. FIRST READING APPROVED.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CREATING CH. 5.20.145, FLAT FEE & MINIMUM CHARGE FOR ALCOHOLIC DRINK RESTRICTIONS.

Councilmember Binnie stated a few meetings ago, Alcohol Licensing Committee brought a recommendation that would prohibit all you can drink specials at licensed establishments. It was the feeling that we should also consider some sort of a minimum price for an alcoholic beverage. There were comments from various businesses with no consensus. The committee decided they would leave it up to the council to regulate the charges to establish a minimum number if that's the approach they want to take.

City Attorney Wally McDonell stated there are a number of states that prohibit all you can drink specials.

Binnie feels these specials have a tendency to promote binge drinking and over indulgence which can affect public safety.

Taylor commented that this was a blatant attempt to regulate only student behavior. The special generally go into effect after 9 p.m. and mostly students are at the bars at that time. The older crowds are in the bars earlier and this doesn't affect them. We shouldn't be telling business owners how to conduct their business or prices. These specials are lower quality liquor. These specials get people downtown and encourage them to stay downtown for a while. The restaurants which stay open late benefit from these crowds, too. The responsibility is up to the bar owners if someone is too drunk they shouldn't be serving them anymore. If they don't stop serving someone in that condition, that's when the police department should enforce it. If the drinking downtown becomes expensive, more people will stop coming downtown and either have house parties or go somewhere else. Taylor wanted to know how the prices are going to be regulated. Is the police department going to go in to every establishment and check to make sure the prices are being charged correctly?

Binnie stated it is illegal to sell alcohol in an unlicensed establishment and our Police department does enforce that law together with underage drinking. And if in fact this does increase house parties, there are approaches that can be taken to further regulate those.

Taylor clarified that these house parties sell alcohol anyway and they don't ask for identification.

Kirk Patrick, 145 Main St., has been a licensed server in the city of Whitewater for four years. He works at Pumpers/Mitchells and they do have specials but they are the most expensive in the city and there are reasons for that. First of all, the prices should be the owner's discretion. The days that the college students go out are Thursday, Friday and Saturday. Some bars run specials on Wednesdays to bring out more business from those for whom cost is a concern. Patrick stated the cost of a drink to a bar is .75 cents tops. Most bars charge \$7 for all you can drink which would be nine drinks per student. They do not drink nine drinks a night.

Singer stated this whole idea was brought up by one licensed holder to level the playing field. It was brought up there are four licensed Class B Beer and Liquor holders that offer all you can drink specials. Out of 21 licensed holders, for the council to ban this for four places, it's really

not going to make a dent in the binge drinking. The fixing prices came up to address the possibility that if all you can drink specials were banned, some establishments might go to penny drinks. They were trying to address the loop holes. The council really has no right to control the prices. If they want to address the binge drinking, they should look at possibly education and working with the University.

Kirk Patrick stated about 90% of the students that come in around 11 p.m. have already been drinking at their place because they don't want to spend the money at the bars.

Winship stated we should be followers in this case and look at the comparables of other college towns who have adopted the restriction of all you can drink specials. We can look to see if there has been any difference in student health and DUI's and to check back in two years to see if there's been any real impact. At that point, we should re-visit this topic.

Police Chief Coan stated if they were to find out a certain establishment was in violation of this ordinance, they would address it. It wouldn't necessarily be something they would seek. They do periodically walk through the taverns to check for underage drinkers and so on. It would be mostly word of mouth. He stated binge drinking contributes to more family dysfunctions, more disorderly conduct and more vandalism. Overall, we are taking a stand in saying over consumption or binge drinking is wrong. This ordinance would need some tweaking from the city attorney.

Olsen stated the one bar owner did not bring this up to level the playing field. It was never meant in that way.

Kienbaum stated it's not up to us to set the rules of who can sell what and for how much. We wouldn't go to Walmart and tell them how much of something they can or can't sell. The business owners know what they need to do to survive.

Binnie responded to Kienbaum that the state does regulate prices. Gas Stations selling gas and Walmart selling merchandise cannot sell merchandise for less than what it cost them. That is a state law. Binnie stated drunk driving is a problem, especially in this state and community. It takes many lives and ruins many lives every day. Binnie stated Winship is looking for data on this issue. There is data on when a person leaves a bar with an all you can drink special versus no drink specials. The blood alcohol content is much higher in the all you can drink times. Binnie stated at the last Alcohol Licensing Committee, one of the establishment owners stated he cuts people off after the third time of vomiting on the floor. That is not an effective way of monitoring it. Binnie stated he was going to throw out a number and we shall see where it goes from there. That number is 50 cent minimum on each one of the items.

Ordinance introduced by Binnie who moved its adoption. Seconded by Councilmember Olsen for minimum cost of \$.50 pr item, 12 oz. beer or its equivalent, or 5 oz. of wine or its equivalent or an alcoholic drink containing liquor. AYES: Binnie, Olsen, Winship. NOES: Stewart, Taylor, Singer, Kienbaum. ABSENT: None. MOTION FAILED.

Stewart commented that going in for a .50 cent beer will not stop binge drinking.

Kirk Patrick stated the binge drinking happens Thursday through Saturday. Not on Tuesdays or Wednesdays when these special are. He has seen it many times.

Mark Wokasch stated his specials and others usually run from 10 p.m. to 1 a.m. Most students don't come out until 11:30 p.m. They're usually there for a couple of hours.

Singer commented if it was \$5.00, they could still get 10 beers in for that .50 cent minimum. Is that really combating the problem?

Olsen stated that Binnie was just putting a number out there and the bar owner can't charge less than that. The other part is we could remove part 2 all together and not have any all you can drink specials.

Wokasch commented there is more research that needs to be done. It's not impossible it's just a much bigger issue.

Binnie commented to Wokasch that he disagrees and he has had enough time to come with another proposal and no one has.

Tim Lacey, 146 W. Main St., agrees with what Winship recommended in regards to looking into other university cities to see what they are doing and the outcome of those decisions.

Stewart moved and Olsen seconded to take out Section B, Paragraph 2 and all you can drink specials at this time. AYES: Binnie, Stewart, Kienbaum, Taylor, Singer, Olsen. NOES: Winship.

Singer stated so section 2 would be out and we would have an amended ordinance that would ban all you can drink flat fee specials alcohol beverages. His concern is there are a lot of loop holes. Is it just symbolic?

Binnie stated it's not appropriate to go back and do something about it when we just discussed it. Hopefully it will put the licensed holders on alert that we do have concerns about the binge drinking. If we see loop holes and taking advantage of this, then they are on notice that we are likely to reconsider this matter.

Singer stated now we have to vote on the rest of the ordinance. Move to adopt the amended ordinance. AYES: Kienbaum, Stewart, Olsen, Binnie. NOES: Taylor, Winship, Singer.

Singer stated motion passes and that would include the penalties on O-3.

AMENDING CH. 1.21.010, SCHEDULE OF DEPOSITS TO INCLUDE PENALTIES FOR VIOLATIONS OF ALCOHOLIC DRINK PRICE RESTRICTIONS. This was included in the flat fee and minimum charge for alcoholic drink restriction discussion.

SECOND READING AMENDING CHAPTER 2 ORDINANCE 2.04 ADMINISTRATIVE ORGANIZATION. This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.04
ADMINISTRATIVE ORGANIZATION**

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

SECTION 1: Whitewater Municipal Code Chapter 2.04 is hereby amended to read as follows:

2.04.010 Organization of City--Administrative Departments.

(a) The city is organized under the city manager plan of government with a council composed of seven members, one councilperson from each aldermanic district in the city and two councilpersons at large.

(b) The administrative services and functions of the city under the City Manager are organized into separate departments as follows:

(1) Department of Administration. The department of administration shall be under the supervision of the City Manager and shall be composed of the following: Finance division, office of City Clerk, Office of City Attorney, Office of City Chief Information Officer, Office of City Community TV/Media Services, Office of City Assessor and other offices that may be established from time to time.

(2) Department of Public Works. The Department of Public Works shall be under the supervision of the Director of Public Works who shall be appointed by the City Manager, and it shall be composed of the following divisions: Division of Streets and Sewers, and Division of Water.

(3) Department of Parks & Recreation. The Department of Parks and Recreation shall be under the supervision of the Parks and Recreation Director, who shall be appointed by the City Manager.

(4) Police Department. The Police Department shall be under the supervision of the Chief of Police.

(5) Department of Neighborhood Services. The Department of Neighborhood Services shall be under the supervision of the City Manager and shall be composed of the following divisions: Code Enforcement, Public Buildings, Zoning and Planning.

(c) The City Manager shall, by appointment, transfer, or designation, provide for the administration of the city departments, as hereinbefore set forth, by department heads who shall be responsible for the operation of their respective departments, as herein set forth.

Ordinance introduced by Councilmember Binnie, who moved its adoption with the following amendments. The Director of Public Works who shall be appointed by the City Manager and on paragraph four, two paragraphs under two, the “of” should be taken out to read Police Department. Seconded by Councilmember Winship . AYES: Taylor, Stewart, Binnie, Winship, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER ORDINANCE 2.08 CITY COUNCIL. This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.08
CITY COUNCIL**

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

SECTION 1: Whitewater Municipal Code Chapter 2.08 is hereby amended to read as follows:

2.08.005 Councilmembers.

(a) There shall be one councilmember from each aldermanic district in the city together with two councilmembers to be elected at large from the city. The councilmembers shall be divided into two classes: One class from the even-numbered aldermanic districts, together with one councilmember at large, to be elected in the even-numbered years; the other class consisting of the councilmembers from the odd-numbered aldermanic districts, together with the other councilmember at large, to be elected in the odd-number years.

(b) The terms of office of councilmembers shall be two years, except as otherwise set forth herein.

2.08.010 Meetings.

(a) The regular sessions of the city council shall be held on the first and third Tuesdays in each month, commencing at six-thirty in the evening. If any Council meeting falls on an election day or on a Holiday, the Council Meeting for that day shall be held on the Thursday following the first or third Tuesday in the month, at six-thirty p.m. Special meetings may be called, as provided by the Wisconsin Statutes. A city council meeting may be cancelled or set at a date other than is set forth in this section if said cancellation or date change is approved by a majority of the city council members voting. There shall, however, be at least one meeting of the council each month.

(b) The city council meetings shall be conducted in accordance with the following guidelines:

(1) The agenda shall be established under the authority of the city manager. Councilmembers who wish to have agenda items addressed need to make their request no later than twelve noon on the Tuesday prior to the common council meetings. The city manager shall honor all legal requests of councilmembers.

(2) Consent Agenda. A consent agenda item that recommends expedited approval of appropriate resolutions, ordinances and considerations, per the recommendation of the city manager may be included. At the request of a councilmember, any consent agenda item shall be removed, discussed and acted upon individually.

(3) Period of Public Comment. The period of public comment is a time set aside for the purpose of allowing the council to receive information from the public concerning matters that are not on the meeting agenda. Pursuant to Wisconsin Statutes 19.82(2), no decisions shall be made on matters addressed during this period. The council president should inform the public that the purpose of the public comment period is limited and, if any action is requested, the matter must be put on the council agenda of a future meeting for consideration. Comments by any one member of the public shall be limited to three minutes. Repetitious statements should be discouraged, except when they are declarations of support of a prior speaker's comments. Personal attacks are inappropriate.

(4) Order of Business. The following shall be the order of business:

(A) Common council president reads the agenda title;

(B) The city manager, staff and/or city consultant may give a brief introduction to the issue (if necessary);

(C) Immediately after introduction of the agenda item, at the option of any councilmember, a motion may be made and seconded prior to any additional statements regarding the agenda item. If this procedure is used, public input and discussion of the agenda item shall take place after the second. If there is not an immediate motion made and seconded, public comment and further discussion of the matter will proceed. During this period a councilmember may, at any time, make a motion concerning the matter. The council president shall attempt to make certain that any member of the public wishing to speak on the issue has an opportunity to be heard before a final vote is taken;

(D) There shall be a three-minute limit placed on each speaker from the general public. If necessary, requests shall be made to speakers not to make comments that are similar to prior public input about the same issue, unless the comments are a declaration of support of a prior speaker's statements.

(5) Official Public Hearings. Guidelines should be printed and distributed prior to each hearing to any citizen who wishes to participate. Conduct of the public hearing:

(A) The common council president shall call the hearing to order, summarize the need for the hearing, review the public hearing meeting guidelines and, if

necessary, allow the city manager, staff or city consultant to make a presentation.

(B) The public hearing guidelines for the public input portion of the hearing shall include a five-minute time limit. There shall be a request of speakers not to make redundant comments unless the speaker is declaring his or her support of a prior speaker's comments. As much as possible, speakers shall be called upon to make comments first in support of and then in opposition to the public hearing proposal in alternating order. The president shall have the authority to give time extensions to a speaker, if in the judgment of the president the speaker needs more time to clarify his/her position.

(C) Questions from the common councilmembers are appropriate; however, comments from the councilmembers should be held in reserve until after the public input portion of the hearing is closed.

(D) Citizen participants in the public hearing should not debate the issues directly with councilmembers, staff, or other members of the audience.

(E) The council president will then declare the public input portion of the hearing closed and council discussion shall begin. Discussions of agenda items related to the public hearing will not include input from the public unless reasonably solicited by a councilmember.

2.08.020 Presiding officer.

(a) President to Preside. The president of the council, who shall be elected at the first meeting after the election of new councilmembers (2nd regularly scheduled meeting in April), shall at the hour stated call the meeting to order. At the first meeting of each year, the council shall also elect a president pro tem who shall act as president in the absence of the regular president. If a president is unable or unwilling to serve permanently a new president shall be elected, rather than the president pro tem automatically becoming president.

(b) Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-third vote of the members present exclusive of the presiding officer.

2.08.030 Roll call—Quorum.

(a) Roll Call—Procedure When Quorum Not in Attendance. As soon as the council is called to order, the clerk shall proceed to call the names of the members in order of aldermanic district, noting who are present and who are absent and record the same in the proceedings of the council. If it shall appear that there is not a quorum present, the fact shall be entered in the minutes and the council may adjourn, or the presiding officer or, in case of his absence, the president pro tem, and in his or her absence, the clerk may issue a request to appear in writing, to

be delivered by a police officer or other city employee, requesting the immediate presence of any absent councilmember.

(b) Quorum. Four members of the council shall constitute a quorum, and four votes shall be necessary to adopt any ordinance or resolution.

2.08.050 Conduct of deliberations.

The deliberations of the council shall be conducted in the following manner:

(1) When a motion is made and seconded, it should be stated by the president or read by the clerk previous to debate. All resolutions should be made and submitted in writing.

(2) When a question is under discussion, no action shall be in order, except: (A) to adjourn, (B) to lay on the table, (C) to move the previous question, (D) to postpone to a certain day, (E) to refer to a committee, (F) to amend, or (G) to postpone indefinitely. These motions shall have precedence in the order listed.

(3) Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as “Shall the main question now be put?” If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate, and to bring the council to a direct vote, first upon any pending amendments, and then upon the main question.

(4) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.

(5) A roll call shall be necessary on:

(A) All votes on resolutions and ordinances;

(B) When the ayes and noes are requested by any member;

(C) On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any fund thereof;

(D) When required by the statutes of Wisconsin;

(E) When voting on substantive and important government decisions.

(6) All aye and nay votes shall be recorded in the minutes.

(7) The council shall in all other respects determine the rules in its procedure, which shall be governed by Robert’s Rules of Order as a general guideline, unless otherwise provided by ordinance or statute.

2.08.060 Reconsideration of questions.

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof, at the same or at the next succeeding meeting; but if a motion to reconsider is made on a day subsequent to that on which the original question was decided, four votes shall be required to sustain it.

2.08.080 Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the common council, the president shall have power to cause the room to be cleared of all persons guilty of such disorderly conduct except councilmembers. In case any councilmember shall be guilty of disorderly conduct, the president or presiding officer shall have power to request that the police issue him or her a disorderly conduct citation.

2.08.090 Appropriations and accounts.

All demands or accounts shall be acted upon at the time of presentation, unless one or more members shall demand a reference. In the latter case the accounts shall be referred to the city manager for investigation and report at the next meeting, unless the council by a two-thirds vote of all members present otherwise disposes of the same.

2.08.100 Publication, construction and effect of ordinances.

(a) All general ordinances of the city and all regulations imposing any penalty shall be published in the official paper of the city once and shall be immediately recorded, with the affidavit of publication, by the city clerk in a book kept for that purpose. A printed copy of any such ordinance or regulation in any book, pamphlet or newspaper, and published or purporting to be published therein by direction of the city council shall be prima facie proof of due passage, publication and recording thereof.

(b) Ordinances shall be placed on the agenda and approved by the Common Council twice during two different Council meetings. The ordinance will not be adopted until the second approval. All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided, and published copies thereof have appended the date of first publication.

(c) The publication of all the ordinances of the city, as compiled by the city attorney, printed in either pamphlet or book form, is expressly authorized.

(d) The copies of ordinances, as printed and contained in this code shall be admitted in all courts and on all other occasions in the state as evidence according to and as provided by Section 327.04 of the Wisconsin Statutes.

2.08.110 Amendment of rules.

Amendments of Chapter 2.08 shall require a two-thirds vote of all of the members of the council.

2.08.120 Suspension of rules.

These rules shall not be suspended except by a two-thirds vote of all the members of the council. A vote to waive the second reading of an ordinance prior to passage requires a suspension of these rules and therefore a two-thirds vote.

Ordinance introduced by Binnie, seconded by Stewart, to change the word in paragraph 2.08.010 Meetings, second sentence from shall to may in regards to meetings being held on Thursdays. AYES: Stewart, Singer, Kienbaum, Taylor, Binnie, Winship, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER ORDINANCE 2.12 CITY MANAGER. This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.12
CITY MANAGER**

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

SECTION 1: Whitewater Municipal Code Chapter 2.12 is hereby amended to read as follows:

2.12.010 Executive and administrative powers.

The city manager shall have charge of the executive branch of the city government and shall possess and exercise all executive and administrative powers imposed and conferred by general law or special charter upon the mayor and common council and upon the various boards, commissions, and officers in force in this city at the time of its reorganization under Chapter 64 of the Wisconsin Statutes and shall, in addition thereto, have such powers as are imposed and conferred upon him under said Chapter 64 and by state law.

2.12.011 Appointment of Board, Commission and Committee Members.

(a) The City Manager and the Common Council President shall review all board, commission and committee applicants and recommend nominees to the Common Council.

(b) After considering the candidates nominated to the various boards, commissions, and committees, the Common Council shall appoint the members of said boards, commissions, or committees.

2.12.020 Authority to make purchases.

The city manager shall have authority to make purchases and contract for services and supplies for up to Ten thousand Dollars (\$10,000) without the necessity of first securing approval from the common council. This authority is granted only on specifically budgeted items. This spending authority does not apply to the city's contingency account.

2.12.030 Administrative referral of properly filed rezoning petitions.

The city manager or his/her designee is authorized to accept and automatically refer to the plan and architectural review commission properly completed petitions to rezone property within the city limits.

Ordinance introduced by Councilmember Stewart, who moved its adoption, to include a summary of all applicants along with a copy of their application. Seconded by Councilmember Binnie. AYES: Stewart, Binnie, Winship, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.16 DEPARTMENT OF ADMINISTRATION.

This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.16
DEPARTMENT OF ADMINISTRATION**

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

SECTION 1: Whitewater Municipal Code Chapter 2.16 is hereby amended to read as follows:

2.16.010 Office of City Assessor.

The assessor division shall be supervised by the City Assessor, individual or corporate, who shall be appointed by the City Manager and confirmed by the Common Council. It shall be the duty of the City Assessor to perform all work in connection with the assessing of property and the preparation of all assessments as required by State law. Said firm or individual shall perform such other duties as directed by the City Manager. If a firm is appointed to be city assessor said firm shall comply with the provisions of Wisconsin Statutes Section 62.09(c). Prior to appointment, the contract with any ~~corporate~~ assessor shall be approved by the common council.

2.16.020 Finance Division.

(a) The Finance Division shall be supervised by the Finance Director who shall be appointed by the City Manager. It shall be the duty of the Finance Director to collect and account for all taxes, license fees and other fees, accounts or charges due or owing to the city and such other duties as required by state law or by ordinance of the common council or by direction of the City Manager. In addition, it shall be the duty of the Finance Director to be responsible for the reporting of all city revenues and expenditures to federal and state agencies that require such reporting as well as for all Community Development Authority revenues and expenditures as required by the Community Development Authority Board of Directors.

(b) The city may require the City Treasurer to give a fidelity and surety bond which shall run to the city in an amount and upon such terms as shall be determined by the City Council. The premium of any bond furnished pursuant to this provision shall be paid by the city.

(c) Pursuant to Section 74.09 of the Wisconsin Statutes, the City Treasurer is hereby authorized to print or stamp upon the tax receipts the separate proportion or rate of taxes levied for state, county, local, school and other purposes, and may where such method is used, carry the aggregate amount of state, county, local, school and other taxes in a single column on said tax receipt.

(d) A certified public accountant, duly licensed as such by the state of Wisconsin, shall be retained and hired by the city to make a full and complete examination and audit of the treasurer's accounts and books within six months after the close of the accounts and books at the end of each fiscal year. The accountant shall attach to the accounts and books a report to the Common Council as to their correctness.

(e) The city elects not to give the bond on the municipal treasurer provided for by Section 70.67(1) of the Wisconsin Statutes until otherwise ordered by the common council.

(f) Pursuant to Section 70.67(2) of the Wisconsin Statutes, the city shall be obligated to pay, in case the treasurer thereof shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

2.16.030 Office of City Clerk.

(a) The office of the City Clerk shall be under the supervision of the City Clerk who shall be appointed by the city manager.

(b) The City Clerk shall discharge all duties imposed upon him or her by Wisconsin statutes and by local ordinance or by direction of the City Council and/or City Manager.

(c) The city may require the City Clerk to give a fidelity and surety bond which shall run to the city in an amount and upon such terms as shall be determined by the Common Council. If the city demands such a bond, it shall pay the premium for the same.

2.16.040 Office of City Attorney.

The office of the City Attorney shall be under the supervision of the City Attorney who shall be appointed by the City Manager and shall be responsible for the conduct of all legal services for the city; shall serve as legal advisor to the council, City Manager, and all city departments and offices; and shall perform such other duties as may be required by the City Manager or City Council or as required by state law or local ordinance.

2.16.050 Office of Chief Information Officer.

The Office of Chief Information Officer shall be under the supervision of the City Chief Information Officer (CIO) who shall be appointed by the City Manager and shall be responsible for the administration of the internal computer and communication networks of the City as well as the development and integration of new technologies to improve city operations; and shall perform such other duties as may be required by the City Manager or City Council or as required by state law or local ordinance.

2.16.060 Office of Community TV and Media Services.

The Office of Community TV and Media Services shall be under the supervision of the Community TV and Media Services Manager who shall be appointed by the City Manager and shall be responsible for the operations of the Public and Educational Access community cable channels as well as City media services and communications; and shall perform such other duties as may be required by the City Manager or City Council or as required by state law or local ordinance.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010..

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.20 DEPARTMENT OF PUBLIC WORKS.

This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.20
DEPARTMENT OF PUBLIC WORKS**

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

SECTION 1: Whitewater Municipal Code Chapter 2.20 is hereby amended to read as follows:

2.20.010 Director of Public Works.

The Department of Public Works shall be under the supervision of the Director of Public Works who shall be appointed by the City Manager; and the Director of Public Works may

perform the functions and duties of the board of public works as designated in Section 62.14 of the Wisconsin Statutes; and whenever the Wisconsin Statutes or local ordinances refer to functions and duties of the board of public works, such duties or functions shall be performed by the Director of Public Works. The Director of Public Works shall have the authority, subject to City Manager approval, to appoint division superintendents as may be necessary to carry out the management responsibilities of the department.

2.20.030 Director of Parks and Recreation.

(a) DIRECTOR OF PARKS AND RECREATION. The Department of Parks and Recreation shall be supervised by the director of parks and recreation, who shall be appointed by the City Manager.

(b) DUTIES OF DIRECTOR. The director shall manage, control, improve and care for all public parks, parkways, boulevards, and conservancy areas and buildings used for recreational activities in close coordination with the Director of Public Works. It shall be the duty of the director to conduct, equip and maintain public playgrounds, athletic fields, parks, swimming facilities, indoor recreation centers, and winter sport areas.

The director shall work with the appropriate bodies of the school district and the University of Wisconsin-Whitewater in an effort to use facilities to the best advantage of the residents of the city.

(c) SECRETARY OF PARK AND RECREATION BOARD. The director of parks and recreation shall be the Secretary of the Parks and Recreation Board, and exercise all executive and administrative powers imposed upon him or her.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CREATE CHAPTER 2 ORDINANCE 2.22 NEIGHBORHOOD SERVICES DEPARTMENT. This is the second reading and was approved on the consent agenda.

**ORDINANCE CREATING
CHAPTER 2.22 NEIGHBORHOOD SERVICES DEPARTMENT**

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

Section 1: Whitewater Municipal Code, Chapter 2.22, is hereby created to read as follows:

2.22 Neighborhood Services Department.

2.22.010 DIRECTOR OF NEIGHBORHOOD SERVICES. The Department of Neighborhood Services shall be supervised by the Director of Neighborhood Services, who shall be appointed by the City Manager.

2.22.020 DUTIES OF DIRECTOR. The director shall, manage, control, improve and care for all public buildings other than those buildings used for recreational activities. It shall also be the duty of the director to oversee and supervise all code enforcement activities of the city as well as the contract management of city planning services. The director shall also be responsible for the issuance of all building permits and enforcement of the zoning ordinances and the building, plumbing, and electrical codes of the city. The director may, subject to the approval of the City Manager, appoint a qualified plumbing inspector and electrical inspector to assist in the duties of this office.

2.22.030 SECRETARY OF PLAN AND ARCHITECTURAL REVIEW COMMISSION. The director of neighborhood services, or his or her designee, shall be the secretary of the Plan and Architectural Review Commission, and exercise all executive and administrative powers imposed upon him or her.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.24 FIRE DEPARTMENT. Taylor stated City Attorney McDonell provided him with the bylaws from the Fire Department. He has found nothing wrong with the bylaws. It was the matter of the average person reading the ordinance and not understanding the Fire Department's role. If there could be a clause in this ordinance regarding the bylaws, this would clear up the understanding. He stated on page 26, article 1, section 2.24.010, he moved to amend that phrase. To state it as follows: The volunteer fire department shall pass a constitution and by-laws by their membership.

McDonell's opinion is he doesn't think the fire department will have any problems with this change. These are ancient by-laws and need to be updated.

Olsen stated he respects what Taylor is doing and he doesn't think there will be a problem as long as they are regulated by their own by-laws.

Taylor stated the way the ordinance is written currently, it sounds like the department follows the ordinance when in fact they follow their own by-laws. His amendment makes it clearer to the general public.

Brunner commented that the city has other groups like Downtown Whitewater, Tech Park Board, Arts Alliance which all have their own by-laws. We shouldn't be depicting each one.

**AN ORDINANCE AMENDING CHAPTER 2.24
FIRE DEPARTMENT**

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

SECTION 1: Whitewater Municipal Code Chapter 2.24 is hereby amended to read as follows:

ARTICLE 1. FIRE DEPARTMENT.

2.24.010 Generally.

The Fire Department shall be governed by the provisions of this Chapter.

2.24.020 Fire department Officers.

The Fire Department shall consist of the chief, a first assistant chief, a second assistant chief and one captain and one lieutenant for each hose company and for each hook and ladder company. The Fire Chief shall be the Chief Fire Warden and there shall be one Fire Warden at Large for the City.

2.24.030 Fire chief--Duties.

It shall be the duty of the chief to take charge of all fire apparatus and implements of the city, and of places where the same are kept. Under the direction of the city manager and the regulations of the common council he shall have full control and command of all fire companies and apparatus at fires and whenever on duty or in use. It shall be his duty to see that all implements and property of the fire department are kept in order and ready for immediate use; that the provisions of the waterworks ordinance and fire limits ordinance are complied with, and to report any delinquencies therein to the city manager. He shall maintain proper discipline among the firemen and all persons employed in the Fire Department, and may, with the approval of the City Manager and common council, adopt and enforce any lawful regulations and rules therefore.

(a) State Code Adopted. The flammable and combustible liquid code for the state of Wisconsin, issued by the Industrial Commission is incorporated as a part of this section and the fire chief is given authority to enforce said code.

2.24.040 Assistant chief--Duties.

The first and second assistant chief shall aid the chief and obey his orders for the extinguishment of fires and preservation of property exposed at fires, and in the absence of the chief shall take command of the department and perform duties of the chief.

2.24.050 Absence of fire chief and assistant--Duties of firemen.

In case both the chief and first and second assistant chiefs are absent from a fire, the city manager, or, in his absence, the fireman of the first company arriving may assume all the duties and exercise all powers of chief, or may designate any officer of the fire department to do so.

2.24.060 Fire department--Duties of company stewards.

The company stewards shall be custodians of all apparatus, implements and property of the fire department and shall keep a list and record of the same and the disposition thereof; keep the same in repair and ready for use; and account for the same. They shall report to the chief and be under his direction. They shall make a true inventory of all property of the department on hand on the first of January each year and report the same to the annual meeting of the members and shall file the same with the city clerk.

2.24.070 Fire Inspector Duties

a) It shall be the duty of the Fire Inspector to inquire diligently as to the violation of any ordinance or regulation relating to the prevention of fires, or their growth and spread, and report findings to the Fire Chief, who shall act as chief Fire Inspector, any condition that would hinder the preservation of life and property. If, in the opinion of the Fire Inspector, a condition exists that is deemed unsafe or unfit, he or she shall order the cause thereof removed or abated. If the cause is not removed or abated within the time constraints set forth by the Fire Inspector, the person(s) responsible for the correction of the cause shall be subject to penalties set forth in this chapter.

b) Fire Inspectors may enter into any enclosure or building in their jurisdiction, except for the interior of private dwellings, at proper times as often as may be necessary; but not less than once a year, to execute the above listed duties as they pertain to code compliance. The owner or occupant of any premises who refuses to permit, prevents or interferes with entry into or upon any premises, or inspection activities themselves, by any inspector, shall be guilty of violating this chapter and shall be subject to penalties set forth in this chapter. If entry is denied to a public building or inspectable property as set forth in this code, the Fire Inspector may obtain a special inspection warrant under the Wisconsin Statutes. Upon the complaint of any person or whenever they shall deem necessary, fire inspectors may inspect any building or premises within their jurisdiction.

c) The Fire Chief and any Fire Inspector can issue an order to vacate all occupants forthwith of any property, building or area deemed unsafe that presents a significant life or safety hazard.

d) Any person who violates any provision of this section, or who fails to comply with any order made by a fire inspector within the time constraints set forth by a fire inspector, shall for each and every violation and noncompliance be subject to a forfeiture of not less than ten dollars (\$10.00), and no more than one hundred dollars (\$100.00). In addition, if a fire inspector issues orders to correct a violation or condition, and said violation or condition is not corrected

on a subsequent visit by a fire inspector, the fire inspector shall have the power to issue re-inspection fees under Chapter 1.29 to the offending party.

e) This subsection shall not be construed to hold the City of Whitewater or any of its officers, employees or agents, including the Whitewater Fire Department, its members, or any of its inspectors liable while discharging their duties in good faith and acting without malice, by reason of (1) any inspection or re-inspection authorized herein, or (2) approval or disapproval of any condition noted on, in, or about any premises within its jurisdiction.

2.24.080 Fire apparatus outside city--Contracts authorized.

(a) The fire department may enter into contracts with surrounding townships for fire service and protection of the townships subject to the approval of the common council.

(b) The city manager and city clerk may enter into contracts for insurance to protect the city and its fire department from damages arising out of answering calls in surrounding townships which have a contract with the fire department approved by the common council, and to protect the city and its fire department from damages arising out of answering emergency calls in surrounding cities at the request of the fire departments of said cities.

2.24.090 Fire apparatus outside city--Contract approved.

(a) The contracts herewith submitted, entered into, by and between the volunteer fire department of Whitewater, and various surrounding townships; contracting for fire protection are hereby adopted and approved.

(b) Inasmuch as the fire truck and equipment to be used in the fighting of rural fires is to be purchased by the fire department and paid for by it, all income and revenue derived from such contracts shall be paid to the Whitewater volunteer fire department.

(c) On account of the commercial benefit which will accrue from these contracts, the city agrees:

(1) To carry and pay for insurance which will protect the city and its fire department from damages arising out of answering a call in the country, whether the liability arises from injury to one of its own firemen, its apparatus, to other persons or their property,

(2) To house the apparatus for rural service and furnish the alarm when a call comes in from the country without charge to the fire department,

(d) The City Manager and City Clerk are authorized and directed to execute the contracts with the townships for and in behalf of the city.

2.24.095 Ambulance services.

(a) The city shall provide the fire department with an ambulance, or ambulances, and accessory rescue equipment, as may be necessary to serve the city and such other municipalities in the area with whom the city may contract for ambulance services. The city shall provide insurance to protect the city and the fire department from damages arising out of answering ambulance calls authorized by this section.

(b) The city manager and city clerk may enter into contracts with surrounding municipalities for ambulance services to the municipalities, subject to the approval of the city council.

(c) The fire department shall house ambulance service apparatus and provide ambulance staff to serve on call.

(d) The city manager shall have authority to establish ambulance service rates to be charged to patrons of the ambulance service both within the city and within townships having an ambulance service contract with the city. The city manager shall have authority to negotiate compensation with ambulance staff and to include same in the ambulance service charge along with such other charges as may be deemed necessary to make the ambulance service self sustaining. All ambulance service contracts and ambulance service charges heretofore entered into or levied by the city are ratified and confirmed.

Olsen moved and Taylor seconded to approve the ordinance adding “Volunteer Fire Department shall pass a constitution and bylaws that shall govern their actions”. AYES: Kienbaum, Olsen, Binnie, Winship, Stewart, Singer, Taylor. NOES: None.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Stewart to change the second sentence of section 2.24.030 to read that the fire chief has full control and command of all fire companies and apparatus at fires and whenever on duty or in use and under ambulance services, section 2.24.095, to change the wording of ambulance drivers to serve on call to ambulance staff to serve on call. AYES: Winship, Kienbaum, Singer, Binnie, Stewart, Taylor, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CREATE CHAPTER 2 ORDINANCE 2.24.096 AUTHORIZING VEHICLE ACCIDENT SITE RESPONSE CHARGES. Taylor commented that he knows this ordinance was passed a while ago but after personal reflection, he doesn't feel it's right to charge someone for an accident if it wasn't their fault.

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 Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010..

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CREATE CHAPTER 2 ORDINANCE 2.25 POLICE DEPARTMENT. This is the second reading and was approved on the consent agenda.

**ORDINANCE CREATING
CHAPTER 2.25 POLICE DEPARTMENT**

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

Section 1: Whitewater Municipal Code, Chapter 2.25, is hereby created to read as follows:

2.25.100 Police chief--Powers and duties.

The Police Department shall be under the supervision of the police chief who shall be the commanding officer thereof and shall be responsible for the enforcement of law and order. He shall be responsible for the care and maintenance of all property and equipment in his

department and shall have such additional powers and be subject to such additional duties as are now or hereafter may be enacted by city manager or as directed by the city council.

2.25.110 Police department--Membership.

The police department of the city of Whitewater shall consist of the Chief of Police and such additional police officers as the common council may authorize from time to time.

2.25.111 Community service officer.

The chief of police is authorized to appoint a community service officer, and said community service officer shall be empowered to enforce all parking ordinances of the city and all amendments thereto.

2.25.120 State law enforcement standards adopted.

The statutory provisions of Wisconsin Statutes 165.85 and 165.86 and all amendments thereto are adopted and by reference are made part of this chapter as though fully set forth herein.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CREATE CHAPTER 2 ORDINANCE 2.26 HUMANE OFFICER. This is the second reading and was approved on the consent agenda.

**ORDINANCE CREATING
CHAPTER 2.26 HUMANE OFFICER**

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

Section 1: Whitewater Municipal Code, Chapter 2.26, is hereby created to read as follows:

2.26.010 Humane officer--Duties.

The Humane Officer shall be the police chief or his/her designee. He or she shall be responsible for the acceptance and pickup of lost, stray or injured pets, imposing charges and fines, and enforcement of regulations governing animals as provided by this code.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.28 FIRE AND POLICE COMMISSION.

Binnie commented regarding a discussion last time as to why this was called the Fire and Police Commission when in reality there is no control over the Fire Department. The answer to that was that we are required by state statute to call it that. He talked with the attorney from the League of Municipalities. She admitted on one hand the state statute does call for that title and on the other hand she agreed it doesn't make sense when it doesn't have anything to do with the Fire Department. Binnie also wanted to point out that the same state statute that requires us to have a PFC, gives us the authorization that we are to appoint the fire chief which of course we don't do. To him, it doesn't make sense to say we are following what is required in this state statute when we aren't following what it says to do. It's confusing which is proven by one of the applicants that wanted to serve on the PFC stating she wants to help with the Fire Dept. area.

**AN ORDINANCE AMENDING CHAPTER 2.28
BOARD OF POLICE COMMISSIONERS**

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

SECTION 1: Whitewater Municipal Code Chapter 2.28 is hereby amended to read as follows:

2.28.010 Created--Membership.

There shall be created as hereinafter specified a Board of Police Commissioners consisting of five members, one of whom shall be a City Councilmember, who shall have the power and perform the duties as specified in Section 62.13 of the Wisconsin Statutes.

2.28.020 Appointment--Terms.

The Board of Police Commissioners shall be appointed by the Common Council at the time specified by statute, one member to serve until the first Monday in May, 1952; one to serve until the first Monday in May, 1954; one to serve until the first Monday in May, 1955; one to serve until the first Monday in May 1956; and annually thereafter one commissioner who shall hold his or her office for five years and until his/her successor is appointed and qualified. In the year 2009 and thereafter, one member of the Board of Police Commissioners shall be a member of the City Council and shall be appointed by the City Council to a one-year term; the one-year term shall commence on the first day of May in each calendar year.

2.28.030 State statutes applicable.

The provisions of Section 62.13 of the Wisconsin Statutes and all acts amendatory thereto so far as the same are applicable are incorporated herein and shall be effective in the same manner as if set forth in full herein.

2.28.040 Power and authority limited.

The power and authority of the Board of Police Commissioners hereby created shall not extend any control whatsoever over the Whitewater Volunteer Fire Department. This chapter shall not affect the organization of the Whitewater Volunteer Fire Department as it existed heretofore, and the department is authorized to continue to operate on the same relationship with the city as it has prior to the adoption of the ordinance codified in this chapter.

Moved by Binnie and seconded by Olsen to strike the word “Fire” and just call it the Police Commission. AYES: Olsen, Winship, Binnie, Stewart, Singer, Taylor, Kienbaum. NOES: None. ABSENT: None.

Ordinance introduced by Councilmember Taylor, who moved its adoption. Seconded by Councilmember Winship. AYES: Winship, Binnie Kienbaum, Singer, Stewart, Taylor. NOES: None. ABSENT: Olsen. DATED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

REPEAL CHAPTER 2 ORDINANCE 2.32 DEPARTMENT OF PUBLIC HEALTH. This is the second reading and was approved on the consent agenda.

**AN ORDINANCE REPEALING CHAPTER 2.32
DEPARTMENT OF PUBLIC HEALTH**

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

SECTION 1: Whitewater Municipal Code Chapter 2.32 is hereby repealed.

2.32 IS SET FORTH BELOW FOR INFORMATION PURPOSES ONLY.

2.32.010 Membership--General duties of health officer.

(a) The department of public health shall be under the supervision of the city manager and shall consist of the health officer and the city-school nurse. Appointment of the city health officer and city nurse shall be as provided in Section 2.32.020.

(b) The duties of the health officer shall be as provided by Section 2.32.030. The health officer shall have the powers and duties of boards of health and local health officers provided by state law and shall enforce all health regulations of the city.

(c) The city nurse shall be governed by Section 2.32.020.

2.32.020 Health officer and city nurse--Appointment.

(a) The city manager shall appoint a health officer for the city.

(b) CITY NURSE. The employment of a public health nurse is authorized within the limitations of appropriations made therefore by the common council. The nurse shall work under the direction of the city manager and shall conduct a public health nursing program in cooperation with the State Board of Health and in cooperation with the city schools.

2.32.030 Health officer--Duties.

(a) It shall be the duty of the health officer to examine into all nuisances, sources of filth, and causes of sickness and report the same to the city manager; and for the purpose of such examination, said health officer shall have power to enter buildings or go upon any lot within the limits of the city where such officer has reason to believe that any nuisance, source of filth, or cause of disease does or may exist.

(b) The health officer shall also immediately notify the city manager of every case of contagious or infectious disease coming to his knowledge in the city, and see that the same is properly quarantined; and in all such cases where it shall be necessary to destroy any clothing or other property for the public safety, he shall first have the same property inventoried and appraised by some competent person to be named by the city manager and shall return such inventory and appraisal in writing to the city clerk.

Ordinance introduced by Councilmember Winship, who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.36 MUNICIPAL COURT.

This is the second reading and was approved on the consent agenda.

**CHAPTER 2.36
MUNICIPAL COURT**

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

2.36.010 Court established.

Pursuant to the authority granted by Chapter 755, Wisconsin Statutes, and all acts amendatory thereto enacted after the laws of 1977, there is established the municipal court for the city of Whitewater.

2.36.020 Municipal judge--Office created.

Pursuant to the authority granted by Chapter 755, there is created the office of municipal judge of the municipal court for the city of Whitewater.

2.36.030 Judge--Election--Term.

The municipal judge shall be elected at large at the spring election for a term of two years commencing on May 1st succeeding his election.

2.36.040 Judge--Salary.

The municipal judge shall receive a salary as fixed by the common council, which shall be in lieu of fees and costs. The municipal judge shall, in addition to his salary, receive an appropriation for the operation of the court, including a part-time clerk. Said clerk shall be hired by the municipal judge and be under his supervision and control. The court clerk may keep an office at the city hall.

2.36.050 Judge--Bond--Oath.

The municipal judge shall execute and file with the city clerk, who will transmit to the clerk of circuit court for Walworth and Jefferson Counties, the oath prescribed by law, and a bond in the penal sum of ten thousand dollars.

2.36.060 Judge--Jurisdiction.

The municipal judge shall have such jurisdiction as provided by law of the Wisconsin Statutes, and exclusive jurisdiction of violations of city ordinances.

2.36.070 Court--When open.

The municipal court for the city shall be open as determined by order of the municipal judge.

2.36.080 Court--Procedure.

The procedure in municipal court for the city shall be as provided by this chapter and state law, including, but not excluding because of enumeration, the applicable chapters of the Wisconsin Statutes.

2.36.090 Judge--Collection of fines, costs and forfeitures.

All forfeitures received by the municipal judge shall be paid to the city treasurer within seven days of receipt. At the same time, the judge shall report the title of the action, the offense for which the forfeiture was imposed and the amount of the forfeiture, fines and costs. The judge may keep his office at his regular business office, and all records created at such location shall be open to periodic audit as requested by the city. Monthly court reports to the state of Wisconsin

shall be prepared by the court clerk hired by the judge, and shall be transmitted to the city treasurer prior to the tenth of each month following the completion of a calendar month.

2.36.100 Judge--Contempt power.

In the following cases, and no other, a judge may punish for contempt;

(1) Persons guilty of disorderly, contemptuous and insolent behavior towards him, while engaged in any judicial proceedings, or other conduct which tends to interrupt such proceeding or impair the respect due his authority;

(2) Persons guilty of resistance or disobedience to any lawful order or process made or issued by him.

2.36.110 Contempt--Penalty.

The municipal judge shall have the power to punish any violations under Section 2.36.100 by imposing a forfeiture not to exceed fifty dollars, or upon default in payment of the forfeiture, a jail sentence not to exceed seven days.

2.36.120 Contempt--Accused to be heard.

No person shall be punished for contempt before a judge until an opportunity has been given him to be heard in his defense, and for that purpose the judge may, if the offender is not present, issue his warrant to bring the offender before him.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.40 EMERGENCY MANAGEMENT. This is the second reading and was approved on the consent agenda.

**CHAPTER 2.40
EMERGENCY MANAGEMENT**

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

2.40.010 Declaration of policy.

To prepare the city to cope with emergencies resulting from enemy action and manmade or natural disaster, it is declared to be necessary to establish an organization for emergency management for the city by conferring upon the city manager, and others specified, duties and powers consistent with Ch. 166, Wis. Stats.

2.40.020 Definitions.

(a) “Emergency management” means and includes “civil defense” and means all measures undertaken by or on behalf of the city, including:

(1) Preparing for and minimizing the effect of enemy action and natural or manmade disaster upon the civilian population;

(2) Effectuating emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

(b) “Civil defense” means all measures undertaken by or on behalf of the state, county and municipalities to prepare for and minimize the effects of enemy action upon the civilian population.

2.40.030 Emergency management committee.

(a) How Constituted. There is created an emergency management committee composed of the city manager, a member of the police, fire, EMS, and DPW departments.

(b) Duties. The emergency management committee shall be an advisory and planning group and shall advise the coordinator of emergency management and the city council of all emergency management matters. It shall meet at the discretion of the city manager or coordinator. It shall annually prepare a budget for emergency management and present the same to the council for adoption. It shall complete an annual report for the council. The emergency management committee shall investigate funding from the state and federal governments to reimburse the city for emergency management costs.

(c) Authority. The coordinator or one of the appointed deputy coordinators should be advised as soon as practical of any incident that may be or is a threat to life or property of the citizens of the city. These incidents can be man-made or natural in origin. The coordinator or his appointed deputy shall coordinate with existing services to deliver appropriate emergency services.

2.40.040 Coordinator of emergency management services.

(a) Coordinator. There is created the office of coordinator of emergency management services.

(1) Powers and Duties.

(A) The powers and duties of the coordinator of emergency management for the city are pursuant to Ch. 166, Wis. Stats.

(B) The coordinator of emergency management shall develop and promulgate emergency management plans for the city consistent with state and county plans.

(C) The coordinator of emergency management shall advise as soon as practicable the county office of emergency management of any situations which arise that will likely require cooperation under any joint agreements that are in place.

(D) The coordinator of emergency management shall direct the emergency management program and perform such other duties related to emergency management as required by the city manager and emergency management committee of the city.

(E) The coordinator shall direct the city emergency management training programs and exercises.

(F) The coordinator shall direct the city participation in emergency management training programs and exercises. If ordered by the county head of emergency management services, the coordinator shall prepare and submit reports on emergency management programs and exercises.

(2) Appointment and Term.

(A) The coordinator shall be appointed by the city manager and confirmed by the city council.

(B) The term of office of coordinator shall be until a successor is appointed and qualified.

(b) Deputy Coordinator. There is created the office of deputy coordinator of emergency management. There may be as many deputy coordinators as deemed necessary by the city manager.

(1) Appointment. The deputy coordinator shall be appointed by the City Manager in consultation with emergency management coordinator and confirmed by the City Council.

(2) Term. The term of office of deputy coordinator shall be at the discretion of the City Manager or until such time as a successor is appointed and qualified.

2.40.050 Sharing of costs.

City Obligations. The city will provide emergency office space, furnishings, clerical help and such office supplies that are necessary to deal with an emergency operation affecting the city. The costs will be paid by the city with the help of any federal or state financial aid that may be available.

2.40.060 Utilization of existing services and facilities.

(a) Policy. In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the city shall be utilized to the maximum extent practicable.

(b) Responsibility. In order to assure that in an emergency all the facilities of the existing city government are expanded to the fullest to meet such emergencies, department and agency heads assigned to specific responsibilities under the city emergency operations plan will fulfill duties as prescribed in the plan.

2.40.070 Penalties and enforcement.

Penalties. It is unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to this chapter, or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this chapter. For a violation of any of the provisions of this chapter he shall forfeit not less than one hundred dollars, or more than five hundred dollars; and in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding ninety days.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.42 EMERGENCY JOINT ACTION FOR COUNTY AND CITY. This is the second reading and was approved on the consent agenda.

AN ORDINANCE AMENDING CHAPTER 2.42 EMERGENCY JOINT ACTION FOR COUNTY AND CITY

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

SECTION 1: Whitewater Municipal Code Chapter 2.42 is hereby amended to read as follows:

SECTION 68. Whitewater Municipal Ordinance Title 2, Section 2.42.010, is hereby amended to read as follows:

2.42.010 Ordinance adopted.

A joint action ordinance of the board of supervisors of Walworth County providing for a county-municipal joint action emergency government plan of organization was adopted by the county board on the fifteenth day of June, 1971. A copy of said county ordinance is on file in the office of the city clerk and made a part of this chapter by reference, and is ratified and accepted

by the city.

This ratification and acceptance of the Joint Action Ordinance No. 27 constitutes a mutual agreement between the city and the county as provided in the joint action ordinance.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTD: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.44 EQUAL OPPORTUNITIES COMMISSION. Winship requested to table this again because Binnie and he haven't had time to meet with the city attorney due to scheduling conflict. This would include the renaming the Handicapped Discrimination Commission to the Disability Rights Commission ordinance, too. They will have a proposal by the next meeting. POSTPONED.

AMENDING CHAPTER 2 ORDINANCE 2.46 HANDICAPPED DISCRIMINATION COMMISSION RENAMING IT THE DISABILITY RIGHTS COMMISSION. This was requested to be postponed by Councilmember Winship along with Equal Opportunities Commission ordinance.

AMENDING CHAPTER 2 ORDINANCE 2.52 PARK AND RECREATION BOARD. This is the second reading and was approved on the consent agenda.

AN ORDINANCE AMENDING CHAPTER 2.52 PARK AND RECREATION BOARD

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

SECTION 1: Whitewater Municipal Code Chapter 2.52 is hereby amended to read as follows:

2.52.010 Established.

There is hereby established a park and recreation board for the city, which shall have in addition to the powers granted herein, all of the powers now or hereafter granted under Wisconsin Statute 27.08.

2.52.020 Purpose.

The establishment of this board shall be for the purpose of acquiring, improving, developing, maintaining, and operating public parks, recreation facilities, equipment, and activities. This board shall provide a park and recreation program for the citizens of Whitewater,

coordinating and correlating all recreation activities for the maximum benefit of the community and operating with other public or private organizations to more efficiently utilize the city's resources. The board shall interpret any and all programs which they may promulgate.

2.52.030 Membership--Terms--Vacancies--Officers.

(a) The board shall consist of seven members. Each of the four citizen members shall be a resident of the city or a resident of the Whitewater Unified School District. The three ex officio members shall not have a specified residency requirement. The board shall serve without compensation.

(b) The board shall consist of three ex officio members who will serve permanently or as long as they are holding office in or are representatives of the following organizations or departments:

(1) District administrator of the Whitewater Unified School District or his or her designated representative;

(2) Common council member;

(3) University of Wisconsin--Whitewater, Chancellor or his or her designee.

(c) The board shall also consist of four citizens who shall be appointed according to the procedures set forth in Section 2.12.011.

(d) There shall be one alternate member appointed to serve. In the event one of the seven regular members is unable to attend then the alternate member shall be called upon to attend and shall have full power to act and vote.

(e) Each citizen member shall serve for a term of three years beginning on the first of January, except that when the first board is appointed, one member shall be appointed for one year, another for two years, and the third for three years. Citizen members shall be limited to three consecutive terms and cannot be reappointed as a board member until one three-year term has elapsed.

(f) Vacancies to finish unexpired terms only will be filled in the same manner as the original appointments.

(g) OFFICERS. A chairman and vice chairman shall be elected by the board members. The election of officers will take place at the 1st meeting in May and those elected will serve for the term of one year. The recreation director will automatically serve as secretary.

2.52.040 Organization.

(a) The board shall organize and adopt rules for its own government in accordance with the provisions of this chapter. Meetings shall be held monthly or at the call of the chairman, and

shall be open to the public. Minutes shall be kept showing all actions taken and a copy shall be filed with the city clerk and the recreation director as a public record.

(b) A quorum shall be four members, but all action shall require the approval of the majority of the board.

2.52.050 Powers.

The board shall have control and jurisdiction over all playgrounds, recreation centers and other places which have previously, or may in the future, be dedicated for the purpose of public recreation and given over to their control. The board shall furthermore have all powers listed at Section 27.08 of the 1967 Wisconsin Statutes and any amendment thereto as though specifically set forth herein. The board shall adopt rules and regulations which may be necessary to exercise said powers. All rules and regulations shall be subject to final approval by the common council. The board shall have the authority to enlarge the duties of the director of parks and recreation listed in Section 2.20.030(b) of this title, and to determine general policies of the program and the level of leadership employed.

2.52.060 Selection of parks and recreation director.

The board shall participate in the interview and selection process for the hiring of a parks and recreation director. It shall be the sole responsibility of the city manager to appoint the director.

2.52.070 Finances.

The board shall submit to the city manager by October 1st of each year a proposed program and budget for the ensuing year. The board shall not contract any liability in excess of the budget appropriated unless specifically authorized by the city manager and approved by the common council. All moneys received for the purpose of the board, whether from the general fund or from charged for activities, facilities, or services shall be deposited in the general fund of the city and segregated on the books of the city. The city treasurer shall act as treasurer of the board without additional compensation. All expenditures shall be made in accord with the appropriations by the city council only upon the approval of the board and city manager any by the issuance of an order for the expenditure by the city clerk.

2.52.080 Reports.

The board shall issue an annual written report of its finances and activities and an inventory of all its public parks, recreational lands, facilities, and equipment, for the previous year to the common council by April 1st of each year.

Ordinance introduced by Councilmember Taylor, who moved its adoption. Seconded by Councilmember Winship to change number 1 to read "District Administrator of the Whitewater Unified School District or his/her designated representative" and number 3 to read "University of Wisconsin – Whitewater Chancellor or his/her designee" along with letter c to take out the last part of the

sentence to read “ The board shall also consist of four citizens who shall be appointed by the city manager appointment process pursuant to 2.12. AYES: Winship, Binnie, Stewart, Singer, Taylor, Kienbaum. NOES: None. ABSENT: Olsen. DATED: May 4, 2010.

Taylor moved and Winship seconded to approve this ordinance. AYES: Kienbaum, Taylor, Stewart, Singer, Winship, Olsen, Binnie. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.53 BIRGE FOUNTAIN COMMITTEE. This is the second reading and was approved on the consent agenda.

**CHAPTER 2.53
BIRGE FOUNTAIN COMMITTEE**

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

2.53.010 Established.

There is established a Birge Fountain committee for the city of Whitewater, which shall have the powers granted in this chapter.

2.53.020 Purpose.

The establishment of this committee is for the purpose of promoting the beauty, preservation and historical significance of the Birge Fountain and Birge Fountain Park (which has also been referred to as Flat Iron Park).

2.53.030 Membership--Terms--Vacancies--Officers.

(a) The committee shall consist of seven members. One member shall be a member of the city council; one member shall be the city public works director, or his/her designee; and one member shall be a member of the city landmarks commission. The remaining four members shall be citizens of the city of Whitewater.

(b) The initial committee members shall be appointed by the city council by resolution and shall include all of the current members of the Birge Fountain restoration committee which is a sub-committee of the landmarks commission. Thereafter, the committee shall be appointed under the procedures set forth in Section 2.12.011.

(c) Each citizen member shall have an interest in the preservation of the Birge Fountain and Birge Fountain Park.

(d) There shall be one alternate member appointed to serve in the event one of the seven

regular members is unable to attend, and the alternate member shall then be called upon to attend and shall have full power to act and vote.

(e) All initial members shall serve until the first Tuesday in May, 2006 and thereafter new members shall begin regular terms starting the first Wednesday in May, 2006 as follows. The council member shall serve for a one-year term. Each citizen member shall serve for a term of three years, except that when the first committee is appointed, one member shall be appointed for one year, one member shall be appointed for two years, and two members shall be appointed for three years.

(f) Vacancies to complete unexpired terms will be filled by the procedure set forth in Section 2.12.011.

(g) A chairperson, vice chairperson and secretary shall be elected by the committee members. The election of officers will take place at the May meeting, and those elected will serve the term of one year.

(h) The city finance director, or his or her designee, shall act as treasurer of the board without additional compensation.

2.53.040 Organization.

(a) The committee shall organize and adopt rules for its own governance in accordance with the provisions of this chapter. Meetings shall be held monthly or at the call of the chairperson, and shall be open to the public. Minutes shall be kept showing all actions taken, and a copy shall be filed with the city clerk as a public record.

(b) A quorum shall be four members, but all actions shall require the approval of at least four members.

2.53.050 Powers and duties.

The committee shall have the following powers and duties:

(a) To take actions necessary to preserve and maintain the Birge Fountain and Birge Fountain Park.

(b) To develop plans and allocate funds for the purpose of assuring the future preservation and maintenance of the Birge Fountain and Birge Fountain Park.

(c) To promote public education, interest and support for the preservation of the Birge Fountain and Birge Fountain Park.

(d) To raise funds for the purpose of the preservation, major repairs and improvements to the Birge Fountain and Birge Fountain Park.

(e) The committee shall have the exclusive control of restricted special revenue Birge Fountain restoration funds, which is created. Said fund shall be a segregated and restricted special revenue fund which may only be used for expenditures for the preservation, major repairs and improvements to the Birge Fountain and Birge Fountain Park. If the city ever decides to eliminate the restricted fund, the proceeds therein shall be transferred to a 501(c)(3) non-profit corporation to be used for the continued preservation, major repairs and improvements to the Birge Fountain and Birge Fountain Park. The committee may further submit to the city manager each year a proposed budget for the ensuing year. If funds are allocated by the city council, said funds shall be separate from the special revenue fund described above. Expenditures out of this allocated fund shall be made in accordance with the appropriations by the city council and only upon approval of the committee. Any renovation, change or improvements proposed by the committee which significantly alter the character of the Birge Fountain or Birge Fountain Park must be approved by the city council, after it receives the advice and recommendation of the landmarks commission, before implementation.

2.53.060 Reports.

The board shall issue and file with the city clerk an annual written report of its financial activities.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.56 LIBRARY BOARD. This is the second reading and was approved on the consent agenda.

AN ORDINANCE AMENDING CHAPTER 2.56 LIBRARY BOARD

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

SECTION 1: Whitewater Municipal Code Chapter 2.56, Section 2.56.010 is hereby amended to read as follows:

2.56.010 Membership.

The Library Board shall consist of seven members who shall be appointed pursuant to the terms of Whitewater Municipal Ordinance Chapter 2.12 and whose appointments shall be confirmed by the common council. Members shall be residents of the municipality, except that not more than two members may be residents of towns adjacent to the municipality. Upon their first appointment, the members shall be divided as follows: Three members shall serve for three

years, two members shall serve for two years and one to serve from one year from July 1st in the year of their appointment. Each regular appointment shall be for a term of three years. The appointing authority shall appoint as one of the members a school district administrator, or his representative, to represent the public school district or districts in which the public library is located. Not more than one member of the municipal governing body shall be a member of the library board.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.60 BOARD OF REVIEW.

This is the second reading and was approved on the consent agenda.

**CHAPTER 2.60
BOARD OF REVIEW**

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

2.60.010 Membership.

The board of review shall be five members consisting of the city manager, the city clerk in a nonvoting capacity, and the city council members who are serving the second year of their city council term. In any year where there are only three members serving the second year of their city council term, there shall be a fourth council member appointed to the board. Any council member elected to replace a council member shall serve on the board of review during the second year of the term. In addition thereto, all of the other council members shall be alternate board of review members. Any alternate may be called upon to serve in the absence of any one of the members of the Board of Review.

2.60.020 Sessions.

Pursuant to Wisconsin Statutes 70.47(3)(b) and any amendments thereto to Section 70.47(3)(b), the city does elect to permit itself the right to hold its first meeting for as few as four hours between eight a.m. and midnight. This change in time shall not become effective unless notice therefor is published in the official city newspaper at least ten days before the first meeting.

2.60.030 Board of review information.

(a) Declaration of Purpose. As part of the Budget Adjustment Act, 1997 Wisconsin Act 237, a number of significant changes regarding property tax assessment appeals and board of review procedures were enacted; and Section 279(K) of 1997 Wisconsin Act 237, Section

70.47(7)(af) of the Wisconsin Statutes was created; and Section 70.47(7)(af), Wis. Stats., required that the municipality provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under Section 70.47(7)(af), Wis. Stats., and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of the court. The following provisions are declared to be in the city's best interest:

(b) Confidential Information. Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties), or pursuant to order of a court. Income and expense information provided to the assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.66 PUBLIC RECORDS.

This is the second reading and was approved on the consent agenda.

**CHAPTER 2.66
PUBLIC RECORDS**

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

2.66.010 Definitions.

(a) "Authority" means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) "Custodian" means that officer, department head, division head, or employee of the city designated under Section 2.66.030 or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in his or her office, or who is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

(c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

2.66.020 Duty to maintain records.

(a) Except as provided under Section 2.66.070, each officer and employee of the city shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file the receipt with the city clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

2.66.030 Legal custodian(s).

(a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the city clerk or the clerk's designee shall act as legal custodian for the common council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the common council.

(c) For every authority not specified in subsections (a) or (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter 11 of Chapter 19 of the Wisconsin Statutes and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

2.66.040 Public access to records.

(a) Except as provided in Section 2.66.060, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wisconsin Statutes Section 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.

(d) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(e) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) The cost of photocopying each page shall be set by the city clerk and set forth on a schedule which shall be kept in the clerk's office. Any increase as determined by the clerk shall be subject to the approval of the common council. The cost will be calculated not to exceed the actual, necessary and direct cost of reproduction.

(2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

(4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(5) There shall be no charge for locating a record unless the actual cost therefor exceeds fifty dollars, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds five dollars.

(7) Elected and appointed officials of the city shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

(f) Pursuant to Wisconsin Statutes Section 19.34, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and costs thereof.

2.66.050 Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wisconsin Statutes Section 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 2.66.040(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in Section 2.66.060. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons, for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wisconsin Statutes Section 19.37(1), or upon application to the attorney general or a district attorney.

2.66.060 Limitations on right to access.

(a) As provided by Wisconsin Statutes Section 19.36, the following records are exempt from inspection under this section:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

(2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

(4) A record of any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Wisconsin Statutes Section 43.30, public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

(1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them;

(2) Records of current deliberations after a quasi-judicial hearing;

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any city officer or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure;

(4) Records concerning current strategy for crime detection or prevention;

(5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds, or other city business whenever competitive or bargaining reasons require nondisclosure;

(6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data;

(7) Communications between legal counsel for the city and any officer, agent or

employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wisconsin Statutes Section 905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If, in the judgment of the custodian and the city attorney, there is no feasible way to separate the exempt material from the non-exempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

2.66.070 Destruction of public records.

City officers may destroy records of which they are the legal custodians and which are considered obsolete but not less than seven years after the record was effective unless a specific period of time is provided by the Wisconsin Statutes.

A. Prior to the destruction of any public records, at least sixty days' notice in writing shall be given the State Historical Society of Wisconsin. The Historical Society may upon application, waive such notice.

B. Notwithstanding any minimum period of time for retention set forth above, any taped recording of a meeting, as defined in Wisconsin Statutes Section 19.82(2), by any governmental body, as defined under Wisconsin Statutes Section 19.82(1), of the city may be destroyed no sooner than one year after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.

C. Transcripts of Tape Recordings of Municipal Court Trials. Audio tape recordings of trials or juvenile matters in municipal court shall be kept until the time has expired for taking an appeal of such matters to the Circuit Court of Walworth County or Jefferson County. Upon the expiration of such period, city officers are empowered to dispose of, erase, destroy or reuse any such audio tapes; and to destroy any written duplicate copies of transcripts made from such tapes.

D. Municipal Court, Traffic, Juvenile or Ordinance Violation Case Files. All court papers or written court records in the possession of the municipal court or the city police department in proceedings commenced by the issuance of municipal court citations or pleadings shall be kept for six years after the entry of final judgment.

E. All police dispatch audio tapes shall be kept for thirty days except those tapes that cover significant incidents. Tapes covering significant incidents will be retained seven years after the incident is closed.

2.66.080 Preservation through microfilm.

Any city officer, or the director of any department or division of city government may, subject to the approval of the common council, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in sec. 16.61(7)(a) and (b), Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of sections 2.66.040 through 2.66.060 of this ordinance.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 2 ORDINANCE 2.70 PERSONNEL AND COMPENSATION RENAMING IT HUMAN RESOURCES AND COMPENSATION. This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.70
PERSONNEL AND COMPENSATION RENAMING IT
HUMAN RESOURCES AND COMPENSATION**

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

SECTION 1: Whitewater Municipal Code Chapter 2.70 is hereby amended to read as follows:

2.70.010 The City of Whitewater employee manual and any amendments or revisions thereof as periodically approved by the city council is hereby adopted herein and made a part of this ordinance.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

NO PROPOSED CHANGES TO CHAPTER 2 ORDINANCE 2.72 SPECIAL PROVISIONS – SALARIED EMPLOYEES. This is the second reading and was approved on the consent agenda.

**CHAPTER 2.72
SPECIAL PROVISIONS – SALARIED EMPLOYEES**

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

2.72.010 Existing conditions.

Special salary and benefit conditions of employment, previously established for employees covered by this pay and benefits plan shall remain in effect.

2.72.020 Uniform allowance--Lieutenants.

The position of lieutenant, listed in grade F of the management pay plan in Section 2.70.020 shall be entitled to the same annual uniform allowance that is allocated to patrol officers per the current employment agreement between the city of Whitewater and the Wisconsin Professional Police Officers Association of Whitewater.

2.72.030 Worker's compensation--Lieutenants.

In the event an employee becomes entitled to and receives worker's compensation under Chapter 102, Wisconsin Statutes, his worker's compensation for the period of compensable temporary total disability will be supplemented for a period of one year so that he will receive his full salary during said period taking into consideration worker's compensation, Social Security payment, if any, and the amount to be supplemented by the city. This compensatory time shall not be deducted from the employee's accumulated sick leave time. The city shall pay, in addition to salary, the regular premiums on said employee's health, welfare and pension benefits during this time.

2.72.040 Safety glasses--Superintendents.

The employer agrees to furnish safety glasses with permanently affixed clear side shield provided that the member shall obtain an eye examination and pay for the same prior to the ordering of the glasses

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

CITIZEN APPOINTMENTS TO BOARDS AND COMMISSIONS. Singer and Brunner met last Wednesday and Friday to interview the various applicants.

Stewart wanted to pull the Ethics and Police and Fire Commission.

Taylor wanted to pull the Board of Zoning Appeals.

Singer moved and Binnie second to approve the recommendation except the Ethics, Police and Fire Commission and the BZA are pulled for discussion. AYES: Olsen, Binnie, Winship, Stewart, Singer, Taylor. NOES: Kienbaum.

Singer started with Board of Zoning. They are recommending Christine Ponder as a regular on the Board of Zoning and Rachel Mattke as an alternate member.

Taylor stated on the original list for BZA, Rachel Mattke had requested to be this committee yet Christine Ponder was selected for a regular position.

Brunner commented during her interview, Ms. Ponder indicated she was interested in this board. She is a property owner in the city. He and Council President Singer felt she was very qualified to serve on this board.

Taylor wanted to know why didn't she apply for it.

Brunner stated she wasn't aware of the need of the position and after discussion, she was interested.

Taylor commented on an issue from a few years ago regarding the PFC and one applicant applied and another one applied late and the late one got the position. Christine Ponder applied for three different boards. He finds it difficult to believe she didn't know about this one. As far as he is concerned, she didn't meet the filing application. He feels Rachel Mattke should get the regular position.

Singer stated there was also an issue with Rachel Mattke being a candidate for the city manager intern position.

Taylor stated if that was an issue, she shouldn't have even been considered for the alternate position.

Brunner stated Ponder is a property owner and that's why he picked her and Mattke is a renter.

Taylor stated in the business world, if someone hands in their application late, they aren't considered for that position. We should hold to this rule.

Brunner stated there is nothing in the statutes that states this can't happen. There's a process that is followed and city/village leaders can appoint who they want. This is not a paid position, these are volunteers.

Singer moved and Olsen seconded the recommendation of Christine Ponder as a regular and Rachel Mattke as an alternate to the Board of Zoning Appeals. AYES: Winship, Binnie, Singer, Olsen, Stewart. NOES: Kienbaum, Taylor.

Taylor stated just a note for future applications there shouldn't be a deadline, if we aren't going to enforce one.

Kienbaum stated whether you are renting or own property, either way you are paying to live here and should be considered equally.

Moving on to Ethics Commission, Singer commented that the recommendation was for Brandon VerVelde.

Stewart questioned why was a person that has re-applied to be on this commission, has the experience of being on this commission and was turned down to be replaced by a new person.

Singer stated the commission never met while that person was on the commission so the experience was never there.

Stewart stated this person does have some experiences at the county level and city level.

Taylor commented that Greg Torres is an excellent candidate. He has the experience of leadership through the city and county level. Along with Mr. Vervelde who would be an excellent candidate, too. Taylor supports Brandon VerVelde in this position.

Singer stated that VerVelde is trying to get involved and Torres is already very involved. We are giving another individual an opportunity to serve.

Singer moved and Taylor seconded Brandon VerVelde as the candidate for the Ethics Committee. AYES: Taylor, Binnie, Stewart, Winship, Singer. NOES: Kienbaum, Olsen.

Singer and Brunner recommended Dennis Knopp to the Police and Fire Commission. Brunner and Singer met with Knopp and he spoke of his views and how he could contribute to this commission. There wasn't any issue as to not to have him on this commission. Knopp brought up other PFC in other communities where there are bar owners on these commissions. Being a licensed tavern owner is not an excuse not to be able to serve. If there was to be any conflict of interest, he would excuse himself from any decisions in that regard.

Brunner stated the other applicants have served on other boards and commissions.

Taylor commented that it doesn't matter if someone applies one time or thirty times, it should be the qualifications of the individual.

Taylor moved and Olsen seconded the recommendation of Dennis Knopp for Police and Fire Commission. AYES: Winship, Binnie, Singer, Stewart, Kienbaum, Taylor, Olsen. NOES: None.

CONCEPTUAL REVIEW OF LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS ORDINANCE. City Attorney McDonell stated Councilmember Binnie brought forth this ordinance regarding abandoning big box buildings and how they would be dealt with in the community if they remained vacant. Binnie also thought it would be fair to present an ordinance so the council could see what kind of elements would be

involved in review of a large retail and commercial service development standards. At that time, the council stated they would be interested in a comprehensive ordinance to bring back to the council to look at it from a conceptual basis. The council is not being asked whether or not they want to pass this. The question is do you want to forward this to the Plan Commission to have a public hearing and then the Plan Commission would make a recommendation to the council whether or not to enact it and then the council would vote if to amend it with the Plan Commission recommendations.

Winship complimented Binnie on looking into this and moving this forward. This is something we need to safeguard the city.

ORDINANCE CREATING CHAPTER 19.485
LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS
(04/29/10 – 4:00 P.M.)

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

Section 1: Whitewater Municipal Code, Chapter 19.485, Large Retail and Commercial Service Development Standards is hereby created to read as follows:

19.485.010 Title

This section shall be known, cited, and referred to as the Large Retail and Commercial Service Development ordinance.

19.485.020 Description

A Large Retail and Commercial Service Development is a development comprised of one or more contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple such enterprises within which the total combined floor and surface area of all indoor retail and/or commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds 20,000 square feet. The requirements of this Section are applicable to all City development approvals obtained after June 1, 2010 for any new Large Retail and Commercial Service Developments and for any altered or expanded establishment or group of establishments that meet or exceed the above floor and surface area threshold. No individual building in a Large Retail and Commercial Service Development shall exceed a total of 150,000 square feet in floor area. The vacant building provisions set forth in 19.485.040 F. 18. shall also apply to existing Large Retail and Commercial Service development.

19.485.30 Conditional Use Permit or PCD Approval Required.

- A. Aside from where allowed under an approved PCD district, Large Retail and Commercial Service Developments shall require a conditional use permit within any district in which they are allowed. All additions to structures, parking, or storage areas that are part of an approved Large Retail and Commercial Service Development

shall require an amendment to the conditional use permit or the previously approved PCD plans, per the associated requirements for such amendments in this Title.

- B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district are permitted without amendment to the Large Retail and Commercial Development conditional use permit or PCD specific implementation plan, unless said conditional use permit or PCD plan placed restrictions on change of use.
- C. Subsequent individual land uses allowed only by conditional use permit in the zoning district or approved PCD specific implementation plan may be allowed only under a subsequent Conditional Use Permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.
- D. Large Retail and Commercial Service Developments are subject to all of the use and other regulations of the applicable zoning district and Title 19.

19.485.040 Regulations.

In addition to applicable zoning district and other standards of this Title, Large Retail and Commercial Service Developments shall meet the following additional standards, as may be applicable given the size of each such Development:

- A. **Compatibility with City Plans.** A compatibility report is required when a Large Retail and Commercial Service Development reaches a defined threshold as outlined in Figure 19.485(1). The applicant shall provide, through a written compatibility report submitted with the application for a conditional use permit or rezoning application for the PCD district, adequate evidence that the proposed building and overall development project will be compatible with the City's comprehensive plan, any adopted detailed neighborhood plan for the area, and any other plans officially adopted by the City.
- B. **Large Retail and Commercial Service Development Questionnaire.** A Large Retail and Commercial Service Development questionnaire shall be completed when a development reaches a defined threshold established in Figure 19.485(1). The Large Retail and Commercial Service Development questionnaire shall be in the format included as Figure 19.485(2).
- C. **Traffic Impact Analysis.** A traffic impact analysis is required when a development reaches a defined threshold as outlined in Figure 19.485(1). The traffic impact analysis shall be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except where otherwise approved by the City Director of Public Works. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, then the City may deny the application, may require a size reduction in the proposed development, and/or may require the developer to

construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the Development. All such Developments shall have direct access to an arterial or collector street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks. The site design shall provide direct transportation connections to adjacent land uses if required by the City.

D. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required when a Development reaches a defined threshold as outlined in Figure 19.485(1). The economic and fiscal impact analysis shall include all of the items identified in Figure 19.485(3) and meet the following requirements:

1. The study shall identify and assess the economic and fiscal impacts on the community.
2. The study shall propose measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the Development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
3. The applicant shall provide the necessary funding to the City to hire a consultant of the City's choice, with appropriate experience to complete and present an economic and fiscal impact analysis to the City.

E. Detailed Neighborhood Plan. For each Large Retail and Commercial Service Developments of 80,000 square feet or more (per the measurement method in Section 19.485.020), the Development shall be required to prepare a detailed neighborhood plan for any undeveloped areas up to 1,500 foot radius from the boundaries of the Development site. The detailed neighborhood plan must be submitted prior to or with the application for conditional use permit. The City Plan and Architectural Review Commission may waive this requirement if a detailed neighborhood plan has already been adopted, or the Commission may specify a smaller area based on its determination of appropriate neighborhood boundaries. The detailed neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the goals and objectives of the City's comprehensive plan. Unless otherwise approved by the Commission, the detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:

1. General types of land use types with specific zoning districts and/or land uses;

2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;
3. Complete public road network;
4. Pedestrian and bicycle network;
5. Conceptual stormwater management network;
6. Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;
7. Recommendations for community character themes including building materials, landscaping, streetscaping and signage.

F. **Facilities and Associated Features.** The following requirements are applicable when a Large Retail and Commercial Service Development reaches the defined threshold outlined in Figure 19.485(1):

1. **Building Location.**

Where buildings are proposed to be distant from a public street, as determined by the Plan and Architectural Review Commission based on the particular setting, the Commission may require that the overall development design include smaller buildings on pads or outlots closer to the street. All buildings on outlots shall be architectural quality comparable to the primary building. Regardless, placement and orientation of all buildings must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the comprehensive plan.

2. **Building Materials.**

Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block are preferred, with wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined appropriate by the Plan and Architectural Review Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if integral to the overall design of the building. Windows shall be prominently incorporated into the building design for both aesthetic and daylighting effect.

3. **Building Design.**

The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan and Architectural Review Commission, including the following:

- a. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building and to add architectural interest.
 - b. A minimum of 20 percent of the building's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet in length.
 - c. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.
 - d. Roofs with particular slopes may be required to complement existing buildings in the vicinity or otherwise establish a particular aesthetic objective.
 - e. Ground floor facades that face public streets shall have some combination of arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length.
 - f. The integration of windows into building design is required. Windows shall be transparent glass wherever practical in the determination of the Plan and Architectural Review Commission. The use of blinds or spandrel glass shall be acceptable where there is a determination that opacity is required.
 - g. Building facades that are visible to the public shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
4. Building Entrances.

Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor patios.

5. Building Colors.

Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall

be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, unless such corporate colors meet the preceding building façade color standards.

6. Screening.

- a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior facades.
- b. All rooftop mechanical equipment shall be screened by parapets, upper stories, strategic placement relative to exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property.
- c. Loading docks shall be completely screened from surrounding public streets and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
- d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable in any application in a Large Retail and Commercial Service Development. Decorative, heavy-duty wood gates may be used.

7. Parking.

- a. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in Section 19.51.130 shall be allowed only with specific and reasonable justification.
- b. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stalls through use of landscaped and curbed medians, a minimum of ten feet in width from back-of-curb to back-of-curb. Landscaped islands shall be a minimum of 360 square feet in landscaped area; and landscaped islands shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.

8. Bicycle and Pedestrian Facilities.

- a. The entire Development shall provide for safe pedestrian and bicycle access to all uses within the Development, connections to existing and planned public

sidewalks and other pedestrian and bicycle facilities, and connections to adjacent properties.

- b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
- c. Sidewalks internal to the Development shall have adjoining landscaping along at least 50 percent of their length.
- d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, color, and/or texture in combination with signage.
- e. The Development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
- f. The Development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of floor area (per the measurement method in Section 19.485.020) .
- g. The Development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every 10,000 square feet floor area (per the measurement method in Section 19.485.020). Seating in food service areas, or other areas where food or merchandise purchasing activities occur, shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

9. Central Areas and Features.

Each Developments exceeding 80,000 square feet in floor area (per the measurement method in Section 19.485.020) shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated outdoor areas or focal points that adequately enhance the Development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the primary building and remainder of the site, and maintained over the life of the Development.

10. Cart Returns.

A minimum of one 200-square foot cart return area (corral) shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of any building.

11. Outdoor Display Areas.

Exterior sales and display areas—whether permanent or seasonal—shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. Display areas on sidewalks directly in front of buildings building must maintain a minimum walkway width of eight feet between the display items and any vehicle drives.

12. Outdoor Storage Uses and Areas.

Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required by Title 19.

13. Landscaping.

On-site landscaping shall be provided at time of building occupancy, shall meet all landscaping guidelines approved by the City Council or Plan and Architectural Review Commission, and shall be maintained per the requirements of those guidelines and Title 19 over the life of the Development.

14. Lighting.

On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and design of pole lighting standards shall be compatible with the primary building and the public lighting in the area, and shall be uniform throughout the entire Development site.

15. Signage.

In addition to meeting the applicable requirements of Title 19, a signage plan for all exterior signage shall provide for coordinated and complimentary exterior sign locations, configurations, and colors throughout the Development. Combined signs for multiple users may be required instead of multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain shall be considered as contributing to the number and area of permitted signs.

16. Natural Resources Protection and Stormwater Management.

Natural Resources shall be protected in accordance with Title 19. In general, existing natural features shall be integrated into the site design as a site and community

amenity. Each project shall meet the erosion control and stormwater management standards found in Title 19 and other applicable City ordinances.

17. Sustainability.

Each Development shall intentionally incorporate into site and building design elements that contribute to the long-term sustainability of the Development and City, including environmental sustainability and energy efficiency, as such terms are described in the City's comprehensive plan.

18. Policy on Vacation of Existing Buildings in Large Retail and Commercial Service Developments.

a. Any large retail or commercial or retail development that has 50,000 or more square feet of floor area that is vacated because the retail commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building in the City of Whitewater, shall be subject to the following provisions:

1. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
2. The development agreement for the project that is being developed at the new retail or commercial site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.

b. In addition to the above, any large retail or commercial site that has 20,000 or more square feet of floor area that is vacated shall be subject to the following provisions:

1. At the time of vacancy the owner must file with the City a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
2. After three years of vacancy, if the building(s) is not completely occupied, the City may require the owner to paint the building(s) a neutral color, remove all hard surfaces with the exception of the main driveway and fire lane around the building, restore the former hard surfaced areas with black dirt and grass, or some combination of the above. In such timeframe, the owner shall install a Fire Department Knox Box for annual fire inspection, and provide the City with an annual statement as to the condition of the building due in a timeframe directed by the City.
3. After five years of vacancy, the City may require the owner to demolish the building(s) and restore the entire site to a greenfield status. A

”greenfield” status means removal of all buildings, foundations, pavement, concrete, light fixtures, signage and materials, and the establishment of a grass lawn on the site.

4. Temporary occupancy of the building(s) and/or the exterior grounds for periods of 365 consecutive days or less, shall not be considered to remove the vacancy status of a building under this subsection.

19. **Developer's Agreement.** The developer shall enter into a development agreement with the City, which shall include the payment of all utilities including but not limited to storm water, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.

20. **Exceptions.** In the event the applicant desires a deviation or exception from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan and Architectural Review Commission.

Figure 19.485(1): Large Retail and Commercial Service Development Requirements

Requirement	Large Scale Retail and Commercial Development Threshold (per measurement method in Section 19.485.020)
Complete compatibility report (fits City’s comprehensive plan and/or other adopted plans)	>20,000 sq. ft.
Complete questionnaire	>20,000 sq. ft.
Provide facilities and associated features (materials, landscape, etc)	>20,000 sq. ft.
3rd party Traffic Impact Analysis is required	>20,000 sq. ft. w/ > 50 parking stalls
3rd party economic impact study is required	>80,000 sq. ft.
A detailed neighborhood plan is required	>80,000 sq. ft.

Figure 19.485(2): Large Retail and Commercial Service Development Questionnaire

Person filling out this form	
Address	
Phone Number	
Date	
I. Project Contacts	

Property Owner	
Property Owner Representative	
Developer	
Developer Representative	
Prime Contractor Representative	
Civil Engineering Representative	
Architectural Representative	
Land Planner Representative	
Landscape Architect Representative	
Exterior Lighting Representative	

II. Existing Site Conditions		
A. Total Site Area (inclusive of all areas within parcel boundary):	_____ acres	_____ sq. ft.
B. Environmental Corridor Components:	_____ acres	_____ sq. ft.
Surface Water	_____ acres	_____ sq. ft.
Wetlands	_____ acres	_____ sq. ft.
100-Year Floodplain	_____ acres	_____ sq. ft.
Steep Slopes (equal to or greater than 12%)	_____ acres	_____ sq. ft.

III. Adopted Plans and Policies.	
Describe how the proposed development is compatible with the following:	
A. Comprehensive Plan:	
Future Land Use Map	
Transportation Plan Map	

Community Facilities Plan Map			
Goals, Policies and Objectives			
Agricultural and Natural Resources			
Economic Development			
Other Provisions of Comprehensive Plan			
B. Park and Open Space Plan			
C. Intergovernmental Agreements			
D. Applicable County Comprehensive Plan			
E. State of Wisconsin DOT Plans and Policies			
F. State of Wisconsin DNR Plans and Policies			
G. Other Pertinent Plans and Policies as Indicated by City			
IV. Proposed Development			
A. General Description of Proposed Development and Land Use Mix			
B. Modifications to Existing Site Conditions:			
TOTAL SITE	Acres Converted	Acres Not Converted	Total
Surface Water Areas			
Wetland Areas			
Floodplain Areas			
Steep Slopes (12% or more)			
Woodland Areas			

Total Environmental Corridor			
Crop & Livestock Operation Areas			
Other Open Space Areas			
Total Existing Development:			
Existing Building Areas			
Existing Paved Areas			
Existing Lawn & Landscaped Areas			
C. General Development Details:			
Total Site Area:		square	acres
Area of Building Footprint:		square	acres
Area of Total Paving:		square	acres
Area of Pervious Paving		square	acres
Area of Lawn & Landscaping		square	acres
Area of Stormwater Management:		square	acres
Area of Impervious Surface		square	acres
Area of Semi-Pervious Surface		square	acres
Area of Pervious Surface		square	acres
Total Floor Area:		square	
First Floor Area:		square	
Second Floor Area:		square	
3+ Floor Areas:		square	
Useable Basement Area:		square	

Figure 19.485(3): Economic and Fiscal Impact Analysis Requirements

1. For the project, estimate the following:
a. Types of jobs created.
b. Number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created.
c. The impact of the project on the overall local job market at year one and year five.
2. Estimate the amount of local labor to be used in the construction of the project and in permanent employment. Local is defined as City, extraterritorial jurisdiction, or county residents or businesses.
3. Include an analysis indicating the market proposed for the project and the area from which patrons will be attracted.

4. Evaluate the impact of the proposed project on commercial and/or retail vacancy rates in the proposed market area.
5. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
6. Compare and evaluate the projected costs and benefits to the community resulting from the project including:
a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
b. Value of improvements to public services and infrastructure to be provided by the project.
c. Projected property tax revenues to be generated by the project in the first five years.
d. Projected impact of the project in the first five years on land values (both residential and commercial) and potential loss or increase in property tax revenues.
7. Projected lifespan of building(s).

Ordinance introduced by Councilmember Olsen, seconded by Winship, to forward the proposed ordinance to Plan Commission for review. AYES: Binnie, Stewart, Kienbaum, Singer, Olsen, Winship, Taylor. NOES: None.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF CONTRACT WITH STRAND ASSOCIATES FOR ENGINEERING SERVICES FOR TRATT STREET SIDEWALKS/PATH. DPW Director Fischer stated this was on the approved 2010 CIP. As a note on the map, the sidewalk or path will have to pass over some township property. Special assessments can be done for the purposes of the city.

Stewart commented on adding in the Twin Oaks Trailer park to the plans.

Fischer stated they could add this. It probably wouldn't add much more to the cost.

Winship stated we can approve this with the contingency of the cost is not to exceed \$23,600.

Fischer commented the city manager has the authority to add if the council allows it. It is in within his limit. This is covered under the CIP. There is no need to borrow any money which he had stated in his memo.

Winship commented to have both sidewalk and multi-use trail.

Fischer stated there is a sidewalk on the west side of Bloomingfield but then they would run into township property that would include fences, horses and a ditch which would be a problem. The first thing they would do is have a meeting with the property owners and township people to see

if there's a need and what kind of cooperation they would receive. They would try to eliminate road crossings but they might need some to make this happen.

Binnie stated the cost is a lot of money for a sidewalk and walking path and perhaps Strand would be able to do the trailer park for nothing.

Brunner did agree this is a high quote.

Moved by Olsen and seconded by Taylor to approve the contract with Strand Associates and Engineering Services for Tratt Street Sidewalks/Paths. AYES: Taylor, Kienbaum, Olsen, Singer, Stewart, Binnie, Winship. NOES: None.

AWARD OF CONTRACT FOR CLAY STREET PROJECT. Fischer stated Wisconsin St. to Green St. is already done. They want to finish down to Dann Street with this project. There is some utility work that will need to be replaced. This is what drives many projects. Next year they would like to finish from Dann Street to the roundabout. This would be replacing water mains and sanitary sewer lines. They will be replacing curb and gutter, too.

Moved by Taylor and seconded by Olsen to approve the award of contract for Clay Street Project. AYES: Singer, Taylor, Kienbaum, Stewart, Olsen, Binnie, Winship. NOES: None.

DISCUSSION AND POSSIBLE DIRECTION REGARDING DOWNTOWN SIGN REGULATIONS. Taylor commented that one of the local business owners had been recognized as having the best cheeseburgers in Walworth County and when he went to hang up a banner stating this, he was told by Bruce Parker that he couldn't hang one that size unless he paid a \$100 fee.

Parker commented that he doesn't know where the \$100 fee came from. The banner was up for quite some time. Once he was aware of it, he went down and explained to the owner it was against the city ordinance. He could have a banner up for an Anniversary, new management something to that effect, for a period of 30 days. He could hang it up inside the window. He could have an easel sign out front and that would be legal.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE ROLE OF ALTERNATE POSITIONS ON BOARDS AND COMMISSIONS. Taylor wanted to postpone this item.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Taylor would like an explanation as to why the delay on Main and Whiton's improvement for the intersection. Why this delay wasn't known earlier and what can be done to expedite this. Working with the state and local officials, no stone left unturned, how can we get this done efficiently?

ADJOURN TO CLOSED SESSION TO RECONVENE 30 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." Items to

be discussed: Acquisition of real estate for Starin Road right of way. AYES: Kienbaum, Olsen, Binnie, Winship, Stewart, Singer, Taylor. NOES: None.

It was moved by Singer and seconded by Olsen to adjourn the meeting at 9:00 p.m. Unanimous vote.

Respectfully Submitted,

Michele R. Smith
City Clerk