

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

September 21, 2010

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

It was moved by Olsen and seconded by Winship to acknowledge receipt and filing of the Irvin L Young Memorial Library Minutes of 8/9/2010; the Plan and Architectural Review Commission Minutes of 7/12/2010, 8/2/2010, & 8/9/2010; the Cable T.V. Committee Minutes of 2/3/2010; the Senior Forum Minutes of 6/7/2010 and 8/2/2010; the Financial Statements and the Report of Manually-Produced Checks. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Winship to approve payment of city invoices in the total sum of \$126,485.74. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

STAFF REPORTS. City Manager Brunner reported on the Energy Efficiency Block Grant and also informed Council that a Memorandum of Understanding would be forthcoming relating to the Dark Fiber project. Downtown Whitewater Director Tami Brodnicki presented her quarterly report to Council.

HEARING OF CITIZEN COMMENTS: None.

COMMON COUNCIL ANNOUNCEMENTS. : None

PUBLIC HEARING ON AMENDMENT TO COMPREHENSIVE PLAN. Council President Singer opened the public hearing. City Attorney McDonell stated that the purpose of the hearing was to hear people interested in commenting on the proposed change to the Master Plan (changing Prince Street property FROM "Institutional" to Higher-Density housing). No citizens spoke at the hearing and the Public Hearing was closed.

RESOLUTION AWARDING THE SALE OF \$2,110,000 TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS (BUILD AMERICA BONDS – DIRECT PAYMENT).

**RESOLUTION AWARDING THE SALE OF
\$2,110,000 TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS (BUILD AMERICA
BONDS - DIRECT PAYMENT)**

WHEREAS, on September 7, 2010, the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") adopted initial resolutions authorizing the issuance of general obligation bonds in an amount not to exceed \$250,000 for the public purpose of paying the cost of street lighting projects; in an amount not to exceed \$150,000 for the public purpose of paying the cost of improvements to the combined fire and police safety building; in an amount not to exceed \$175,000 for the public purpose of paying the cost of library improvements; in an amount not to exceed \$285,000 for the public purpose of paying the cost of equipment for the fire department; and in an amount not to exceed \$1,250,000 for the public purpose of paying the cost of community development projects in Tax Incremental Districts No. 4 and No. 6 (collectively, the "Initial Resolutions");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk caused a notice to electors to be published in the Whitewater Register, stating the purpose and maximum principal amount of the bond issue authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Initial Resolutions;

WHEREAS, to date, no petition for referendum has been filed with the City Clerk, and the time to file such a petition shall expire on October 7, 2010;

WHEREAS, on September 7, 2010, the City Council of the City also adopted a resolution entitled: "Resolution Providing for the Sale of \$2,110,000 Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment)" (the "Set Sale Resolution"), providing that the general obligation bond issues

authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment)" (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions (the "Project");

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$2,110,000;

WHEREAS, the City Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City has directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") to take the steps necessary to sell the Bonds;

WHEREAS, Baird in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on September 21, 2010;

WHEREAS, the City Clerk (in consultation with Baird) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on September 21, 2010;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. Baird has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference;

WHEREAS, it is the finding of the City Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the Bonds to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Bonds, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the City Council will designate the Bonds to be qualified Build America Bonds, the interest on the Bonds will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the City and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser, offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a net interest cost and an average true interest rate as set forth on the Proposal is hereby accepted (subject to the condition that no valid petition for a referendum is filed by October 7, 2010 in connection with any of the Initial Resolutions). The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment)"; shall be issued in the aggregate principal amount of

\$2,110,000; shall be dated October 12, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. (a) Optional Redemption: The Bonds maturing on September 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on September 1, 2020 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

(b) Mandatory Redemption: If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 through 2026 for the payments due in the years 2011 through 2027 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$2,110,000 Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment), dated October 12, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) all Direct Payments (defined below) received by the City; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The City represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The City acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The City hereby covenants to comply with such requirements.

(b) The City thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the qualified Build America Bond status of the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(c) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(d) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided

under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection

with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Adopted, approved and recorded September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

PRELIMINARY RESOLUTION AUTHORIZING TRATT STREET SIDEWALK SPECIAL ASSESSMENTS. The Public Hearing for the special assessments will be held at the September 21st council meeting. It was suggested that the assessments might be allowed to be deferred, and if the property owner desires, they can pay the assessments over equal installments over a term of five years. Interest at a rate of 1% over what the City can borrow for would be charged.

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO SECTION 66.60, WISCONSIN STATUTES.

(North Tratt Street {East side} between Walton Drive and Foxglove Lane)

RESOLVED, by the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin:

The governing body hereby declares its intention to exercise its police power under Section 66.60, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements: Installation of sidewalk, 5' width, on the *East Side of N. Tratt Street (starting at Walton Drive, thence North to Foxglove Lane)*

The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT:

Portion of N. Tratt Street (East Side), between Walton Drive and Foxglove Lane.

1. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
2. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
3. The Director of Public Works has prepared a report which consists of:
 - a. Final plans and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed sidewalk improvements.
 - c. Schedule of proposed assessments.
4. The Director of Public Works has filed a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.
5. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof), the time and place at which the report may be inspected, preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats. and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.
6. The hearing shall be held in the City of Whitewater Municipal Building, Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin on **October 5, 2010 at 6:30 p.m.**
7. The assessment against any parcel may be paid in cash or in annual installments, the number of which shall be determined at the public hearing on the proposed assessments.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship.

AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None ABSENT: None ADOPTED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION TEMPORARILY WAIVING THE "NO-WAKE" PROHIBITION ON CRAVATH LAKE FOR TASTE OF WHITEWATER EVENT.

RESOLUTION TEMPORARILY WAIVING THE "NO WAKE" PROHIBITION

WHEREAS, there is presently in effect Whitewater Ordinance 7.38.025 which prohibits boats from causing wakes on Cravath Lake; and

WHEREAS, the Downtown Whitewater group Taste of Whitewater celebration for the City of Whitewater will be held from on September 24 through September 26, 2010 at Cravath Lake Park; and

WHEREAS, there are water ski shows scheduled for the public's entertainment on Cravath Lake during said period; and

WHEREAS, it is in the public's best interest to have the opportunity to watch said shows; and

WHEREAS, it is necessary to waive the no wake prohibition on a limited basis for the shows' purposes; and

WHEREAS, a limited waiver of the no wake prohibition will not cause any significant damage to the lake bed; and

WHEREAS, it is in the public's best interest to waive the no wake prohibition for the limited purpose of the water ski shows during the Taste of Whitewater event .

NOW THEREFORE, BE IT RESOLVED, that the prohibition against causing wakes in Cravath Lake Park provided for in Whitewater Ordinance 7.38.025 shall be temporarily waived for the period of September 24, 2010 (commencing at 4:00 p.m.) through September 25, 2010 (ending at 6:00 p.m.), for the limited purpose of allowing water crafts involved in the water ski shows during said period to travel at speeds which will cause wakes.

Resolution introduced by Councilmember Olsen who moved its adoption. Seconded by Councilmember Winship.

AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION ADOPTING A CITIZEN PARTICIPATION PLAN.

RESOLUTION ADOPTING A CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Whitewater has applied for a Community Development Block Grant; and

WHEREAS, the State of Wisconsin Department of Commerce and the U.S. Department of Housing and Urban Development require recipients of Community Development Block Grant monies to have in place a Citizen Participation Plan; and

WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by persons of low – to moderate-income), provide citizens reasonable and timely access to local meetings and information, provide for technical assistance, provide for public hearings and provide for a complaint procedure; and

WHEREAS, the City of Whitewater has prepared and publicly review a Citizen Participation Plan;

NOW THEREFORE BE IT RESOLVED that the City of Whitewater officially adopts the Citizen Participation Plan.

Resolution introduced by Councilmember Olsen who moved its adoption. Seconded by Councilmember Winship.

AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE ADOPTING WHITEWATER TRANSPARENCY ENHANCEMENT ORDINANCE.

ORDINANCE NO. 1804
WHITEWATER TRANSPARENCY ENHANCEMENT ORDINANCE

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

Section 1. Whitewater Municipal Code, Chapter 2.62, Whitewater Transparency Enhancement Ordinance, is hereby created to read as follows:

2.62.010 Purpose.

(a) The purpose of this ordinance is to maximize public awareness and participation in City of Whitewater government.

2.62.020 Posting Requirements.

(a) Agenda notices for all council, committee, commission and board meetings, requiring legal notice, shall be posted 72 hours in advance. If an agenda item is added between 24 and 72 hours prior to the meeting, it shall require an affirmative vote of a majority of the members voting to take up the matter.

(b) All council, committee, commission and board agendas shall be posted online on the City website 72 hours in advance of the meeting.

(c) All council, committee, commission and board packet materials, that can be reasonably scanned, shall be posted online 24 hours in advance of the meeting. The City shall provide an electronic notification feed alert, indicating that new information is available regarding an upcoming council, committee, commission or board meeting, to any party that has subscribed to the feed (requested notice from the City of the updated information).

(d) All requests for proposals and requests for bids shall be posted online as soon as is practicable.

(e) The council and all committee, commission and board meeting minutes shall be posted online within 30 days of the meeting. If the body does not meet within 30 days of the meeting, the minutes shall be posted within 14 days of the next meeting.

2.62.030 Information Technology Requirements.

(a) Beginning December 1, 2010, City Council, Community Development Authority, Plan Commission and Police Commission meetings shall be videotaped, and the video shall be posted online.

2.62.040 Meeting Procedures.

(a) All council, committee, commission and board meetings shall have a public input agenda item to allow citizens to make statements on matters that are not on the agenda.

(b) All council, committee, commission and boards shall allow the public an opportunity to comment on substantive items on the meeting agenda. The council, committee, commission or board shall have the discretion to impose time limits and other reasonable procedural rules concerning the public comment.

(c) If the agenda for a council, committee, commission or board meeting includes staff reports or other reports, a specific description of the item to be reported on shall be listed on the agenda and said report(s) shall be limited to the specific items listed in the agenda.

2.62.050 Failure to Abide by Chapter Provisions Does Not Cause Actions to be Invalid.

(a) The failure by any council, committee, commission or board to adhere to the provisions of this chapter shall not cause any action by said council, committee, commission or board to be invalid.

The ordinance was introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship.

It was moved by Binnie and seconded by Olsen to make language changes relating to providing a date by which minutes would have to be posted on the City website. A vote was taken on the amendment. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

It was then moved by Stewart and seconded by Olsen to change language in the ordinance to require a council majority (vs. a 2/3rds council vote) to have a subject come before Council that was posted less than 72 hours in advance. A vote was taken on the amendment: AYES: Olsen, Butler, Kienbaum, Stewart. NOES: Winship, Binnie, Singer. Amendment passes.

A vote was taken on the amended original motion. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN (PRINCE STREET PROPERTY).

ORDINANCE NO. 1805

**ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF
WHITEWATER, WALWORTH COUNTY, WISCONSIN**

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

SECTION 1. The City of Whitewater is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of Wisconsin Statutes.

On February 2, 2010, the City Council of Whitewater adopted the *City of Whitewater Comprehensive Plan* (hereinafter "*Plan*") as the City's comprehensive plan under Section 66.1001(4), Wisconsin Statutes, with said *Plan* including procedures for regular consideration of amendments to it.

Section 66.1001(4), Wisconsin Statutes, establishes the required procedure for a local government to amend a comprehensive plan once it has been initially adopted.

The City Council of the City of Whitewater has adopted and followed written procedures designed to foster public participation in every stage of the preparation of and amendments to the *Comprehensive Plan*, as required by section 66.1001(4)(a) of Wisconsin Statutes.

The Plan and Architectural Review Commission of the City of Whitewater, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending that the City Council adopt an ordinance to constitute official City approval of a new amendment to the *Plan*.

The City of Whitewater has held a public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes.

To better reflect the City's desired future land use pattern, the City hereby amends Map 5: Future Land Use to change the future land use category for the property located at 234 N. Prince Street from "Institutional" to "Higher Density Residential."

SECTION 2. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication as required by law.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Olsen. AYES: Olsen, Butler, Winship, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None. FIRST READING APPROVED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 12 TO PROHIBIT JAYWALKING.

Councilmember Olsen stated that he has witnessed some near miss accidents involving jaywalkers. A lengthy discussion ensued regarding the advantages and disadvantages of prohibiting jaywalking in only a specific area of the City. It was moved by Olsen and seconded by Winship to approve the ordinance to prohibit Jaywalking on Main Street, near the University. AYES: None. NOES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. ABSENT: None. PROPOSED ORDINANCE FAILS.

FIVE POINT MEDIAN ALTERNATIVE (Janesville, Walworth & Summit Streets).

Luke Holman of Strand made a presentation on options to improve the intersection known as "five points." Differences of opinion as to whether any improvement was really necessary were voiced. Although it was agreed that the intersection can be very busy at certain times of the day (normally school traffic times), at other times, the traffic flow is not problematic. Councilmember Binnie expressed concern over the costs associated with some improvements. It was moved by Winship to table action on this subject until appraisals on property purchases be obtained and property owners are contacted. The Council was in agreement to await further information.

ENFORCEMENT OF BUILDING AND ZONING CODES ON ABANDONED PROPERTIES.

City Manager Brunner indicated that the Community Development Authority has concerns about the maintenance of the vacant and abandoned properties in the City. It was noted that the number of abandoned properties has increased due to the recession. CDA has recommended that enforcement of codes on these abandoned properties be more rigidly enforced. It was moved by Olsen and seconded by Winship to request more rigid enforcement of the municipal codes on abandoned properties. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

CHANGE ORDER #5 FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS. Request for a change order to cover costs of the RBC building roof repair, permanent support for glue-lam beam, removal of existing phone and speaker cables from the manhouse to the pump building, and cutting of feed piping and installation of valves. The total change order requested was \$11,803.98. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Binnie requested that an ordinance be drafted that would allow the city administration to approve waivers of the no-wake ordinance.

ADJOURNMENT. Being no further business to come before the meeting, it was moved by Olsen and seconded by Stewart to adjourn the meeting. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk