

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 3, 2011

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

**APPROVAL OF MINUTES.** It was moved by Olsen and seconded by Butler to acknowledge receipt and filing of: Council Minutes of April 7, 2011; Whitewater University Technology Park Board Minutes of February 23 and March 16, 2011; Community Development Authority Minutes of March 28, 2011; Library Board Minutes of April 11, 2011; Police Department Consolidated Monthly Report for March 2011. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Butler to approve payment of city invoices processed through April 28, 2011 in the total sum of \$124,799.19. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**REPORTS:** **Councilmember Winship** gave recognition to the NCAA National Championship UW-Whitewater Men's Wheelchair Basketball Team. **City Manager Brunner** reported on Tree City USA Recognition, Dedication/Open House for the Whitewater Innovation Center, lab build out for tenants at the Whitewater Innovation Center, Historic Preservation Month Proclamation and Wisconsin Archaeology Month. **Senior Coordinator Deb Weberpal** reported on the Proclamation Declaring May as Older American Month and the introduction of the Essay Contest Winners. **Downtown Whitewater Executive Director Tami Brodnicki** reported on the Downtown Whitewater, Inc. Quarterly Report and the 2011 Wisconsin Main Street Awards.

**HEARING OF CITIZEN COMMENTS.** No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a 3-5 minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

Jan Bilgen, 178 N Park Street, invited everyone in the audience to the Police Day event at the Municipal Building on May 15. Mark Wokash, 146 W Main Street had a question about the timing of the Main Street overlay project. DPW Director Dean Fischer responded, stating that the project would be completed on May 11, ahead of graduation.

**COMMENDING DEPARTMENT OF PUBLIC WORKS EMPLOYEES ON THEIR  
OUTSTANDING SNOW REMOVAL EFFORTS DURING WINTER 2010-2011.**

**RESOLUTION**  
**HONORING CITY OF WHITEWATER DPW EMPLOYEES**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin experienced several substantial snowstorms during the Winter of 2010-2011, and

WHEREAS, the "Groundhog Day Blizzard" on February 2<sup>nd</sup>, 2011 dumped over a foot of snow on the city with similar amounts in neighboring communities paralyzing the region, and,

WHEREAS, the City of Whitewater DPW performed marvelously in ensuring that the city streets were passable to both citizen and commuter alike, earning praise from those in the community, and,

WHEREAS, Streets Superintendent Chuck Nass and his team of dedicated workers: Todd Buckingham, Brian Neumeister, John Alvarado, Eddie Hernandez, Kevin Heckert, Dave Himsel, Andrew Beckman, Rick Babcock, and Kelly Freeman worked tirelessly during this entire winter to ensure the continued operation of the city streets regardless of the weather, and,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Whitewater expresses its sincere appreciation on behalf of the citizens represented for the level of service that is continually performed by the Whitewater Public Works staff ; and

BE IT FURTHER RESOLVED that Wednesday May 4<sup>th</sup>, 2011 is designated Whitewater Department of Public Works Day in the City of Whitewater to honor the tremendous work done by the Whitewater Public Works employees.

Resolution introduced by Councilmember Singer, who moved its adoption. Seconded by Councilmember Olsen. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. DATE: May 3, 2011

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AUTHORIZING EXTENSION OF CLASS “B” LICENSE FOR CAPN’S FOR TREYTON KILAR EVENT.**

**RESOLUTION GRANTING PERMISSION FOR AN EVENT TO BE HELD AT CAPN’S OF WHITEWATER (THE AMERICAN LEGION BUILDING), 292 SOUTH WISCONSIN STREET, WHITEWATER, WISCONSIN**

**WHEREAS**, CAPN’S of Whitewater, LLC, is currently licensed and zoned to allow the service of alcohol within its building located at 292 South Wisconsin Street, Whitewater, Wisconsin, and

**WHEREAS**, CAPN’S of Whitewater, LLC, plans to hold a fundraising event for a charitable cause which includes the use of portions of its outdoor property for the service of alcohol beverages, and

**WHEREAS**, it is appropriate to use portions of the outdoor area of 292 South Wisconsin Street for this event.

Now, therefore, **BE IT RESOLVED** as follows;

1. CAPN’S of Whitewater, LLC, is hereby granted permission to serve alcohol beverages outdoors at an event to take place on May 14, 2011, at its premises located at 292 South Wisconsin Street, City of Whitewater, Walworth County, Wisconsin, during the hours of 3:00 P.M. until 12:00 A.M. (midnight).

2. The area where alcohol is served outside shall be limited to the back (lakeside) parking lot of the property, and any outdoors music entertainment shall end at 11:00 P.M.

3. The Chief of Police and Neighborhood Services Director may impose additional conditions to promote the health and safety of the event.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Butler. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. DATE: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION DISCONTINUING A PORTION OF MORAINÉ VIEW PARKWAY.**

**RESOLUTION DISCONTINUING A PORTION OF  
MORAINÉ VIEW PARKWAY**

**WHEREAS**, the City of Whitewater has recently constructed an Innovation Center in the City of Whitewater, and

**WHEREAS**, there is currently a platted street stub for Moraine View Parkway that is located near said Innovation Center, and

**WHEREAS**, the Moraine View Parkway stub is not needed for current development plans for the area and may be an impediment to the development of the City of Whitewater Technology Park, and

**WHEREAS**, the public interest requires it.

Now, therefore, **BE IT RESOLVED** as follows:

1. Moraine View Parkway from its intersection with Innovation Drive southerly to the point described on the attached legal description, and shown on the attached and map, is hereby discontinued.
2. The official map of the City of Whitewater is hereby amended to show the discontinuance of this portion of Moraine View Parkway.

Resolution introduced by Wallace McDonell. This resolution will come back for Council's approval more than 40 days from May 3, 2011.

**RESOLUTION DISCONTINUING A PORTION OF SUMMIT STREET.**

**RESOLUTION DISCONTINUING A PORTION OF SUMMIT STREET**

**WHEREAS**, the City of Whitewater has realigned Summit Street in the City of Whitewater at its intersection with Janesville Street, and

**WHEREAS**, after the realignment of Summit Street, portions of the Summit Street right-of-way are no longer needed for street purposes, and

**WHEREAS**, the public interest requires it.

Now, therefore, **BE IT RESOLVED** that:

1. The portion of Summit Street described on the attached legal description and shown on the attached map is hereby discontinued.

2. A public sidewalk easement for the purpose of the public use and for the purpose of installing, laying, repairing, and maintaining sidewalks or pedestrian pathways is retained by the City of Whitewater on and over said property..
3. The official map of the City of Whitewater is hereby amended to show the discontinuance of this portion of the street.

Resolution introduced by Wallace McDonell. This resolution will come back for Council's approval more than 40 days from May 3, 2011.

**AMENDING CHAPTER 11.12.011, STOP SIGNS TO ADD AN ADDITIONAL STOP SIGN LOCATION.**

**AN ORDINANCE AMENDING SECTION 11.12.011 STOP SIGNS**

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

**SECTION 1:** Whitewater Municipal Code Section 11.12.011, entitled Stop Signs, is hereby amended as follows:

By adding the following new stop signs to the Street Index of Stop Signs:

“Fremont Street – northbound at Starin Road.”  
“Fremont Street – southbound at Starin Road.”  
“Jefferson Street – northbound at Starin Road.”  
“Jefferson Street – southbound at Starin Road.”  
“Starin Road – eastbound at Jefferson Street.”  
“Starin Road – westbound at Jefferson Street.”  
“Starin Road – eastbound at Newcomb Street.”  
“Greenway Court – eastbound at Howard Road.”  
“East Main Court – westbound at East Main Street.”

Change of existing stop signs:

“Corporate Drive – westbound at Howard Road” shall be changed to “Innovation Drive – westbound at Howard Road.”

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. FIRST READING APPROVED: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING CHAPTER 5.20.020 ALCOHOL LICENSING, REGARDING ANNUAL TAVERN INSPECTION REQUIREMENTS.**

**ORDINANCE AMENDING SECTION 5.20.020 RELATED TO ALCOHOL LICENSING**

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

**Section 1:** Whitewater Municipal Code Chapter 5.20, Section 5.20.020, is hereby amended to read as follows:

5.20.020 License – Application –Investigation—Inspection.

- (a) The City Clerk shall notify the Neighborhood Services Director, the Chief of Police and the Fire Department of any application for an alcohol license for an establishment.
- (b) The Chief of Police, or his or her designee, shall investigate the applicant’s arrest and conviction record and furnish the information to the City Council in writing.
- (c) The Neighborhood Services Director or his or her designee shall inspect the premises to determine whether the premises sought to be licensed complies with the State Building Code, the State Plumbing Code, City of Whitewater Zoning Ordinances, and other applicable City ordinances, and shall furnish the information to the City Council in writing.
- (d) The applicant shall supply the City Clerk with proof that the premises to be licensed has passed a City of Whitewater Fire Department fire inspection within six (6) months of the date the license will be issued.
- (e) The applicant shall supply the City Clerk with the following:
  - (1) Proof, supplied by the Wisconsin Department of Health Services, that the establishment has a current valid restaurant or food service license issued by the Wisconsin Department of Health Services, or
  - (2) Proof, supplied by the Wisconsin Department of Health Services, that the establishment complies with the sanitation regulations of the State of Wisconsin Department of Health Services related to service of alcohol beverages for the type of license requested.
- (f) In determining the suitability of the applicant, consideration shall be given to the moral character and the financial responsibility of the applicant, appropriateness of the location and premises where such licensed business is to be conducted, and generally the applicant’s fitness for the trust to be reposed.
- (g) No retail class “B” or “Class B” license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code, and the rules and regulations of the State Board of Health applicable to restaurants, and also conform to all ordinances and regulations adopted by the city.
- (h) Each premises for which a class “B” or “Class B” license is granted must be connected with the city water and sewerage facilities, must be properly lighted and ventilated and supplied with separate sanitary toilet and lavatory facilities, equipped with running water, for each sex.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. ADOPTED: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING CHAPTER 11, REDUCING SPEED LIMITS ON STARIN ROAD.**

**AMENDING SECTION 11.08.012 SPEED LIMITS – DECREASED**

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

SECTION 1. Section 11.08.012 entitled Speed Limits – Decreased, is hereby amended by adding the following:

“TWENTY-FIVE MILES PER HOUR: Starin Road between Fremont Street and Jefferson Street,”

“THIRTY MILES PER HOUR: Starin Road between Jefferson Street and Newcomb Street.”

SECTION 2. This ordinance shall take effect upon passage and publication is provided by law.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Butler. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. ADOPTED: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING CHAPTER 11, PARKING REGULATIONS, TO PROHIBIT PARKING ON NEWLY CONSTRUCTED PORTION OF STARIN ROAD.**

**AMENDING SECTION 11.16.150 PARKING PROHIBITED**

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

SECTION 1. Section 11.16.150 entitled Street Index of Parking Restrictions, is hereby amended by adding the following:

No parking on both sides of Starin Road – Fremont Street to Newcomb Street.

SECTION 2. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Butler. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. ADOPTED: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING CHAPTER 11.16.080, TO PROHIBIT PARKING ON STREETS LISTED IN SECTION 11.16.150 OF MUNICIPAL CODE.**

**AMENDING SECTION 11.16.080 PARKING PROHIBITED**

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

SECTION 1. Section 11.16.080 entitled No parking at all times, is hereby amended to read as follows:

It is unlawful for the operator of any vehicle to park such vehicle at all times on a street to designated in the table in Section 11.16.150 of this chapter.

SECTION 2. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Butler. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None. ADOPTED: May 3, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AUTHORIZATION TO PURCHASE JET MACHINE FOR WWTP IMPROVEMENTS PROJECT CONTRACT 4-2009.** It was moved by councilmember Olsen and seconded by councilmember Winship to authorize purchase of a jet machine for Wastewater Treatment Plant improvements on Contract 4-2009. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**CONSIDERATION OF AWARD OF CONTRACT 1-2011 TO MANN BROS. FOR FIVE POINTS INTERSECTION IMPROVEMENTS.** It was moved by Olsen and seconded by Butler to award contract 1-2011 to Mann Bros. for Five Points Intersection Improvements. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**DISCUSSION AND POSSIBLE ACTION REGARDING ELECTRICAL UPDATES AT CRAVATH LAKEFRONT PARK.** It was moved by Olsen and seconded by Winship to approve proposed Phase 2 electrical updates at Cravath Lakefront Park with funding from the contingency fund. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**REQUEST TO INCREASE BUDGET FOR POLICE CHIEF RECRUITMENT/SELECTION OUTSIDE SERVICES.** Jan Bilgen, Police Commission presented the need for more than \$8,000 to be dedicated to Police Chief recruitment/selection outside services. It was moved by Stewart and seconded by Binnie to increase the budget for Police Chief recruitment/Selection outside services. An exact amount will be brought for Council's approval at a later meeting. AYES: Butler, Winship, Binnie, Singer, Stewart, Olsen. NOES: Kienbaum. ABSENT: None.

**DISCUSSION/POSSIBLE ACTION ON AMENDMENT TO CITY BUILDING PERMIT FEES.** Item pulled from agenda. This will be discussed at a future meeting.

**DISCUSSION/DIRECTION TO CITY STAFF ON ZONING ORDINANCE UPDATING/REDRAFTING.** Singer stated that he would be in favor of Option 3 (\$50,000) to update Whitewater's zoning ordinances. The funding could be in part from savings gained from slow planning services use this year and the amount could be budgeted in the 2012 budget. It was moved by Singer and seconded by Olsen to approve Option 3 and direct City Staff to prepare an RFP which would include a complete update of City of Whitewater zoning ordinances. Brunner indicated that SWRPAC may be able to perform this update. Jeff Knight (CDA member), 405 Panther Court, believes that this ordinance update would be important for the long term growth and development of the City. Winship expressed a concern that some may take this opportunity to weaken zoning regulations around campus. He requested an interim report to compare the Whitewater community with similar communities. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**APPROVAL OF CONTRACTS FOR DOWNTOWN MAIN STREET OVERLAY PROJECT.** It was moved by Olsen and seconded by Butler to approve contracts for the downtown Main Street Overlay Project. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**CONSIDERATION OF LAND EXCHANGE AGREEMENT BETWEEN CITY OF WHITEWATER AND CA POPE, INC FOR THE JANESVILLE/WALWORTH/SUMMIT STREET INTERSECTION IMPROVEMENT.** It was moved by Olsen and seconded by Butler to approve a land exchange agreement between the City of Whitewater and C.A. Pope, Inc for the

Janesville/Walworth/Summit Street Intersection Improvement. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**COUNCILMEMBER REQUEST FOR FUTURE AGENDA ITEMS.** Councilmember Kienbaum suggested further discussion of state funding cuts. Councilmember Stewart requested updates during the redistricting process.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Olsen to Adjourn to EXECUTIVE SESSION, not to reconvene, per Wisconsin Statutes 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” And 19.85 (1)(g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.” Item to be Discussed: City’s options for Enforcements Concerning Encroachment on Effigy Mounds Preserve. AYES: Butler, Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The meeting adjourned at 7:40 p.m.

Respectfully submitted,