

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

September 27, 2011

The regular (but rescheduled) meeting of the Common Council was called to order at 6:00 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Kienbaum, Stewart, Olsen. MEMBERS ABSENT: Butler, Winship. LEGAL COUNSEL PRESENT: Wallace McDonell.

POLICE CHIEF CONTRACT. It was moved by Olsen and seconded by Binnie to approve a four-year contract with new Police Chief Lisa K. Otterbacher. The starting salary for the Chief is \$87,000, which is higher than the advertised wage, but Brunner justified the increase based on Otterbacher waiving all rights to longevity pay consistent with other recent managerial hires, and Otterbacher has agreed to make the same payments to the Wisconsin Retirement System and health insurance, just as other managerial employees of the City must make (even though she is specifically exempted via the recently approved State budget). AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship.

POLICE CHIEF, LISA OTTERBACHER, OATH OF OFFICE. City Clerk Smith administered the oath of office to newly-hired Police Chief, Lisa K. Otterbacher. After the oath, a short recess was taken, and refreshments were served.

At 6:30 p.m., the meeting reconvened, and it was moved by Olsen and seconded by Binnie to approve the Council minutes of September 6, 2011, and to acknowledge receipt and filing of the: following: Community Development Authority Minutes of August 1, 2011; Library Board Minutes of August 15, 2011; Park and Recreation Minutes of August 1, 2011; Birge Fountain Committee Minutes of June 1, 2011; University Technology Park Minutes of August 16, 2011; Landmarks Committee Minutes of August 3, 2011; Urban Forestry Minutes of May 10, 2011 and June 21, 2011. AYES: Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: Winship, Butler.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Binnie to approve payment of invoices in the total sum of \$61,703.56. AYES: Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: Butler, Winship.

STAFF REPORT. City Manager Brunner presented a commendation to the UW-Whitewater Rugby Club Team in recognition of their Championship.

HEARING OF CITIZEN COMMENTS. None.

AMENDMENT #4 TO 2011 SALARY RESOLUTION. An amendment to the 2011 salary resolution is necessary to reflect the salary for the newly-hired Police Chief.

**CITY OF WHITEWATER
2011 SALARY RESOLUTION
AMENDMENT #4**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2011, in which wages are established.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following amendments to the ranges and numbers

of employees in Schedule I of the 2011 Wage and Salary Schedule as previously amended on August 10, 2011 are hereby adopted pursuant to Wisconsin Statutes; and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning September 27, 2011.

**SCHEDULE I
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	12/31/2010	98,176.10
		07/01/2011	100,630.51
Chief of Police	1	09/27/2011	87,000.00
Municipal Judge	1	05/01/2010	19,099.28
		05/01/2011	19,576.76
City Attorney	1	12/31/2010	51,250.00
		07/01/2011	52,531.25

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF CITY OF WHITEWATER GRIEVANCE PROCEDURE. It is mandated by the State that each municipality adopt a grievance procedure by October 1st. Assistant to the City Manager Cameron Clapper provided details of the procedure.

**RESOLUTION ADOPTING A GRIEVANCE PROCEDURE
AND ADDING IT TO THE CITY OF WHITEWATER
EMPLOYEE MANUAL**

WHEREAS, recent State of Wisconsin legislation requires cities to establish a grievance procedure for certain employees, and

WHEREAS, the City of Whitewater seeks to establish a grievance procedure, and

WHEREAS, it is in the City's best interest to add the grievance procedure to the City Employee Manual,

NOW, THEREFORE, BE IT RESOLVED that the below grievance procedure is adopted and shall become a part of the City of Whitewater's Employee Manual, and shall replace the current section titled **Employee Rights Related to the Discipline Procedure** section of said Employee Manual.

GRIEVANCE PROCEDURE

Grievance Procedure. This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire

employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, the following definitions apply:

1. "Employee discipline" includes all levels of progressive discipline, but shall not include the following items:
 - Placing an employee on paid administrative leave pending an internal investigation;
 - Counseling, meetings or other pre-disciplinary action;
 - Actions taken to address work performance, including use of a performance improvement plan or job targets;
 - Demotion, transfer or change in job assignment; or
 - Other personnel actions taken by the employer that are not a form of progressive discipline.
2. "Employee termination" shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:
 - Voluntary quit;
 - Layoff or failure to be recalled from layoff at the expiration of the recall period;
 - Retirement;
 - Job abandonment, "no-call, no-show", or other failure to report to work; or
 - Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.
3. "Workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

Any written grievance filed under this policy must contain the following information:

- The name and position of the employee filing it,
- A statement of the issue involved,
- A statement of the relief sought,
- A detailed explanation of the facts supporting the grievance;
- The date(s) the event(s) giving rise to the grievance took place,
- The identity of the policy, procedure or rule that is being challenged;
- The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
- The employee's signature and the date.

Steps of the Grievance Procedure

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

1. Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the Department Head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and

inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the City Manager, who shall conduct the Step 1 investigation.

2. Step 2 – Review by City Manager. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Manager within five (5) business days of the receipt of the decision of the department head at Step 1. The City Manager or his or her designee will review the matter and inform the employee of his or her decision, if possible within ten (10) business days of receipt of the grievance.
3. Step 3 – Impartial Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the City Manager’s decision, a request for written review by an impartial hearing officer. The City shall select the impartial hearing officer. The hearing officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.
4. Step 4 – Review by the Governing Body If the grievance is not resolved after Step 3, the employee or the City Manager shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the City Council. The City Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the City Council’s next regular meeting. The City Council will inform the employee of its findings and decision in writing within ten (10) business days of the City Council meeting. The City Council shall decide the matter by majority vote of the voting members and this decision shall be final and binding.

An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADOPTING THE CITY OF WHITEWATER URBAN FORESTRY MANAGEMENT PLAN. The Urban Forestry Committee has worked with the City Forester and City Attorney to develop an Urban Forestry Management Plan. A resolution adopting the plan was presented. Resident Roy Nosek proposed alternate language for the resolution. Nosek cited errors he believes have been made in forestry management as his reason. Councilmember Olsen strongly supported the option that allowed the City forester to make decisions based on his expertise.

**RESOLUTION ADOPTING THE CITY OF WHITEWATER
URBAN FORESTRY MANAGEMENT PLAN**

WHEREAS, the City of Whitewater Urban Forestry Commission is a committee of the City of Whitewater Park and Recreation Board and is responsible for the preparation of an Urban Forestry Management Plan, and

WHEREAS, the Urban Forestry Commission has completed an Urban Forestry Management Plan, and

WHEREAS, the plan has been reviewed and accepted by the Park and Recreation Board, and

WHEREAS, the plan is a sound and valuable plan for the City of Whitewater for Urban Forestry Management.

Now, therefore, **BE IT RESOLVED**, that the Common Council of the City of Whitewater, Walworth and Jefferson Counties, hereby adopts the Urban Forestry Management Plan. The adoption of this plan establishes required standards for City staff and City employees, unless the City Forester gives specific direction based on his or her professional judgment to deviate from the plan.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Binnie, Singer, Kienbaum, Stewart. NOES: Olsen ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING TITLE 17, LANDMARKS COMMISSION ORDINANCE, TO PROVIDE FOR A
CERTIFICATE OF APPROPRIATENESS.**

ORDINANCE NO. 1828 - Preliminary

**FIRST READING OF AN ORDINANCE AMENDING TITLE 17 LANDMARKS COMMISSION
ORDINANCE TO PROVIDE FOR A CERTIFICATE OF APPROPRIATENESS**

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

Section 1. Whitewater Municipal Code Section 17.04.020 Definitions is hereby amended by adding the following:

- (9) "Certificate of Appropriateness" means the certificate issued by the Commission approving exterior alteration, rehabilitation, restoration, construction, reconstruction or demolition concerning a landmark structure, landmark site or site in a Historic District.

Section 2. Whitewater Municipal Code Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040 and 17.16.050 are hereby amended to read as follows:

17.16.010 Building permit and Certificate of Appropriateness – Required

No person shall alter, reconstruct, move or permit any alteration of any exterior or reconstruction or movement or any exterior portion of any landmark or landmark site or any

property within an historic district unless the commission has approved such work by the issuance of a Certificate of Appropriateness. The building inspector shall not issue a building permit for such work if the Commission has not approved a Certificate of Appropriateness for the work.

17.16.020 Building permit and Certificate of Appropriateness - - Application – Referral to commission.

Any party that submits an application for a building permit involving the exterior of a property that has been designated as a landmark or landmark site or is in a historic district shall file with the application for a building permit an application for a Certificate of Appropriateness. Within two weeks of receipt of an application for the building permit and application for a Certificate of Appropriateness, the building inspector shall refer such applications to the commission.

17.16.030 Certificate of Appropriateness - - Determination by commission.

Upon the filing of an application for a Certificate of Appropriateness, the commission shall determine whether the proposed work would destroy or deleteriously affect any feature of the landmark, landmark site, or historic district or be out of harmony with the external appearance of the site.

17.16.40 Certificate of Appropriateness - - Issuance procedure.

The commission shall within thirty days of referral of the application to the Landmarks Commission, report to the building inspector either that the Certificate of Appropriateness has been denied or that the commission has issued a Certificate of Appropriateness. The commission may attach certain conditions to the Certificate of Appropriateness. Review of denial of Certificate of Appropriateness shall lie with the Common Council pursuant to this code and the Wisconsin Statutes. The applicant may appeal the decision to the Common Council for its determination.

17.16.50 Certificate of Appropriateness - - Denial - - Commission assistance to applicant.

In addition, if the commission fails to approve an application for a Certificate of Appropriateness, it shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain approval within the guidelines of this title.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Olsen.. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CH.1.21.010 SCHEDULE OF DEPOSITS TO ASSIGN PENALTY TO CHAPTER 1.25 VIOLATIONS (PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS WHILE CARRYING A FIREARM).

ORDINANCE NO. 1829 Preliminary

**FIRST READING OF AN ORDINANCE AMENDING SECTION 1.21.010
SCHEDULE OF DEPOSITS**

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
1.25	Violation of the Public Buildings Firearms Ordinance	1 st offense - \$300.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment 2 nd offense within 1 year - \$400.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment 3 rd and subsequent offenses within 1 year - \$600.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

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 Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. FIRST READING ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING AMENDING CHAPTER 7.63.020 OF THE MUNICIPAL CODE TO MAKE A TECHNICAL CHANGE TO PENALTIES FOR ALCOHOL VIOLATIONS (NO SUBSTANTIVE CHANGES AND NO CHANGE TO FINE AMOUNT).

ORDINANCE NO. 1825A - Final

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 7.63

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

Section 7.63.020 Penalty of Chapter 7.63 of the Whitewater Ordinances is hereby amended as follows:

7.63.020 Penalty.

The provisions of Section 125.07(4) of the Wisconsin Statutes, exclusive of any criminal jail penalties, and also all acts amendatory thereof and supplementary thereto relating to penalties are adopted as a portion of this chapter so far as applicable.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING AMENDING CHAPTER 5.20.160 OF THE MUNICIPAL CODE TO MAKE A TECHNICAL CHANGE TO PENALTIES FOR ALCOHOL VIOLATIONS (NO SUBSTANTIVE CHANGES AND NO CHANGE TO FINE AMOUNT).

ORDINANCE NO. 1826A – Final

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 5.20

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

Section 5.20.160 Penalty of Chapter 5.20 of the Whitewater Ordinances is hereby amended to read as follows:

5.20.160 Penalty. The provisions of Chapter 125 of the Wisconsin Statutes, exclusive of any criminal jail penalties, and also all acts amendatory thereof and supplementary thereto relating to penalties are adopted as a portion of this chapter so far as applicable. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be subject to a forfeiture of:

(a) Not more than five hundred dollars if the person has not committed a previous violation within twelve months of the violation:

(b) Not less than two hundred dollars nor more than five hundred dollars if the person has previously committed a violation within twelve months of the violation:

(c) Not less than five hundred dollars nor more than one thousand dollars if the person committed two previous violations within twelve months of the violation; and

(d) Not less than one thousand dollars nor more than five thousand dollars for the fourth and subsequent offenses within one year.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING CREATING CHAPTER 1.25 OF THE MUNICIPAL CODE TO PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS IN CITY WHILE CARRYING FIREARM.

ORDINANCE NO. 1827A – Final

**ORDINANCE TO PROHIBIT ENTRY OR PRESENCE IN
PUBLIC BUILDINGS IN CITY OF WHITEWATER
WHILE CARRYING FIREARMS**

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

Section 1. Chapter 1.25 of the City of Whitewater Municipal Code is hereby created to read as follows:

1.25.010. Title.

This Chapter shall be known as, referred to or cited as The Public Buildings Firearms Ordinance of the City of Whitewater.

1.25.020. Authority.

The regulations adopted hereunder are adopted under the authority granted in Wisconsin Statute 943.13 (1m)(c)4.

1.25.030. Purpose.

The purpose of this Chapter is to promote the health, safety and general welfare of this community.

1.25.040. Severability and Non-liability.

A. If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

B. If any application of this Chapter to any particular structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure not specifically included in said judgment.

C. The City does not guarantee, warrant or represent that no firearms will be carried in public buildings and hereby asserts that there is no liability on the part of the City of Whitewater, the Common Council, its officers or employees for any damages that may occur as a result of reliance upon this Chapter.

1.25.050. General Provisions.

A. The City Manager shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Whitewater providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.

B. Nothing in the subsection shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building.

C. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.

1.25.060 Penalties for Violation. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subjected to a fine of not less than two hundred dollars nor more than four hundred dollars, together with the costs of prosecution. Any person who violates any of the provisions of this chapter for a second time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than three hundred dollars nor more than five hundred dollars together with the costs of prosecution. Any person who violates any of the provisions of this chapter for a third time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than five hundred dollars nor more than seven hundred dollars, together with the costs of prosecution.

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 Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

PRESENTATION ON NARROW BANDING REQUIREMENTS AND 2012 BUDGET NEEDS.

It was announced that due to FCC regulations, communities must amend their wide-band communications systems to a narrow band system. Police Chief Lisa Otterbacher presented detailed information relating to the upcoming requirements. Three options were presented, ranging from making only the required improvements (at a price of \$152,183) to replacement of most of the system (at a price of \$467,040). It was noted that borrowing will need to occur for this project. It was noted that radios are constantly needing to be replaced in the outdated system, and that the possibility of completing more than the minimum required would be prudent. Councilmember Binnie preferred that more than one quote be provided, but it was explained that it is difficult to combine various brands of equipment. Further information will be forthcoming.

APPROVAL OF THREE-YEAR CITY AUDITOR CONTRACT TO JOHNSON-BLOCK. Quotes were obtained for city financial services, and prospective audit firms were interviewed by City staff. Staff is recommending approval of a renewal contract with Johnson Block, the city's current auditors. Although their quote was not the lowest, staff felt that overall costs would be reduced as orientation of a new firm training would not be required. It was moved by Olsen and seconded by Binnie to approve a contract with Johnson Block. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship.

APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS. The Nominations Committee met and has recommended appointment of Bruce Parker to the vacant Park and Recreation Board position and to also recommend appointment of Bruce Parker to the vacant alternate position on the Board of Zoning Appeals. It was moved by Olsen and seconded by Binnie to appoint Bruce Parker to the two positions as recommended. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship.

APPOINTMENT OF MEMBERS TO ZONING CODE REWRITE COMMITTEE. City Brunner requested appointment of members to serve on the Zoning Code Rewrite Steering Committee. Councilmember Singer recommended that one general citizenry member be removed, to allow for an odd-

numbered member committee. It was moved by Olsen and seconded by Binnie to approve the slate, with the understanding that one citizen member (John Patterson) would be removed so as to make it an odd-numbered person committee. Councilmember Stewart disagreed, stating that it is merely an advisory committee, and that Mr. Patterson had a great deal of experience that would benefit the committee. Stewart moved and Binnie seconded an amendment to the motion to create a 12 person committee, including citizen representative John Patterson. A vote was taken on the amendment: AYES: Olsen, Binnie, Stewart. NOES: Singer, Kienbaum. Motion is amended. A vote was then taken on the amended motion: AYES: Olsen, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: Butler, Winship. Members appointed are: Common Council representative – Patrick Singer; Plan Commission representative – Greg Meyer; CDA Representative – Jeff Knight; Downtown Whitewater representative – Dave Saalsa; UW-W representative – Greg Swanson; Chamber of Commerce representative – Deb Williamson; Development Community Representatives – John Tincher & Russ Walton; Neighborhood Associations – Rosemary Leaver and Kim Adams; General Citizenry members – John Patterson and Kristine Zaballos. It was noted that rewrite of the code will be a long process and that final approval of the revisions must be approved by the Common Council.

ACTION ON CLAIM FILED BY DANIEL WITTEMAN CONCERNING 4/28/11 INJURY. Daniel Witteman of East Troy, Wisconsin, filed a claim against the City resulting from an incident on 4/28/2011. The City of Whitewater's claims adjuster, Midwest Claims Service, has recommended that the City of Whitewater deny the claim. It was moved by Olsen and seconded by Binnie to deny a claim filed by Daniel Witteman of East Troy, Wisconsin as a result of a blasting incident on 4/28/11. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship.

APPOINTMENT OF COUNCIL REPRESENTATIVE TO SERVE ON STEERING COMMITTEE FOR BIKE AND PEDESTRIAN MASTER PLAN. It was moved by Olsen and seconded by Binnie to appoint Jim Winship as Council representative to serve on the Steering Committee for the Bike and Pedestrian Master Plan. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Winship.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Kienbaum requested discussion regarding the property surrounding the salvage yard on Jefferson Street to the north. (The property owner was present at the 9/26 CDA meeting).

ADJOURNMENT. It was moved by Binnie and seconded by Olsen to adjourn the meeting. AYES: Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: Butler, Winship. The meeting adjourned at 7:58 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk