

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

February 23, 2012

The meeting of the Common Council was called to order at 6:30 p.m. by Council Vice President Binnie. MEMBERS PRESENT: Binnie, Stewart, Olsen, Abbott, Kienbaum, Winship. ABSENT: Singer. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Olsen and seconded by Winship to approve the Council minutes of February 7, 2012, and to acknowledge receipt and filing of the following: Plan Commission Minutes of January 9, 2012; Library Board Minutes of January 9, 2012; and Landmark Minutes of November 2, 2011 and December 7, 2011. AYES: Binnie, Stewart, Olsen, Abbott Kienbaum, Winship. NOES: None. ABSENT: Singer.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Winship to approve payment of invoices in the total sum of \$129,328.33. AYES: Stewart, Winship, Olsen, Binnie, Abbott, Kienbaum. NOES: None. ABSENT: Singer.

STAFF REPORT. City Manager Brunner gave a **Legislative Update** and reported on the **Community Fiber Optic Network.**

HEARING OF CITIZEN COMMENTS. None.

SECOND READING OF ORDINANCE AMENDING CHAPTER 11.21, HEAVY TRUCK TRAFFIC ROUTES, AND REPEALING CHAPTER 11.54, HEAVY TRUCK TRAFFIC.

**SECOND READING OF
ORDINANCE AMENDING CHAPTER 11.32 HEAVY TRAFFIC ROUTES AND
REPEALING CHAPTER 11.54
TRUCK TRAFFIC**

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

SECTION 1. Whitewater Municipal Code Chapter 11.54, Truck Traffic, is hereby repealed.

SECTION 2. Whitewater Municipal Code Chapter 11.32, Use by heavy traffic prohibited, is amended to read as follows:

(a) Heavy traffic is prohibited on all streets in the city except Janesville Street, South Franklin Street, North Tratt Street, Business Highway 12, and state and federal highway routes through the city; provided, that the ordinary use of the streets for the purpose of obtaining orders for and carrying of supplies and other necessary things to and from any one place or residence fronting on the streets is excepted from the provisions of this section.

(b) In this section, "heavy traffic" means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or suited for transporting property of any nature and having a gross weight of more than six thousand pounds.

(c) Any person who violates the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than \$25.00 nor more than \$200.00 for the first offense, together with the costs of prosecution; and on second and subsequent offenses within one year not less than \$50.00 nor more than

\$250.00, together with the costs of prosecution.

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Olsen, Abbott, Winship, Stewart, Binnie, Kienbaum. NOES: None. ABSENT: Singer. ADOPTED: February 23, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 1.21.010, SCHEDULE OF DEPOSITS, RELATING TO HEAVY TRUCK TRAFFIC VIOLATIONS.

**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> |
|----------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11.32 | Violation of Heavy Truck Traffic Prohibition | 1 st offense - \$100.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment |
| | | 2 nd and subsequent offenses within one year - \$150.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment |

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Olsen, Abbott, Winship, Stewart, Binnie, Kienbaum. NOES: None. ABSENT: Singer. ADOPTED: February 23, 2012.

Kevin M. Brunner, City Manager

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APPROVAL OF MILWAUKEE STREET DESIGN PARAMETERS. Numerous citizens were in attendance to promote that parking be maintained on both sides of Milwaukee Street. Numerous neighborhood businesses spoke in support of on-street parking.

DPW Director Fischer indicated that there is a cost related to maintain parking lanes east of Newcomb that would not be covered by the Department of Transportation. (DOT is not paying for the cost of any of the project being done this year). Fischer noted that the City would need to pay for road improvement 6' on each side of the road (minus the covered cost of driveways and intersections). It was noted that the City and Councilmembers have received a Petition as well as letters from property owners in support of the parking lanes.

After a lengthy discussion, it was moved by Councilmember Olsen and seconded by Councilmember Stewart to approve the Milwaukee Street Design Parameters (from Dann to Newcomb) with the Street being 49' back to back, marked parking on both sides, with bike lanes marked. AYES: Olsen, Abbott, Winship, Binnie, Kienbaum, Stewart. NOES: None. ABSENT: Singer.

It was then moved by Olsen and seconded by Winship to use concrete pavement for the Milwaukee Street reconstruction project. AYES: Abbott, Winship, Binnie, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: Singer.

Discussion regarding the island ensued. DPW Director Fischer indicated that the Urban Forestry Commission had recommended to the Park Board, that the pedestrian safety islands have plantings, and a tree, if possible. Several people disagreed with having a tree or bush in the island. Olsen questioned the necessity of having pedestrian islands and noted that there aren't any on Main Street. DPW Director Fischer indicated that Street Superintendent Nass would prefer that plantings not be placed in the islands because of difficulty maintaining them on such a busy street. Fischer indicated that the Street Department preferred stamped concrete. It was moved by Binnie and seconded by Winship to have plantings in the pedestrian islands, which are to have a 12" curb. AYES: Winship, Binnie, Stewart. NOES: Olsen, Abbott, Kienbaum. ABSENT: Singer. Motion failed. No final decision was made relating to the type of island to be installed.

The bids will come to Council for approval in March, with the contract to be awarded in April. Plans are to begin work on the west end of the project. The project is expected to take approximately five months.

STRAND ASSOCIATES CONTRACT AMENDMENT FOR NORTH STREET ENGINEERING.

DPW Director Fischer stated that previous construction inspections were completed in house, but with personnel changes that have occurred, it is necessary to contract out for those services. Fischer proposed that Strand Associates be contracted with to do the work. Councilmember Olsen questioned what he felt was a high per hour cost. Olsen expressed concern that the City is paying too much for inspection services. It was moved by Winship and seconded by Stewart to approve the amendment to the Strand contract, based on a rate of \$65 per hour (pursuant to recently approved general contract with Strand Associates). AYES: Binnie, Kienbaum, Olsen, Stewart, Abbott, Winship. NOES: None. ABSENT: Singer.

APPROVAL OF CONTRACT FOR HVAC SERVICES.

City Facilities Manager Amundson reported that the City has been using Vorpapel Services, Inc. of Burlington for HVAC work for a number of years. Proposals were obtained from Vorpapel as well as two other companies. Tri-County Cooling and Heating of Whitewater quoted the lowest price of \$3,555 per year. However, in order to maintain the City's boiler warranty, the technicians have to become certified to work on the boilers. Training would be an additional \$2000 (one-time cost).

It was moved by Olsen and seconded by Winship to award the City of Whitewater's Facility HVAC contract to Tri County Heating and Cooling of Whitewater, Wisconsin in the amount of \$5555 for the first year (\$3,555 base cost plus \$2,000 training fee). The contract would run for three years, include a right to terminate by either party (in contract years 2 & 3), and include a CPI index fee increase, based on the base

\$3,555 cost. The hourly rate for repair will be \$68 per hour. AYES: Kienbaum, Stewart, Binnie, Abbott, Olsen, Winship. NOES: None. ABSENT: Singer.

DENIAL OF CLAIM FILED AGAINST CITY BY JON GORDON. Jon Gordon has filed a claim against the City of Whitewater for tire damage as a result of hitting a pot hole. The claim was submitted to Whitewater's insurance company, who have recommended denial of the claim. It was moved by Olsen and seconded by Winship to deny the claim filed against the City of Whitewater by Jon Gordon. AYES: Olsen, Abbott, Winship, Stewart, Binnie, Kienbaum. NOES: None. ABSENT: Singer. Motion carried by unanimous consent agenda roll call vote.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Abbott requested discussion of changes in Prairie and Prince Street parking. Councilmember Winship requested that the item concerning pedestrian islands with 12" curbs and plantings on Milwaukee Street be re-introduced.

ADJOURNMENT. It was moved by Councilmember Olsen and seconded by Stewart to adjourn the meeting. AYES: Abbott, Binnie, Olsen, Stewart, Kienbaum, Winship. NOES: None. ABSENT: Singer. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Michele R. Smith
City Clerk