

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

August 18, 2015

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. The meeting was held in the Community Room of the City of Whitewater Municipal Building. MEMBERS PRESENT: Langnes, Grady, Binnie, Abbott, Singer, Kidd. (AD 1 seat is open due to Councilmember Stauffer's resignation). MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Abbott to approve the Council Minutes of 7/21/15 and 8/4/15 (Council Minutes of 7/7/15 were removed as the Clerk must make corrections); and acknowledge receipt and filing of the Financial Reports for July, 2015 and the Report of Manually Issued Checks for July, 2015. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Abbott to approve payment of city invoices in the total sum of \$129,217.99. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

STAFF REPORTS: Jill Gerber, newly-hired Executive Assistant to the City Manager, was introduced to the Council. Neighborhood Services Director Munz-Pritchard presented material outlining research she had completed relating to impervious surface regulations in other communities. Discussion on the material can occur at a later meeting.

COMPLIANCE MAINTENANCE RESOLUTION. The annually-required Compliance Maintenance Resolution was presented for Council approval.

Resolution No. 2015-0818-01
City of Whitewater
Wisconsin Department of Natural Resources
Compliance Maintenance Annual Report Resolution – 2015

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater facilities under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to provide recommendations or an action plan for all CMAR section grades of "C" or less and/or an overall grade point average <3.00; and

BE IT RESOLVED, the City Council of the City of Whitewater informs the Department of Natural Resources that the 2014 CMAR was reviewed and this resolution was voted on as follows: AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. ADOPTED: August 18, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AMENDMENT TO 2015 SALARY RESOLUTION. A 2% cost of living adjustment will be given to all regular city personnel (not seasonal or temporary), with the exception of sworn personnel in Police Department. (sworn personnel are covered by a collective bargaining agreement).

City of Whitewater
2015 Salary Resolution
Amendment 5

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, set forth the wage and salary schedule for employees for 2015, 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 ranges and numbers of employees in the 2015 Wage and Salary Schedule 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 January 1, 2015.

Schedule I

Administrative Positions

Position	# of Positions	Effective	Salary
City Manager	1	01/01/2015	93,636.00
Chief of Police	1	01/01/2015	91,419.95
Municipal Judge	1	01/01/2015	20,571.34
City Attorney	1	01/01/2015	55,200.04

Schedule II

**Administrative Positions
Effective 01/01/2015**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
A	3/4	Senior Coordinator (Part-Time)	E	1	Community TV/Media Services Manager
	2	Administrative Assistant II - Records Technician		1	Recreation & Community Events Programmer
	1	Recreation Program Coordinator	F	1	City Clerk
	1	Administrative Assistant I - Utilities	G	0	
B	1	Accounting Technician II - Utilities	H	1	Neighborhood Services Director
	1	Accounting Technician II - Payroll & Accounts Payable	I	1	Chief Information Officer
	1	Administrative Assistant I - Neighborhood Services	J	1	Water Superintendent
	1	Executive Assistant		1	Streets, Parks & Forestry Superintendent
	1	Deputy Clerk		1	Parks & Recreation Director
1/2	Clerk of Court (Part-time)		1	Wastewater Treatment Plant Superintendent	
C	1	GIS Technician	K	1	Assistant City Manager
D	1	Support Services Manager	L	1	Finance Director
	1	Finance Support Services Manager			
	3/4	Human Resources Coordinator			
	1	CDA - Economic Development Specialist			

**Schedule II
Administrative Positions
Effective 01/01/2015**

Pay Grade		Steps				
		1	2	3	4	5
A*	Hourly Wage	15.69	16.17	16.86	17.58	18.27
	2080 Hours	32,635.20	33,633.60	35,068.80	36,566.40	38,001.60
B*	Hourly Wage	16.81	17.58	18.33	19.09	19.86
	2080 Hours	34,964.80	36,566.40	38,126.40	39,707.20	41,308.80
C	Salary	37,997.67	39,724.02	41,450.63	43,178.77	44,905.38
D	Salary	41,035.72	42,901.58	44,764.81	46,630.41	48,497.84
E	Salary	45,036.56	47,083.24	49,129.65	51,177.62	53,225.31
F	Salary	48,556.79	50,763.76	52,969.68	55,178.21	57,383.86
G	Salary	52,076.76	54,444.55	56,811.02	59,175.92	61,543.71
H	Salary	55,596.99	58,122.72	60,651.06	63,175.23	65,705.12
I	Salary	59,115.92	61,803.50	64,489.53	67,176.08	69,863.66
J	Salary	62,634.59	65,481.43	68,329.83	71,175.37	74,023.51
K	Salary	66,156.12	69,162.20	72,169.87	75,174.66	78,182.30
L	Salary	69,675.06	72,841.70	76,009.90	79,175.50	82,344.75

*Non-Exempt Positions

**Schedule III
Library Positions
Effective 01/01/2015**

Pay Grade	# of Positions	Classification Titles	Steps				
			1	2	3	4	5
A1*	2	Customer Service Associate	12.52	13.08	13.66	13.66	13.66
A2*	5	Customer Service Specialist	13.60	14.22	14.85	15.45	16.08
A3*	3	Technical Services Specialist	15.45	16.18	16.87	17.57	18.27
	3	Outreach Services Specialist	15.45	16.18	16.87	17.57	18.27
A4	1	Youth Educational Services Librarian	37,997.67	39,724.28	41,450.63	43,178.77	44,905.38
A5	1	Assistant Library Director	48,556.79	50,763.76	52,969.68	55,173.21	57,383.86
A6	1	Library Director	62,634.59	65,481.43	68,329.83	71,175.37	74,023.51

*Non-Exempt Positions

**Schedule IV
Whitewater Police Department Communications Center
Effective 01/01/2015**

Position	# of Positions	Steps			
		1	2	3	4
Communications Coordinator	1	19.59	20.62	21.71	21.95
2080 Hours		40,747.20	42,889.60	45,156.80	45,656.00
Dispatch/Records Communications Aide	7	17.63	18.53	19.51	19.72
6 @ 1947 Hours	6	34,325.61	36,077.91	37,985.97	38,394.84
1 @ 976 Hours	1	17,206.88	18,085.28	19,041.76	19,246.72

Schedule V
Public Works Department
Effective 01/01/2015

Pay Grade	Classification Titles	Steps					
		1	2	3	4	5	6
		0-11 mos	12-23 mos	24-35 mos	36-47 mos	48-59 mos	60+ mos
A	Lab Assistant	10.20	10.42	10.65	10.88	11.11	11.34
B	Custodian/Groundskeeper	15.72	16.32	16.91	17.48	18.07	18.66
	1040 Hours	16,348.80	16,972.80	17,586.40	18,179.20	18,792.80	19,406.40
C	Laborer II	18.37	18.96	19.55	20.13	20.74	21.31
	2080 Hours	38,209.60	39,436.80	40,664.00	41,870.40	43,139.20	44,324.80
D	Building Maintenance	20.56	21.17	21.73	22.35	22.92	23.51
	2080 Hours	42,764.80	44,033.60	45,198.40	46,488.00	47,673.60	48,900.80
	1560 Hours	32,073.60	33,025.20	33,898.80	34,866.00	35,755.20	36,675.60
E	Engineering Technician	23.01	23.52	24.03	24.55	25.06	25.59
	Laborer I						
	Laborer I - Mechanic						
	Code Enforcement/Building Maintenance						
	Water Operator - no certification						
	Wastewater Operator - no certification						
	Wastewater Operator/Lab Technician - no certification						
2080 Hours	47,860.80	48,921.60	49,982.40	51,064.00	52,124.80	53,227.20	
F	Additional \$0.20 per hour above Pay Grade E upon successful completion and receipt of Grade I certification and one sub grade.						
G	Additional \$0.79 per hour above Pay Grade E upon successful completion and receipt of Grade II and Grade II sub grades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.						
H	Additional \$1.06 per hour above Pay Grade E upon successful completion and receipt of Grade IV and Grade IV sub grades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.						
I	Additional \$1.56 per hour above Pay Grade E for the position of Lab Manager/Operator.						

Schedule VI
Whitewater Police Department

Position	# of Positions	Effective	Hours	Hourly Wage	Salary
Captain	1	01/01/2015	2080	-	82,339.30
Lieutenant	1	01/01/2015	2080	-	78,180.96
Sergeant	3	01/01/2015	2008	32.00	64,256.00
Detective Sergeant	1	01/01/2015	2080	32.00	66,560.00
Detective	2	01/01/2015	2080	30.48	63,398.40
Juvenile Officer	1	01/01/2015	2080	30.48	63,398.40
Patrol Officer I	14	01/01/2015	2008	29.03	58,292.24
Patrol Officer II		01/01/2015	2008	27.59	55,400.72
Patrol Officer III		01/01/2015	2008	26.22	52,649.76
Patrol Officer IV		01/01/2015	2008	24.75	49,698.00

Position	# of Positions	Effective	Hours	Hourly Wage	Salary
Captain	1	07/01/2015	2080	-	83,268.20
Lieutenant	1	07/01/2015	2080	-	79,353.67
Sergeant	3	07/01/2015	2008	32.48	65,219.84
Detective Sergeant	1	07/01/2015	2080	32.48	67,558.40
Detective	2	07/01/2015	2080	30.94	64,355.20
Juvenile Officer	1	07/01/2015	2080	30.94	64,355.20
Patrol Officer I	14	07/01/2015	2008	29.47	59,175.76
Patrol Officer II		07/01/2015	2008	28.00	56,224.00
Patrol Officer III		07/01/2015	2008	26.61	53,432.88
Patrol Officer IV		07/01/2015	2008	25.12	50,440.96

Schedule VII
Fire-Rescue
Effective 07/01/2015

Position	# of Positions (Volunteer)	Hourly Wage
Fire-Inspector	3	15.00
Volunteer Fire	42	12.00
EMS Assistant Chief	1	17.00
EMS Captain		14.00
EMS Lieutenant	4	13.00
Rescue Squad EMT's	45	
Non-Transport		12.00
Transport Driver		16.00
Transport Basic		17.50
Transport Intermediate		20.00
Transport Intermediate		2.00
Fire Chief	1	19.00
1st Assistant Fire Chief	1	17.00
2nd Assistant Fire Chief	1	17.00
Fire Equipment Maintenance		100.00/month stipend + add \$1.00 to regular hourly rate
EMS Equipment Maintenance		100.00/month stipend + add \$1.00 to regular hourly rate
Fire Apparatus/Equipment Checks		50.00/month stipend + add \$1.00 to regular hourly rate
Technical Rescue Equipment Maintenance		25.00/month stipend + add \$1.00 to regular hourly rate

Schedule VIII
Part-Time Employees

Position	# of Positions	Effective	Hourly Wage
Community Service Officer	2	01/01/2015	10.75
Neighborhood Services Officer	2	01/01/2015	10.75

Schedule VIII
Part-Time Seasonal Positions
Effective 01/01/2015

Classification Titles	Steps				
	1	2	3	4	5
Election Inspectors	10.00	10.00	10.00	10.00	10.00
Chief Election Inspectors	12.00	12.00	12.00	12.00	12.00
Cable TV Camera Operators	7.25	7.50	8.00	8.75	9.75
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.75	8.00	8.25	8.50	8.75
Sports Officials	20.00	21.00	22.00	24.00	25.00
WIAA Sports Officials	35.00	35.00	35.00	35.00	35.00
Seasonal Laborer	7.25	7.50	8.00	8.75	9.75

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Grady. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. ADOPTED: August 18, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE IMPOSING R-2A CLASSIFICATION FOR 531 W. CENTER STREET. Randall Aschebrenner, pending purchaser of 531 W. Center Street, which is currently owned by Gordon and Jill Backman, was present to request a zoning overlay classification. Neighborhood Services Director Christine Munz-Pritchard indicated that she just discovered conflicting information. Aschebrenner’s application indicated that the home was a six-bedroom home. Munz-Pritchard had just reviewed the assessment records online and discovered that the assessors identify the home as a five-bedroom home – the room identified as a bedroom by Aschebrenner is designated as a den or office by the Assessor. A lengthy discussion ensued. It was noted that Aschebrenner and the Neighborhood Services Director had some communication issues. Munz-Pritchard indicated that, in light of the new information, she was going to take the conditional use request back to Plan Commission, providing the updated information to them. It was noted by several Councilmembers that Council’s responsibility with regard to this request is to act on the *zoning overlay classification*, and *not the number of rooms* in the house. It was noted that the conditional use permit decision that includes the number of rooms and size of the home is a Plan Commission responsibility. There were some inaccuracies in information provided, which was noted by neighboring residents. It was noted that the overall size of the home was more than adequate to house the residents. Councilmember Abbott reminded the Council that the ordinance does not require each resident to have a separate bedroom – it merely authorizes a certain amount of people to live in a home.

**FIRST READING OF AN ORDINANCE IMPOSING THE R-2A
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PROPERTY
IN THE CITY OF WHITEWATER**

531 W. Center Street – Tax Parcel No. /CL 00040

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

Address
531 W. Center Street

Tax ID#
/CL 00040 – Gordon and Jill Backman

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

Section 3: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Binnie, who moved its adoption (contingent upon the file being revisited by Plan Commission and contingent upon their approval of the required conditional use permit). Seconded by Abbott. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. FIRST READING APPROVED: August 18, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF AN ORDINANCE ADOPTING PARKLET CAFÉ PERMITS.

AN ORDINANCE ADDING CHAPTER 5.16, PARKLET CAFÉ PERMIT

ORDINANCE 1903A

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

SECTION 1. Whitewater Municipal Code Section 5.16 is amended to read as follows:

The following Chapter 5.16 is hereby added to the Municipal Code:

Chapter 5.16 Parklet Café permit

Chapter 5.16 Parklet Café permit

5.16.010 - Purpose

5.16.020 - Definitions

5.16.030 - Permit required.

5.16.040 - Permit application

5.16.050 - Permit fees

5.16.060 - Standards

5.16.070 - Alcohol licensing and service of alcohol beverages.

5.16.080 - Liability and insurance

5.16.090 - Revocation or suspension

5.16.100 - Appeal

5.16.110 - Penalty

5.16.010 - Purpose.

To further encourage the revitalization of the downtown and other areas of the city, including the development of social and economic activity, the city council finds and determines:

1. That there exists a need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food consumption.
2. That parklet cafés will permit enhanced use of the available public rights-of-way, will complement restaurants operating from fixed premises, and will promote economic activity in the area.
3. That the existence of parklet cafés encourages additional pedestrian traffic, but their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of parklet cafés to ensure a safe environment.
4. That the establishment of permit conditions and safety standards for parklet cafés is necessary to protect and promote public health, safety, and welfare.

5.16.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Restaurant" shall mean an establishment holding a State of Wisconsin restaurant license.

"Parklet café" shall mean an expansion of a restaurant creating an outdoor dining facility on part of the public street right-of-way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the restaurant adjacent thereto.

"Parklet" shall mean an expansion of a business creating an outdoor public facility on part of the public street right-of-way that immediately adjoins the premises.

5.16.030 - Permit required.

1. A. Parklet café: A restaurant may apply to neighborhood services for a permit to allow a restaurant to operate a Parklet café. The neighborhood services director or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the City Code of Ordinances, or applicable state or federal law.

B. Parklet: A business may apply to the neighborhood services director for a permit to allow an outdoor sitting area to operate a Parklet. The neighborhood services director or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the City Code of Ordinances, or applicable state or federal law.

2. Before a permit may be issued, the application and site plan shall be reviewed for approval by the city fire department and city building inspector.
3. The permit issued may be transferred to a new owner only for the location and area listed in the permit. If the site plan will change, a new plan must be filed and approved prior to the use under the new site plan. A new certificate of insurance must be filed with the city before the permit transfer.

5.16.040 - Permit application.

- A. New Permit Application. Application for a permit to operate a parklet café or parklet shall be submitted to the Neighborhood Services Department and shall include at least the following information:
 1. Completed city application form.
 2. Copy of a valid restaurant license issued by the State of Wisconsin (if applicable).
 3. Copy of a current certificate of commercial liability insurance in the amount of at least \$500,000.00 per occurrence.
 4. A layout, drawn to scale, which accurately depicts the dimensions of the existing area and adjacent private property, the proposed location of the parklet café or parklet, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch (8½ x 11 inch) paper, suitable for reproduction.

5. Photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, barriers or other objects related to the parklet café or parklet.

B. Annual Insurance Requirement (see 5.16.080).

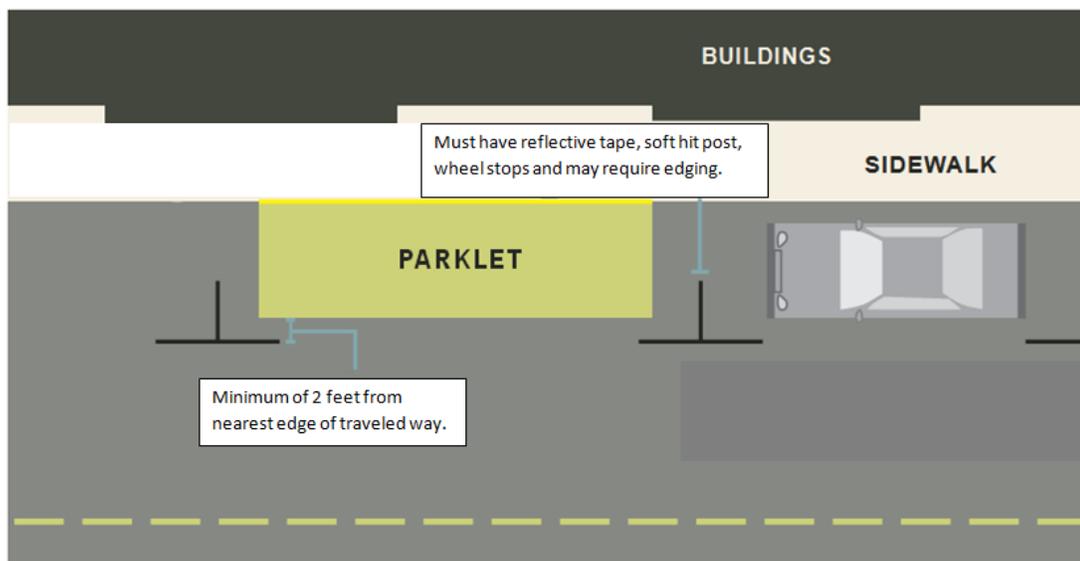
5.16.050 - Permit fees.

The parklet café or parklet fee shall be determined by the City Council and shall be kept on file in the Neighborhood Services Department.

5.16.060 - Standards.

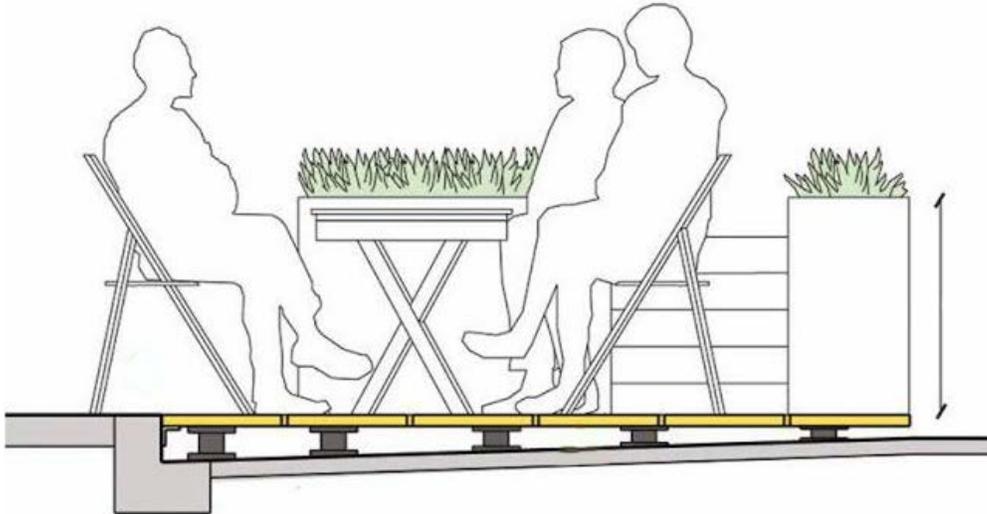
The following standards, criteria, conditions, and restrictions shall apply to all parklet cafés or parklets, provided, however, that the neighborhood services director or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the City of Whitewater Code of Ordinances, and all applicable state and federal laws.

1. Parklet café: is restricted to the public right-of-way immediately adjacent to the licensed full-service restaurant to which the permit is issued.
Parklet: is restricted to the public right-of-way immediately adjacent to the business to which the permit is issued.
2. The parklet café or parklet will require a conditional use permit (CUP) if the parklet café or parklet occupies more than two (2) parking spaces.
3. The parklet café or parklet site shall be located on at least one parking spot and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of traveled way.



4. Tables, chairs, umbrellas or other fixtures in the parklet café or parklet:

- a. Shall not be placed within five (5) feet of fire hydrants, alleys, or bike racks. Shall not be placed within five (5) feet of a pedestrian crosswalk.
 - b. Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures.
 - c. Shall not be physically attached, chained or in any manner affixed to any structure, tree, signpost, or light pole.
 - d. Shall be maintained in a clean, sanitary and safe manner.
 - e. Shall be commercial-grade furniture.
 - f. Shall not be placed outside or hang over the designated parklet café or parklet area.
5. Shall be permitted from April 1st through October 31st unless the Applicant can demonstrate that the parklet café or parklet will not be a hazard for snow plows or vehicles. Parklet cafes or parklets that have not been removed by October 31st may be removed by the City at the owner's expense.
 6. The Parklet café or parklet shall be located in such a manner that a distance of not less than four (4) feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, parking meters, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.
 7. Parklet café or parklet shall be located in B-2 Central Business Zoning District.
 8. The Parklet café or parklet, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. Maintenance details shall include access panels and how drainage will be provided along the existing gutter.
 9. Parklet café or parklet decking must be flush with the curb and may not have more than a 1/2" gap from the curb.
 10. The Parklet café or parklet platform shall allow for access underneath the platform and curbside drainage may not be impeded.



11. All rails around the Parklet café or parklet must be capable of withstanding a 200 lb horizontal force.
12. The Parklet café or parklet shall be required to have reflective tape, soft hit posts, wheel stops and, depending on the proposed location, may be required to have edging such as planters, railing or cables.
 - a. Any edge shall be visually permeable.
 - b. If cables are used, vertical spacing between cables may not exceed six (6) inches.
13. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire resistant. No portion of an umbrella shall be less than six (6) feet eight (8) inches above the sidewalk. Umbrellas must be secured.
14. Signs to be used in the parklet café or parklet shall be in accordance with [Chapter 19.54](#) of the City Code of Ordinances. However, the neighborhood services director may allow temporary easel signs.
15. No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in the parklet café unless authorized by the neighborhood services director as part of a special event.
16. No amplified entertainment shall be allowed in the parklet café unless authorized by the neighborhood services director as part of a special event.
17. A copy of the site plan, as approved in conjunction with the current parklet café or parklet permit, shall be maintained on the permittee's premise and shall be available for inspection by city personnel at all times.
18. The city, its officers and employees shall not be responsible for parklet café or parklet fixtures that are relocated or damaged.

19. Patio heaters shall not be permitted on the parklet café or parklet unless authorized by the Fire Chief.
20. The parklet café or parklet shall meet the intersection visibility requirements in accordance with [Chapter 19.51.010](#) of the City Code of Ordinances.
21. Use of the parking space must be authorized by the City.
22. All elements of the above mentioned parklet shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of the City of Whitewater Building Code, The Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

5.16.070 - Alcohol licensing and service of alcohol beverages.

1. Alcohol is prohibited in parklets. A permittee may sell and serve alcohol beverages in a parklet café only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the parklet café is listed on the alcohol beverage license application as being a part of the licensed premises.
2. Alcohol may be served at parklet cafés under the following conditions:
 - a. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.
 - b. The retail alcohol beverage license premises description includes the parklet café in the description of the licensed premises as an extended area.
 - c. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the parklet café.
 - d. Alcohol beverages are sold and served by the licensee or licensee's employees and sold or served only to patrons seated at tables in the parklet café.
 - e. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.
 - f. Alcohol beverages may only be served at the parklet café when food service is available through the licensed establishment.
 - g. The permittee shall be responsible for policing the parklet café area to prevent underage persons from entering or remaining in the parklet café, except when underage persons are allowed to be present on the licensed premises under applicable laws.

- h. The permittee shall not allow patrons of the parklet café to bring alcohol beverages into the parklet café from another location, nor to carry open containers of alcohol beverages about in the parklet café area, nor to carry open containers of alcohol beverages served in the parklet café outside the parklet café area.
- i. The area of the restaurant from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the parklet café area.
- j. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the parklet café area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the parklet café between 11:00 p.m. and 7:00 a.m.

5.16.080 - Liability and insurance.

By obtaining the parklet café or parklet permit, the permittee agrees to indemnify, defend, save, and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the permit or the permittee's activity in the parklet café or parklet. The permittee shall sign an indemnification agreement approved by the city attorney prior to operation of the parklet café or parklet.

1. The permittee shall maintain in full force and effect commercial liability insurance in the amount of at least \$500,000.00 per occurrence for bodily injury and property damage, with the City of Whitewater named as an additional insured, and shall show that the coverage extends to the area used for the parklet café.
2. The permittee shall provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations. Thereafter a certificate of insurance shall be provided to the city by April 1st of each year.

5.16.090 - Revocation or suspension.

The approval of a parklet café or parklet permit is conditional at all times. A parklet café or parklet permit may be revoked or suspended by the neighborhood services director or designee if a permittee has been found in violation of this chapter on three (3) separate occasions documented by a written warning, or where necessary based on a violation of this ordinance, to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, emergency situations, or to comply with the City Code of Ordinances, or to comply with applicable state or federal law.

5.16.100 - Appeal.

A revocation, suspension, or denial of a permit may be appealed by the permittee to the City Council. If the neighborhood services director's decision is appealed, the City Council shall hold a hearing and either grant, grant with conditions, or deny the permit. The permit holder or applicant shall be notified of the City Council appeal meeting and shall have the right to be heard prior to a decision.

5.16.110 - Penalty.

The penalty for violation of this section shall be a forfeiture of not less than \$50.00 or more than \$200.00 per day for each violation, 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 Kidd, who moved its adoption. Seconded by Councilmember Abbott. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. ADOPTED: August 18, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

PURCHASE OF VOICE OVER IP TELEPHONE SYSTEM. Chief Information Officer Tim Nobling presented information regarding replacement of the City's 20+ year old telephone system. It was moved by Binnie and seconded by Grady to approve the purchase of the recommended Shoretel system and accompanying equipment at a cost of \$83,000. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS. It was moved by Kidd and seconded by Abbott to appoint Jerry Schoen to the newly-created alternate position on the **Urban Forestry Commission**. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. It was then moved by Binnie and seconded by Grady to appoint Councilmember Kidd as council representative to the **Whitewater Aquatic Board**. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

FINANCE DIRECTOR QUARTERLY REPORT. Finance Director Saubert provided a quarterly report on the status of the City's finances. Saubert reported that the financial health of the City is good. He also noted he is not able to predict what will remain in the General Fund as of year-end, as there could be some unexpected expenses.

GREATER WHITEWATER COMMITTEE (DISCOVER WHITEWATER) REQUEST FOR STREET CLOSURES. The Greater Whitewater Committee will hold their annual run event on September 20, 2015 and is requesting closure of numerous Streets. It was moved by Binnie and seconded by Abbott to approve the closure of the numerous streets as requested by the Committee. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

CLOSURE OF STREET AT FRANKLIN AND STARIN ON 9/26/15. It was moved by Binnie and seconded by Abbott to authorize closure of the Street at the intersection of Franklin and Starin on 9/26/15, from 3:00 – 8:00 p.m., to allow the Starin Park Historic Neighborhood to host a block party. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

CITY-SPONSORED PROGRAMS TO ASSIST WHITEWATER HISPANICS TO BECOME INVOLVED IN THE COMMUNITY. City Manager Clapper, in concert with former Councilmember Winship, proposed the creation of a group to brainstorm and come up with methods to help the Hispanic residents become more involved in our Community. Jorge Islas was present and agreed to take a leadership role in the process. It was agreed that the group

would meet, and would come back to Council by year-end with some recommendations on how we can assist in encouraging Hispanics to become more involved in the Community.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Grady requested that consideration of an ordinance adding an alternate board member to the Library Board be included at a future Council meeting. Grady also requested that a detailed definition of “art” be considered by Council. Grady referred to the Volkswagen auto body that has been placed in the front yard of an Esterly Avenue residence and classified as “art”. Councilmember Binnie encourages Councilmembers to respond to the Doodle calendar poll that has been sent by the City Manager’s office with regard to the Community Development Authority, the Plan Commission, and the Council joint meeting.

EXECUTIVE SESSION. It was moved by Singer and seconded by Abbott to adjourn to Closed 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)(c) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Items to be Discussed: (1) Police Captain / Police Lieutenant positions; and (2) Discussion regarding City Salary study and negotiations regarding city wages. AYES: Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Michele R. Smith, Clerk