

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**

Common Council Meeting

Wednesday, April 8, 2009

6:30 p.m.

Amended Agenda as of 4/7/09 at 9:30 a.m. Correcting order of CA-B of Plan Commission/City Council Minutes of March 16, 2009; Adding O-5 Floodplain Ordinance and Adding 2nd page to C-2 Approval of Memo of Understanding between City and CDA.

City of Whitewater Municipal Building Community Room
312 W. Whitewater Street Whitewater, Wisconsin

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

CONSENT AGENDA

CA-A	Approval of Payment of Invoices processed through April 2, 2009.
CA-B	Acknowledgment of Receipt and Filing of *Police Department Consolidated Monthly Report for February, 2009. *CDA Minutes of February 23, 2009. *Park & Recreation Minutes of February 2, 2009. *Plan Commission/City Council Minutes of March 16, 2009.
CA-C	Expedited approval of the following items, per city staff recommendation: O-3, O-5.

STAFF REPORTS:

City Manager	1) CROP Walk Proclamation; 2) Lincoln School 100 th Anniversary; 3) Update on Federal Grant Applications; 4) Report on City Strategic Planning Process.
CDA Coordinator	Report on Attendance at ICMA Local Government Young Leaders Symposium.
Finance Director	Attendance at State Government Finance Officers Association Conference.

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.

COMMON COUNCIL ANNOUNCEMENTS.

RESOLUTIONS:

R-1	Resolution Supporting 2010 Census Partnership.
R-2	Adoption of 2009 Budget Transfer Resolution #1.
R-3	Adoption of 2008 Budget Transfer Resolution #7.
R-4	Adoption of 2008 Budget Transfer Resolution #8.

R-5	Salary Resolution 2009 Amendment 1.
R-6	Opposing Proposed Changes to Prevailing Wage Law Contained in Governor's Budget.
R-7	Resolution in support of addressing local infrastructure needs through the American Recovery and Reinvestment Act.
R-8	Resolution Relating to Helping Cities in Stress.
R-9	Resolution Establishing the Seniors in the Park as a subdivision of the City of Whitewater division of Parks and Recreation.

ORDINANCES – First Reading.

O-1	Chronic Nuisance Ordinance.
O-2	Creating Ch. 5.20.027 to set Standards for Reviewing Alcohol License Applications.

ORDINANCES – Second Reading.

*O-3	Ordinance Amending Chapter 11 relating to Parking Limitations on Conger Street.
O-4	Adoption of Ordinance assigning recommendation for Board and Commission members to City Manager and Common Council President (instead of current Nominations Committee)(Request of Councilmember Allen).
*O-5	Adoption of Flood Plain Ordinance.

CONSIDERATIONS:

C-1	Action on CDA request to increase their appropriation from TID 4 by 15,000 marketing budget by \$15,000.
C-2	Approval of Memo of Understanding between City and CDA.
C-3	Approval of Comprehensive Planning Services Contract with Vandewalle & Associates.
C-4	Clarification on the "Oath of Office" requirement of Boards and Commission Members.
C-5	Report on measures determined to ensure compliance with City/State recycling requirements by currently non-conforming multi-family properties.
C-6	Councilmember request for future agenda items.
C-7	ADJOURN TO EXECUTIVE SESSION, <i>TO RECONVENE at 9 p.m.</i> per Wisconsin Statutes 19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility" AND 19.85(1)(e) "Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Items to be Discussed: WPPA Union Negotiations and Possible Ratification of 2009 – 2011 Contract.
C-8	RE-ADJOURN TO OPEN SESSION – Possible Ratification of WPPA Union Contracts.
C-9	ADJOURNMENT.

**Anyone requiring special arrangements is asked to call the Office of the City Manager /
City Clerk at least 72 hours prior to the meeting.**

- **Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.**

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AIRGAS NORTH CENTRAL					
4760	AIRGAS NORTH CENTRAL	105076993	WASTEWATER/OPERATING SUPPLIES	04/07/2009	49.89
		105077271	STREET/SHOP OPERATING SUPPLIES	04/07/2009	26.87
Total AIRGAS NORTH CENTRAL					76.76
ALL PEST CONTROL					
4613	ALL PEST CONTROL	2009-1176	COMMUNITY BLDG/BLDG MAINTENANCE	04/07/2009	52.00
Total ALL PEST CONTROL					52.00
AMERICAN MILLWORK & HARDWARE					
1841	AMERICAN MILLWORK & HARDWARE	101309	GEN BLDG/OPERATING SUPPLIES	04/07/2009	475.74
		101381	LIBRARY/BLDG MAINTENANCE	04/07/2009	20.45
Total AMERICAN MILLWORK & HARDWARE					496.19
AMERICAN PLANNING ASSOC					
3658	AMERICAN PLANNING ASSOC	6194-090201	PLANNING/SUBSCRIPTION & DUES	04/07/2009	284.00
Total AMERICAN PLANNING ASSOC					284.00
ANICH LUMBER & HARDWAR CO, AJ					
1601	ANICH LUMBER & HARDWAR CO, AJ	23328S	STREET/REPAIR MATERIALS	04/07/2009	542.01
Total ANICH LUMBER & HARDWAR CO, AJ					542.01
APPLIED ECOLOGICAL SERVICE INC					
4827	APPLIED ECOLOGICAL SERVICE INC	18401	TID 4/BUSINESS PARK WETLAND.	04/07/2009	993.75
Total APPLIED ECOLOGICAL SERVICE INC					993.75
AROPA DESIGNS					
880	AROPA DESIGNS	28559	POLICE ADMN/DONATIONS 7 GRANTS	04/07/2009	45.00
Total AROPA DESIGNS					45.00
AT&T					
3917	AT&T	3917-040709	GEN BLDG/PHONE	04/07/2009	66.21
			POLICE INV/OPERATING SUPPLIES		38.42
Total AT&T					104.63
AT&T LONG DISTANCE					
4746	AT&T LONG DISTANCE	4746-040709	SAFETY BLDG/LONG DISTANCE	04/07/2009	8.61
			LIBRARY/LONG DISTANCE		22.01
			STREET/LONG DISTANCE		14.34
			WATER/LONG DISTANCE		11.03
			WASTEWATER/LONG DISTANCE		26.57
Total AT&T LONG DISTANCE					82.56
BANDT COMMUNICATIONS INC					
858	BANDT COMMUNICATIONS INC	005089	FIRE/EQUIPMENT REPAIRS	04/07/2009	40.00
		62532	FIRE/OPERATING SUPPLIES	04/07/2009	302.50
Total BANDT COMMUNICATIONS INC					342.50

BENDLIN FIRE EQUIP INC

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
159	BENDLIN FIRE EQUIP INC	55012	FIRE/OPERATING SUPPLIES	04/07/2009	63.31
Total BENDLIN FIRE EQUIP INC					63.31
BLACKHAWK TECH COLLEGE					
459	BLACKHAWK TECH COLLEGE	S0155634	POLICE INV/TRAINING DISPATCH/TRAINING	04/07/2009	55.00 55.00
Total BLACKHAWK TECH COLLEGE					110.00
BOUND TREE MEDICAL LLC					
3610	BOUND TREE MEDICAL LLC	87049200	RESCUE/OPERATING SUPPLIES	04/07/2009	838.91
		87049477	RESCUE/OPERATING SUPPLIES	04/07/2009	33.60
		87050628	RESCUE/OPERATING SUPPLIES	04/07/2009	347.37
		87052412	RESCUE/OPERATING SUPPLIES	04/07/2009	477.31
Total BOUND TREE MEDICAL LLC					1,697.19
BROWN CAB SERVICE					
47	BROWN CAB SERVICE	FEB09	CAB SERVICE/FEBRUARY	04/07/2009	10,009.36
Total BROWN CAB SERVICE					10,009.36
BROWN'S OF TWO RIVERS					
1031	BROWN'S OF TWO RIVERS	0315927	STREET/VEHICLE REPAIR PARTS	04/07/2009	478.20
Total BROWN'S OF TWO RIVERS					478.20
BURKE TRUCK & EQUIPMENT					
1102	BURKE TRUCK & EQUIPMENT	9163	PARKS/EQUIPMENT REPAIR PARTS	04/07/2009	502.40
Total BURKE TRUCK & EQUIPMENT					502.40
CDW GOVERNMENT INC					
1234	CDW GOVERNMENT INC	NJV3908	IT/SERVER REPLACEMENTS	04/07/2009	4,772.60
		NML0387	POLICE ADMN/OPERATING SUPPLIES	04/07/2009	11.40
			POLICE INV/PHOTO		43.77
		NNC2283	IT/SCANNER ROLLERS	04/07/2009	70.30
			LIBRARY/LCD PROJECT		1,184.09
			CABLE/HARD DRIVES		122.70
			IT/USB TO PARALLEL		43.16
		NNC2329	IT/DISPATCH PRINTER	04/07/2009	213.53
		NNJ5797	CABLE/HD CADDY	04/07/2009	110.76
			LIBRARY/LCD PROJECT		355.28
		NNP8751	IT/DISPATCH PRINTER	04/07/2009	162.06
		NNS3602	POLICE PATROL/RECORDER ACCESSORY	04/07/2009	38.25
		NNW0529	IT/CAT5 CABLE	04/07/2009	193.49
			LIBRARY/LCD WARRANTY		106.11
		NPC7829	LIBRARY/LCD MOUNT EXTENSION	04/07/2009	32.54
		NQB0603	IT/DISPATCH SWITCH	04/07/2009	226.72
Total CDW GOVERNMENT INC					7,686.76
CED-LAPPIN CREDIT OFFICE					
385	CED-LAPPIN CREDIT OFFICE	0526-516570	STREET/ST LIGHT REPAIR PARTS	04/07/2009	329.43
		0526-516781	STREET/ST LIGHT REPAIR PARTS	04/07/2009	132.60
		0526-517063	STREET/ST LIGHT REPAIR PARTS	04/07/2009	75.30

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total CED-LAPPIN CREDIT OFFICE					537.33
CHARTER COMMUNICATIONS					
1571	CHARTER COMMUNICATIONS	1571-040709	CITY/COURT CONNECTION	04/07/2009	166.98
Total CHARTER COMMUNICATIONS					166.98
CLEAN MATS					
1033	CLEAN MATS	19457	GEN BLDG/OPERATING SUPPLIES	04/07/2009	24.00
Total CLEAN MATS					24.00
COUNTRY SALLY'S					
1807	COUNTRY SALLY'S	N ACADEMY	POLICE ADMN/DONATIONS & GRANTS	04/07/2009	35.00
Total COUNTRY SALLY'S					35.00
CRETEX SPECIALTY PRODUCTS INC					
5198	CRETEX SPECIALTY PRODUCTS INC	12687	WASTEWATER/SEWER REPAIRS & MAINTENANCE	04/07/2009	77.49
Total CRETEX SPECIALTY PRODUCTS INC					77.49
CT ACCESS					
5033	CT ACCESS	OLICE DEPT	IT/LASERFICHE RENEWAL	04/07/2009	2,326.00
Total CT ACCESS					2,326.00
CULLIGAN DALEE WATER SVC					
208	CULLIGAN DALEE WATER SVC	2/6/09	GEN BLDG/OPERATING SUPPLIES	04/07/2009	51.92
Total CULLIGAN DALEE WATER SVC					51.92
DAN'S MEAT MARKET					
4580	DAN'S MEAT MARKET	1409-021409	RESCUE/OPERATING SUPPLIES	04/07/2009	75.48
Total DAN'S MEAT MARKET					75.48
DAVIS & STANTON					
1399	DAVIS & STANTON	17131	POLICE ADMN/OPERATING SUPPLIES	04/07/2009	56.00
Total DAVIS & STANTON					56.00
DECKER SUPPLY CO INC					
33	DECKER SUPPLY CO INC	859717	STREET/TRAFFIC CONTROL SIGNS	04/07/2009	419.19
Total DECKER SUPPLY CO INC					419.19
DEPT OF UTILITIES					
1	DEPT OF UTILITIES	1-040709	CITY & PARKS/WATER UTILITIES	04/07/2009	3,370.06
			STREET/WATER UTILITIES		561.22
			LIBRARY/WATER UTILITIES		560.29
			WASTEWATER/JET MACHINE		60.00
			WATER/WATER UTILITIES		99.90
			WASTEWATER/STORMWATER UTILITIES		286.29
			PARKING LOTS/STORMWATER UTILITIES		435.38

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total DEPT OF UTILITIES					5,373.14
DIGICORP INC					
4864	DIGICORP INC	37103	IT/FIREWALL RENEWAL	04/07/2009	3,987.88
			WASTEWATER/FIREWALL RENEWAL		300.00
			WATER/FIREWALL RENEWAL		300.00
Total DIGICORP INC					4,587.88
DIVERSIFIED BENEFIT SVC INC					
4192	DIVERSIFIED BENEFIT SVC INC	94334	FINANCE/MARCH FLEX SVC	04/07/2009	413.66
Total DIVERSIFIED BENEFIT SVC INC					413.66
DIVERSIFIED BUILDING MTN					
1809	DIVERSIFIED BUILDING MTN	123295	LIBRARY/MARCH JANITORIAL SVC	04/07/2009	1,638.00
			CITY HALL/MARCH JANITORIAL SVC		3,965.00
Total DIVERSIFIED BUILDING MTN					5,603.00
FARM PLAN CORPORATION					
17	FARM PLAN CORPORATION	37979	WASTEWATER/VEHICLE REPAIRS & SUPPLIES	04/07/2009	50.00
		38022	WASTEWATER/VEHICLE REPAIRS & SUPPLIES	04/07/2009	317.85
Total FARM PLAN CORPORATION					367.85
FERO'S AUTO & TOWING SERVICE					
243	FERO'S AUTO & TOWING SERVICE	632385	FIRE/VEHICLE REPAIRS	04/07/2009	291.50
Total FERO'S AUTO & TOWING SERVICE					291.50
FIRE-RESCUE SUPPLY LLC					
3886	FIRE-RESCUE SUPPLY LLC	1787	FIRE/VEHICLE MAINTENANCE	04/07/2009	140.00
		1957	CRASH CREW/OPERATING SUPPLIES	04/07/2009	135.00
Total FIRE-RESCUE SUPPLY LLC					275.00
FORT HEALTHCARE					
151	FORT HEALTHCARE	03-05-09	POLICE PATROL/PROFESSIONAL SVC	04/07/2009	82.40
Total FORT HEALTHCARE					82.40
FULL COMPASS SYSTEMS LTD					
724	FULL COMPASS SYSTEMS LTD	3221204	CABLE/CAPITAL EQUIPMENT	04/07/2009	683.45
		3226076	CABLE/PARTS	04/07/2009	36.05
Total FULL COMPASS SYSTEMS LTD					719.50
GEMPLER'S INC					
1589	GEMPLER'S INC	1011319976	PARKS/SUPPLY MATERIALS	04/07/2009	49.80
Total GEMPLER'S INC					49.80
GRAINGER					
367	GRAINGER	9846323989	GEN BLDG/BLDG MAINTENANCE	04/07/2009	408.51
		9851694779	WASTEWATER/LAB SUPPLIES	04/07/2009	5.91

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total GRAINGER					414.42
GRAY'S INC					
962	GRAY'S INC	26461	STREET/SNOW PLOW REPAIR PARTS	04/07/2009	480.00
Total GRAY'S INC					480.00
INNOVATIVE BUSINESS PRODUCTS					
5445	INNOVATIVE BUSINESS PRODUCTS	57343	CABLE/OPERATING SUPPLIES	04/07/2009	307.71
Total INNOVATIVE BUSINESS PRODUCTS					307.71
JAECKEL BROS					
493	JAECKEL BROS	2861	WATER/WALWORTH AVE RAILROAD CROSS	04/07/2009	3,231.52
		2862	WATER/GEORGE ST WATERMAIN BREAK	04/07/2009	964.50
Total JAECKEL BROS					4,196.02
JAMES IMAGING SYSTEMS INC					
4617	JAMES IMAGING SYSTEMS INC	8374034	FINANCE/COPIER LEASE	04/07/2009	272.13
		8374035	POLICE ADMN/COPIER	04/07/2009	284.13
		8374036	DPW & PLANNING/COPIER LEASE	04/07/2009	272.13
Total JAMES IMAGING SYSTEMS INC					828.39
JEFFERSON CO EMS ASSOCIATION					
3404	JEFFERSON CO EMS ASSOCIATION	EMS 5	RESCUE/OPERATING SUPPLIES	04/07/2009	100.00
Total JEFFERSON CO EMS ASSOCIATION					100.00
JOHNS DISPOSAL SERVICE INC					
42	JOHNS DISPOSAL SERVICE INC	28452	RECYCLE/EXTRA PICK UP	04/07/2009	50.00
		28453	RECYCLE/EXTRA PICK UP	04/07/2009	25.00
		28471	RECYCLE/EXTRA PICK UP	04/07/2009	50.00
Total JOHNS DISPOSAL SERVICE INC					125.00
JOHNSON BLOCK & CO INC					
4258	JOHNSON BLOCK & CO INC	00110747	FINANCE/AUDIT PROGRESS BILL	04/07/2009	581.00
			WATER/AUDIT PROGRESS BILL		83.00
			WASTEWATER/AUDIT PROGRESS BILL		83.00
			STORMWATER/AUDIT PROGRESS BILL		83.00
Total JOHNSON BLOCK & CO INC					830.00
KETTERHAGEN MOTORS INC					
111	KETTERHAGEN MOTORS INC	C75018	RESCUE/MAINTENANCE 1281	04/07/2009	92.65
Total KETTERHAGEN MOTORS INC					92.65
LINDNER & MARSACK SC					
79	LINDNER & MARSACK SC	41790	LEGAL/FEBRUARY SVC	04/07/2009	471.50
Total LINDNER & MARSACK SC					471.50
MADISON CONCRETE PIPE INC					
499	MADISON CONCRETE PIPE INC	126735	WASTEWATER/SEWER REPAIRS	04/07/2009	291.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total MADISON CONCRETE PIPE INC					291.00
MARINE PROS					
2639	MARINE PROS	4114	CRASH CREW/EQUIPMENT REPAIRS	04/07/2009	87.70
Total MARINE PROS					87.70
MASTERS CONSTRUCTION					
5446	MASTERS CONSTRUCTION	1519	GEN BLDG/BLDG REPAIR & MAINTENANCE	04/07/2009	475.00
Total MASTERS CONSTRUCTION					475.00
MATC					
3697	MATC	TERBACHER	RESCUE/REFRESHER	04/07/2009	82.54
		EDENHOEFT	RESCUE/REFRESHER	04/07/2009	82.54
		WISKES	RESCUE/REFRESHER	04/07/2009	115.66
Total MATC					280.74
MAX R					
2598	MAX R	629816	PARKLAND DEVELOPMENT/GARBAGE CANS	04/07/2009	14,175.00
		629994	PARKLAND DEVELOPMENT/ANCHOR & ENCLOSURI	04/07/2009	28.08
Total MAX R					14,203.08
MENARDS - JOHNSON CREEK					
2534	MENARDS - JOHNSON CREEK	13712	WATER/STORAGE SHELVING SYSTEMS	04/07/2009	373.97
Total MENARDS - JOHNSON CREEK					373.97
MESSNER INC					
508	MESSNER INC	352216-00	GEN BLDG/OPERATING SUPPLIES	04/07/2009	110.61
Total MESSNER INC					110.61
MID-AMERICAN RESEARCH CHEMICAL					
3571	MID-AMERICAN RESEARCH CHEMICAL	0383733-IN	WASTEWATER/OPERATING SUPPLIES	04/07/2009	95.63
Total MID-AMERICAN RESEARCH CHEMICAL					95.63
MILLARD FEED MILL					
1649	MILLARD FEED MILL	180677	SPARKS/GRASS SEED	04/07/2009	299.00
Total MILLARD FEED MILL					299.00
MILPORT ENTERPRISES INC					
1408	MILPORT ENTERPRISES INC	183745	WASTEWATER/CHEMICALS	04/07/2009	5,303.80
Total MILPORT ENTERPRISES INC					5,303.80
MODULAR PIPING SUPPLY					
311	MODULAR PIPING SUPPLY	JV000146984	DPW/LANDFILL	04/07/2009	28.80
		JV000147098	DPW/LANDFILL	04/07/2009	24.12
Total MODULAR PIPING SUPPLY					50.92
MORGAN BIRGE & ASSOCIATES INC					
4591	MORGAN BIRGE & ASSOCIATES INC	MC0017490	GEN BLDG/PHONE	04/07/2009	345.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
		MC0017491	WASTEWATER/PHONE	04/07/2009	75.00
Total MORGAN BIRGE & ASSOCIATES INC					420.00
NAT'L CRIME PREVENTION					
716	NAT'L CRIME PREVENTION	27787	POLICE ADMN/CRIME PREVENTION	04/07/2009	118.50
Total NAT'L CRIME PREVENTION					118.50
NCL OF WISCONSIN					
389	NCL OF WISCONSIN	249341	WASTEWATER/LAB SUPPLIES	04/07/2009	1,285.68
Total NCL OF WISCONSIN					1,285.68
NCO FINANCIAL SERVICES					
5444	NCO FINANCIAL SERVICES	4T4NU2	RESCUE/BRENT SCHAMBOW	04/07/2009	137.08
Total NCO FINANCIAL SERVICES					137.08
NORTH WOODS SUPERIOR CHEMICAL					
1947	NORTH WOODS SUPERIOR CHEMICAL	85853	STREET/SHOP OPERATING SUPPLIES	04/07/2009	207.58
Total NORTH WOODS SUPERIOR CHEMICAL					207.58
NORTHERN LAKE SERVICE INC					
1335	NORTHERN LAKE SERVICE INC	165470	WATER/ARSENIC TESTING	04/07/2009	30.00
Total NORTHERN LAKE SERVICE INC					30.00
OFFICE DEPOT					
4146	OFFICE DEPOT	6717836-001	POLICE ADMN/OFFICE SUPPLIES	04/07/2009	102.61
		7593558-001	WASTEWATER/OFFICE SUPPLIES	04/07/2009	24.27
		7593693-001	WASTEWATER/OFFICE SUPPLIES	04/07/2009	1.79
		7593694-001	WASTEWATER/OFFICE SUPPLIES	04/07/2009	6.29
		7762740-001	POLICE ADMN/OFFICE SUPPLIES	04/07/2009	95.26
Total OFFICE DEPOT					230.22
PER MAR SECURITY SERVICES					
260	PER MAR SECURITY SERVICES	361458	WHITE BLDG/BLDG REPAIRS	04/07/2009	168.75
Total PER MAR SECURITY SERVICES					168.75
PITNEY BOWES					
109	PITNEY BOWES	10385-MR09	FINANCE/INSERTER LEASE	04/07/2009	152.00
			WASTEWATER/INSERTER LEASE		152.00
			WATER/INSERTER LEASE		152.00
Total PITNEY BOWES					456.00
POLICE					
684	POLICE	2009	POLICE ADMN/SUBSCRIPTION	04/07/2009	20.00
Total POLICE					20.00
POSITIVE PROMOTIONS INC					
1972	POSITIVE PROMOTIONS INC	03389052	SENIORS/DECORATIONS	04/07/2009	30.30

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total POSITIVE PROMOTIONS INC					30.30
PROFESSIONAL INTERPRETING ENT					
4931	PROFESSIONAL INTERPRETING ENT	30341	COURT/OTHER PROF SVC	04/07/2009	431.25
Total PROFESSIONAL INTERPRETING ENT					431.25
QUILL CORPORATION					
445	QUILL CORPORATION	5068577	GEN ADMN/OFFICE SUPPLIES	04/07/2009	24.56
			DPW/OFFICE SUPPLIES		24.56
			REC/OFFICE SUPPLIES		21.05
			LEGISLATIVE/ENVELOPES		4.49
			REC/PAPER		74.60
		5363139	NEIGHBORHOOD SVC/PAPER	04/07/2009	3.72
			GEN ADMN/PAPER		18.51
			COUNCIL/PAPER		18.51
			PLANNING/PAPER		18.51
			REC/PAPER		3.70
			DPW/PAPER		3.70
			CDA/PAPER		3.70
			SENIORS/PAPER		3.70
			GEN ADMN/OFFICE SUPPLIES		22.93
			DPW/OFFICE SUPPLIES		22.93
			REC/OFFICE SUPPLIES		19.66
Total QUILL CORPORATION					288.83
R & R INSURANCE SERVICES INC					
1492	R & R INSURANCE SERVICES INC	797785	GEN/LIABILITY INSURANCE	04/07/2009	2,682.20
			GEN/PUBLIC OFFICE LIABILITY		1,025.00
			GEN/POLICE PROFESSION INSURANCE		1,253.00
			GEN/AUTO LIABILITY		1,167.02
			GEN/AUTO PHYSICAL DAMAGE		1,632.57
			CABLE/AUTO LIABILITY		17.42
			CABLE/AUTO PHYSICAL DAMAGE		25.58
			RECYCLING/AUTO LIABILITY		52.26
			RECYCLING/AUTO PHYSICAL DAMAGE		4.94
			WATER/GEN LIABILITY		335.40
			WATER/PUBLIC OFFICE INSURANCE		128.00
			WATER/AUTO LIABILITY		87.10
			WATER/AUTO PHYSICAL DAMAGE		29.11
			WASTEWATER/GEN LIABILITY		335.40
			WASTEWATER/PUBLIC OFFICE LIABILITY		128.00
			WASTEWATER/AUTO LIABILITY		174.20
			WASTEWATER/AUTO PHYSICAL DAMAGE		71.80
		797786	WORKERS COMP	04/07/2009	14,437.00
Total R & R INSURANCE SERVICES INC					23,586.00
RADIATOR EXCHANGE					
1456	RADIATOR EXCHANGE	3314	STREET/VEHICLE REPAIR PARTS	04/07/2009	117.12
Total RADIATOR EXCHANGE					117.12
RADICOM BUSINESS COMMUNICATION					
795	RADICOM BUSINESS COMMUNICATION	95087	DISPATCH/PROGRESS PAYMENT #1	04/07/2009	45,830.91

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total RADICOM BUSINESS COMMUNICATION					45,830.91
RADISSON HOTEL - LACROSSE					
2999	RADISSON HOTEL - LACROSSE	342031	DISPATCH/TRAINING	04/07/2009	186.00
		342032	DISPATCH/TRAINING	04/07/2009	186.00
Total RADISSON HOTEL - LACROSSE					372.00
RANDY'S SUPPER CLUB					
374	RANDY'S SUPPER CLUB	5698	POLICE ADMN/DONATIONS & GRANTS	04/07/2009	652.05
Total RANDY'S SUPPER CLUB					652.05
REYNOLDS HEATING					
492	REYNOLDS HEATING	492	STREET/SHOP REPAIR SUPPLIES	04/07/2009	117.90
		Q3133	WASTEWATER/MAINTENANCE EQUIPMENT	04/07/2009	45.00
Total REYNOLDS HEATING					162.90
RICOH AMERICAS CORP					
90	RICOH AMERICAS CORP	09783267	RESCUE/COPIER	04/07/2009	60.61
		09783268	FIRE/COPIER	04/07/2009	27.39
		09816903	WATER/COPIER	04/07/2009	25.91
		404986919	WATER/COPIES	04/07/2009	16.50
Total RICOH AMERICAS CORP					130.41
SAFETY FIRST INC					
728	SAFETY FIRST INC	18016	FIRE/OPERATING SUPPLIES	04/07/2009	461.64
Total SAFETY FIRST INC					461.64
SAM'S CLUB					
1592	SAM'S CLUB	1592-040709	NEIGHBORHOOD SVC/MEMBERSHIP	04/07/2009	2.25
			STREET/MEMBERSHIP		2.25
			REC/MEMBERSHIP		2.26
Total SAM'S CLUB					6.76
SCHENK-HUEGEL CO					
72	SCHENK-HUEGEL CO	195245	FIRE/CAPITAL EQUIPMENT	04/07/2009	547.50
		195490	FIRE/CAPITAL EQUIPMENT	04/07/2009	104.85
		195860	FIRE/CAPITAL EQUIPMENT	04/07/2009	135.10
			CRASH CREW/CAPITAL EQUIPMENT		309.70
Total SCHENK-HUEGEL CO					1,097.15
SESCO LLC					
3085	SESCO LLC	2747	CRASH CREW/EMPLOYEE ED & TRNG	04/07/2009	2,480.50
Total SESCO LLC					2,480.50
SHADOW FAX					
2800	SHADOW FAX	INV066040	COURT/COPIER DRUM	04/07/2009	149.80
		INV068709	FINANCE/1320 TONER	04/07/2009	178.00
		INV069168	POLICE ADMN/2300 TONER	04/07/2009	233.60
		INV069371	POLICE ADMN/OFFICE SUPPLIES	04/07/2009	445.50

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total SHADOW FAX					1,006.90
SMITH ECOLOGICAL SYSTEMS INC					
5155	SMITH ECOLOGICAL SYSTEMS INC	12533	WATER/CHEMICAL ADDITION LMI PARTS	04/07/2009	509.80
Total SMITH ECOLOGICAL SYSTEMS INC					509.80
SOUTHERN LAKES NEWSPAPERS					
1844	SOUTHERN LAKES NEWSPAPERS	1844-040709	DPW/SUBSCRIPTION PLANNING/SUBSCRIPTION	04/07/2009	29.00 29.00
Total SOUTHERN LAKES NEWSPAPERS					58.00
STRAND ASSOCIATES INC					
358	STRAND ASSOCIATES INC	0070432	CIF/CENTER ST RECONSTRUCTION	04/07/2009	3,667.90
		0070603	TID 4/NORTH & FIRST ST	04/07/2009	8,596.49
		0070674	WASTEWATER/FACILITIES PLANNING	04/07/2009	2,132.10
		0070675	WASTEWATER/ANAEROBIC DIGEST STUDY	04/07/2009	2,027.57
		0070676	TID 4/MUNICIPAL PARKING LOT	04/07/2009	2,436.87
		0070677	TID 4/WHITEWATER ST	04/07/2009	2,845.05
		0070678	PLANNING/MAIN & WHITON TID 4/BUSINESS PARK WETLANDS	04/07/2009	250.31 832.80
Total STRAND ASSOCIATES INC					22,789.09
STREICHER'S					
345	STREICHER'S	1607868	POLICE PATROL/OPERATING SUPPLIES	04/07/2009	772.00
Total STREICHER'S					772.00
THE UNDERCOVER SHOP					
5433	THE UNDERCOVER SHOP	3318	FIRE/OPERATING SUPPLIES	04/07/2009	30.00
Total THE UNDERCOVER SHOP					30.00
THOMSON, AARON					
4026	THOMSON, AARON	MILEAGE	DPW/REIMBURSE	04/07/2009	71.50
Total THOMSON, AARON					71.50
TRIEBOLD IMPLEMENT INC					
2623	TRIEBOLD IMPLEMENT INC	311228	FIRE/VEHICLE MAINTENANCE	04/07/2009	20.26
Total TRIEBOLD IMPLEMENT INC					20.26
TRIEBOLD OUTDOOR POWER LLC					
418	TRIEBOLD OUTDOOR POWER LLC	034972	PARKS/EQUIPMENT REPAIR PARTS	04/07/2009	70.19
Total TRIEBOLD OUTDOOR POWER LLC					70.19
UW WHITEWATER					
8	UW WHITEWATER	10472	GEN BDLG/OPERATING SUPPLIES	04/07/2009	100.01
			LIBRARY/OFFICE SUPPLIES		103.02
			PARKS/OPERATING SUPPLIES		32.16
			PARKS/OPERATING SUPPLIES		128.62
			PARKS/OPERATING SUPPLIES		17.06
			PARKS/OPERATING SUPPLIES		116.00
			PARKS/OPERATING SUPPLIES		111.54

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total UW WHITEWATER					608.41
VANDEWALLE & ASSOCIATES					
27	VANDEWALLE & ASSOCIATES	200902050	PLANNING/MARCH SERVICE	04/07/2009	2,911.25
Total VANDEWALLE & ASSOCIATES					2,911.25
VEOLIA ES SOLID WASTE MIDWEST					
2542	VEOLIA ES SOLID WASTE MIDWEST	00002588809	WASTEWATER/CONTRACTUAL SVC	04/07/2009	603.15
Total VEOLIA ES SOLID WASTE MIDWEST					603.15
VERIZON WIRELESS					
5368	VERIZON WIRELESS	1991832711	GEN BLDG/DSL SVC	04/07/2009	48.61
			LIBRARY/CELL PHONE		5.27
			ENGINEER/CELL PHONE		95.61
			SAUBERT/CELL PHONE		43.41
			DPW/CELL PHONE		24.25
			CDA/CELL PHONE		37.63
			REC/CELL PHONE		58.73
			PLANNING/CELL PHONE		14.47
			BLDG INSP/CELL PHONE		14.46
			CITY MANAGER/CELL PHONE		43.91
			CITY CLERK/CELL PHONE		17.86
			SHOP/CELL PHONE		104.62
			WASTEWATER/CELL PHONE		12.65 -
			SENIORS/CELL PHONE		1.55
			POLICE ADMN/CELL PHONE		68.92 -
			EM GOV/CELL PHONE		.14
			FIRE/CELL PHONE		79.53
			RESCUE/CELL PHONE		10.85 -
			WATER/CELL PHONE		6.93
Total VERIZON WIRELESS					504.56
VORPAGEL SERVICE INC					
41	VORPAGEL SERVICE INC	24851	ARMORY/BLDG HEAT & AIR	04/07/2009	559.66
Total VORPAGEL SERVICE INC					559.66
VWR INTERNATIONAL					
5098	VWR INTERNATIONAL	37460130	WASTEWATER/LAB SUPPLIES	04/07/2009	37.12
Total VWR INTERNATIONAL					37.12
WAL CO-SHERIFF'S DEPT					
125	WAL CO-SHERIFF'S DEPT	FEB09	COURT/PRISONER CONFINEMENT	04/07/2009	570.00
Total WAL CO-SHERIFF'S DEPT					570.00
WALMART COMMUNITY					
1507	WALMART COMMUNITY	1507-040709	IT/SUPPLIES	04/07/2009	9.74
			FINANCE/SUPPLIES		8.87
			POLICE ADMN/OPERATING SUPPLIES		75.88
			POLICE PATROL/TRAINING		10.00
			POLICE INV/OPERATING SUPPLIES		32.75
			RESCUE/OPERATING SUPPLIES		176.63
			DISPATCH/OPERATING SUPPLIES		3.57

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			SENIORS/CREDIT		4.64
			CABLE/OFFICE SUPPLIES		15.88
			LIBRARY/OFFICE SUPPLIES		48.70
			LIBRARY/ADULT PROGRAM SUPPLIES		14.71
			LIBRARY/JUVENILE PROGRAM SUPPLIES		9.79
			WATER/PLANT MAINTENANCE SUPPLIES		30.18
			WASTEWATER/OFFICE SUPPLIES		136.32
			WASTEWATER/OPERATING SUPPLIES		8.98
			SENIORS/SUPPLIES		19.65
Total WALMART COMMUNITY					597.01
WAPC					
1293	WAPC	CONFERENCE	CABLE/LUCKETT & VANLANDUYT	04/07/2009	300.00
Total WAPC					300.00
WASC					
1175	WASC	WEBERPAL D	SENIORS/TRAINING	04/07/2009	20.00
Total WASC					20.00
WEBERPAL, DEBRA					
3207	WEBERPAL, DEBRA	3207-040709	SENIORS/MOVIE TYME SENIORS/MTG FOOD & TRASH BAGS	04/07/2009	19.95 9.82
Total WEBERPAL, DEBRA					29.77
WELDERS SUPPLY CO BELOIT INC					
49	WELDERS SUPPLY CO BELOIT INC	456273	RESCUE/OXYGEN	04/07/2009	53.11
Total WELDERS SUPPLY CO BELOIT INC					53.11
WHITEWATER FIRE DEPT					
284	WHITEWATER FIRE DEPT	550068	FIRE/GABBAY SOUTHCOMBE REIMBURSE	04/07/2009	1,249.50
			ARM & FLEET CRASH CREW/OPERATING SUPPLIES	04/07/2009	184.03
			RANDYS FIRE/EMPLOYEE ED & TRNG	04/07/2009	4,000.00
			STAPLES FIRE/OFFICE SUPPLIES	04/07/2009	46.99
			FIRE/OPERATING SUPPLIES		281.81
Total WHITEWATER FIRE DEPT					5,762.33
WI ALLIANCE OF CITIES					
1003	WI ALLIANCE OF CITIES	03/20 MTG	FINANCE/PROFESSIONAL DEVELOPMENT	04/07/2009	20.00
Total WI ALLIANCE OF CITIES					20.00
WI DEPT OF ADMINISTRATION					
135	WI DEPT OF ADMINISTRATION	RENEWAL	WATER/PUBLIC SVC COMMISSION	04/07/2009	14.00
Total WI DEPT OF ADMINISTRATION					14.00
WI RURAL WATER ASSOCIATION					
1918	WI RURAL WATER ASSOCIATION	04/01/09	WATER/MEMBERSHIP	04/07/2009	380.00
Total WI RURAL WATER ASSOCIATION					380.00
WI STATE LABORATORY OF HYGIENE					
1899	WI STATE LABORATORY OF HYGIENE	4835366	WATER/STATE FLUORIDE SAMPLE TEST	04/07/2009	40.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total WI STATE LABORATORY OF HYGIENE				<u>40.00</u>
	WISCONSIN BE SMART COALITION				
4498	WISCONSIN BE SMART COALITION	190	RECYCLING/MEMBERSHIP	04/07/2009	<u>1,128.80</u>
	Total WISCONSIN BE SMART COALITION				<u>1,128.80</u>

Total Paid:
Total Unpaid: 192,705.42
Grand Total: 192,705.42

Dated: April 2, 2009Finance Director: *[Signature]*

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT**



February 2009

**Submitted by
James R. Coan
Chief of Police**

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

**Unified Crime Reporting Incidents
Year-to-Date Statistics**

	No. of Incidents		Total Amount Lost	
	<u>2009</u>	<u>2008</u>	<u>2009</u>	<u>2008</u>
Murder/Non-Negligent Manslaughter	0	0	\$0	\$0
Sexual Assaults - 1st, 2nd, 3rd, 4th Degree	4	1	\$0	\$0
Total Robbery	2	0	\$700	\$0
Total Burglary	7	4	\$3,412	\$1,435
Total Motor Vehicle Thefts	1	1	\$2,650	\$1,500
<u>Thefts</u>				
Pocket Picking	0	0	\$0	\$0
Purse Snatching	0	0	\$0	\$0
Shoplifting	6	3	\$149	\$234
From Automobiles	3	2	\$1,455	\$1,400
Automobile Parts/Accessories	2	2	\$150	\$260
Bicycles	0	1	\$0	\$100
From Buildings	11	4	\$1,132	\$1,022
Coin Operated Machine	0	0	\$0	\$0
All Other	4	7	\$669	\$643
Total Thefts	26	19	\$3,555	\$3,659
Grand Total	40	25	\$10,317	\$6,594

**Property Amount Stolen and Recovered
Year to Date Statistics**

	<u>2009</u>	<u>2008</u>
Property Stolen	\$10,317	\$6,594
Property Recovered	\$9,235	\$1,929
Percentage Recovered/Stolen	90%	29%
Property Stolen Average per Month	\$5,159	\$3,297

NOTE: In addition to the recovery of stolen property, there was \$ 0.00 recovered as a result of restitution paid for investigative costs and non-sufficient funds checks cashed.
Year to date total \$ 120.00

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

Monthly Arrest Totals:	Adult	223
	Juvenile	21
	Combined Total	244

Arrests	This Month	This Year to Date	Last Year to Date	Increase/Decrease
Animals - License Required/ at Large / Noise	3	3	0	3
Arson	0	0	0	SAME
Assault (Aggravated)	1	2	1	1
Assault (Other)	1	3	3	SAME
Bail Jumping	1	8	9	-1
Bomb Threat	0	0	0	SAME
Burglary	0	1	0	1
Cigarette / Tobacco Violation	1	1	9	-8
Cigarette Deliver / Provided by Non-Retail	0	0	0	SAME
Citations Written for Parking Tickets	0	0	0	SAME
Contribute to Delinquency	0	0	1	-1
Contribute to Truancy	0	3	0	3
Controlled Substance - Possession	2	4	10	-6
Controlled Substance - Sale / Manufacture	0	0	1	-1
Court Order Violation	0	0	2	-2
Criminal Damage	0	2	6	-4
Criminal Trespassing	0	0	0	SAME
Curfew	1	2	2	SAME
Disorderly Conduct	20	41	47	-6
Embezzlement	0	0	0	SAME
Emergency Detention / Protective Custody	4	6	10	-4
Encourage Probation / Parole Violation	0	0	0	SAME
Escape	0	0	0	SAME
Extortion	0	0	0	SAME
Fail to Obey Officer	2	4	2	2
False Imprisonment	1	1	2	-1
Fireworks - Sell / Discharge without Permit	0	0	0	SAME
Forgery and Counterfeiting	0	4	1	3
Fraud	1	4	14	-10
Harbor / Aid a Felon	0	0	0	SAME
Illegal Blood Alcohol Content (IBAC)	10	28	25	3
Illegal Open Letter or Package	0	0	0	SAME

Continued on Next Page

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

Arrests	This Month	This Year to Date	Last Year to Date	Increase/ Decrease
Liquor Laws	29	62	68	-6
Littering	0	0	0	SAME
Local Warrants Served	8	16	29	-13
Motor Vehicle Theft	1	1	0	1
Murder and Non-Negligent Manslaughter	0	0	0	SAME
Negligent Handling of Burning Materials	0	0	0	SAME
Noise	3	10	4	6
Obstruct / Resist Officer	1	7	9	-2
Obstructions on Streets Prohibited	0	0	3	-3
Offenses Against Family and Children	0	0	0	SAME
Operate Auto While Intoxicated	10	28	29	-1
Pornography / Obscenity	0	0	0	SAME
Possess Drug Paraphernalia	0	2	12	-10
Prostitution (Enticement)	0	0	0	SAME
Reckless Endangering Safety	0	1	1	SAME
Registered Sex Offender Photograph Minor	0	0	0	SAME
Robbery	0	1	0	1
Runaway	0	0	1	-1
Sex Offenses (Other)	0	0	0	SAME
Sexual Assault - 1st Degree	0	0	0	SAME
Sexual Assault - 2nd Degree	1	1	3	-2
Sexual Assault - 3rd Degree	0	0	0	SAME
Sexual Assault - 4th Degree	1	1	0	1
Solicitors / Peddlers Prohibited	0	0	0	SAME
Stolen Property	0	0	0	SAME
Theft (Except Motor Vehicle)	9	16	27	-11
Traffic Offenses	128	226	128	98
Traffic Ordinance Violations	0	0	2	-2
Truancy	0	3	2	1
Warrant / Pickups for Other Agencies	5	17	27	-10
Weapons (Conceal/Possess/Negligent Use)	0	2	1	1
Zoning Violations	0	0	0	SAME
Total	244	511	491	20

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

CA-B

Miscellaneous Activities and/or Complaints

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Calls for Service	555	1,116	1,191
Activity Logs *	26	61	101
Traffic Stops *	292	648	377
Family Disturbances	0	5	6
Open Doors / Windows	0	0	1
Noise Complaints	25	52	53
Animal Complaints	18	33	27
False Alarms	10	19	20

* Officer initiated activities

Motor Vehicle Accidents

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Fatal	1	1	0
Personal Injury	5	10	2
Pedestrian	1	1	1
Hit and Run	4	8	18
Property Damage over \$1000	21	28	34
Property Damage under \$1000	8	26	28
Total	40	74	83

Parking Tickets Issued

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Issued by Patrol Officers	315	628	591
Issued by Community Service Officers	457	937	525
Total	772	1,565	1,116

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

Monies Received

Type	This Month	This Year to Date	Last Year to Date
Bicycle Licenses	\$0.00	\$0.00	\$3.00
Citations/Warrant Payments	\$4,144.80	\$7,813.90	\$7,059.20
Miscellaneous	\$16.70	\$24.30	\$13.28
Parking Permits	\$40.00	\$4,160.00	\$5,030.00
Parking Violations	\$10,904.00	\$23,279.00	\$24,284.00
Total	\$15,105.50	\$35,277.20	\$36,389.48

Overtime Hours

Type	This Month	This Year to Date	Last Year to Date
Squad Patrol	53.750	106.750	60.000
Investigation	37.750	67.250	60.250
Radio Dispatch	4.000	13.750	56.750
Parking	0.000	0.000	0.000
Traffic	0.000	0.500	5.250
Special Event	35.500	59.750	14.250
Reports	16.750	27.250	58.750
Training	10.000	124.500	214.750
Roll Call	10.500	36.000	57.500
Transporting Prisoners/Custody	4.500	13.000	35.250
Municipal Court	0.000	2.000	10.500
County Court	15.000	23.000	25.750
Holidays	0.000	110.375	130.250
Other	30.000	53.250	96.250
Total	217.750	637.375	825.500

**WHITEWATER POLICE DEPARTMENT
CONSOLIDATED MONTHLY REPORT
FEBRUARY 2009**

TRAINING

- On February 4th, Det. Sgt. Winger and RCC Lentz attended a seminar on Walking the Narrow Road of Leadership held in Janesville.
- From February 9th through February 13th, Det. Sgt. Winger and Det. Uhl attended Death Investigation training held in Portage.
- On February 26th, Support Services Mngr. Boyd and Records Technicians Hass and Swartz attended Advanced Laserfiche Training in Whitewater.



MINUTES
Monday, February 23, 2009
4:30 PM - CDA Board of Directors
FIRST FLOOR COMMUNITY ROOM
Whitewater Municipal Building
312 W. Whitewater Street
Whitewater, WI 53190

1. Call to order and roll call

Called the meeting to order at 4:33PM.

Present: Jim Allen, Jeff Knight, Alan Marshall, Tom Miller, Al Stanek, Jim Stewart

Absent: Max Taylor

Others Present: Mary Nimm, Kevin Brunner, Mitch Gruelke, Doug Saubert

2. Approval of the Agenda

Jim Allen motioned to approve the agenda. Marshall seconded.

Ayes: Allen, Knight, Marshall, Miller, Stanek, Stewart

No's: None

Absent: Taylor

Abstain: None

3. HEARING OF CITIZEN COMMENTS. No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.
NONE

4. Approval of the January 26, 2009 CDA Minutes

Jim Allen motioned to approve the January 26, 2009 minutes. Marshall seconded.

Ayes: Allen, Knight, Marshall, Miller, Stanek, Stewart

No's: None

Absent: Taylor

Abstain: None

5. January, 2009 Financial Reports

Saubert informed the board that January financials were not unusual. There were no huge transactions.

Payments were made on a timely basis with only one past due. Saubert also noted that there was a payment made on behalf of TID 6 from the 910 Business Development Account for \$5,436. To date, the CDA has paid \$60,127.45 towards projects falling under TID 6.

6. Report on the analysis of the TID benefit to the Community

Brunner informed the board that by direction of the CDA and Business Park Marketing committee there was an analysis performed by RW Baird on the benefit of TID 4 and if TID 4 were not in existence, what would the impact be on the tax payer?

The cover memo:

Attached is a draft for discussion purposes of our analysis that quantifies the value of a TIF. As we discussed previously we are using TIF #4 as an example. We have attempted to show the historical/future cash flow of the TIF based on certain assumptions along with the revenue shortfall had the TIF not been created. The revenue shortfall represents the difference between the TIF's historical/future revenue stream (column f) and the revenue generated by the City's local tax rate on the increment over base (column h). Please feel free to contact Brad or me to further discuss the analysis. If more convenient we would be happy to discuss via conference call or in person, please let us know your preference.

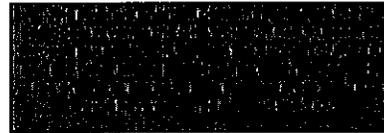
Thank you,

Steve Kornetzke
Vice President
Public Finance
Robert W. Baird & Co.
414.298.7489 direct
800.792.2473 toll free

There are also two historical performance graphs of TID 4 if there was no TID 4 showing there would have been a revenue shortfall (1992-2017) of \$18.8Mil = approximately \$300 per household - benefit - as with creating new districts, shows benefits of districts to city and taxpayers. Graph shows city tax collection w/out TID and revenue shortfall over time - difference between TID 4 and no TID 4 a little over \$1mil.

City of Whitewater Tax Increment District No. 4 Historical/Future TIF Analysis

Rate of Inflation During Life of TIF.....	0.00%
2000 gross tax rate (per \$1000 equal value) - per rate.....	\$18.98
2000-2017 estimated gross tax rate (per \$1000 equal value) - per rate.....	\$18.44
assessed rate for investment properties.....	0.70%
Data source checked last per 6/24/18	



Background Data					Revenues		NO Tax Increment Financing District					Year
Yr	TIP Change Valuation	Phase Increment	TIF Increment Over Base	Est. Tax Rate	Est. Tax Revenue	City Tax Rate	City Tax Revenue	Revenue Shortfall	Revenue Shortfall Per Capita	Tax Increment to the City as a Percent of Home Value Tax Value	Assess Tax Impact Per \$100,000 of Home Value Tax Value	
1991	\$3,982,899		\$1,102,000	6.77%	\$26,432	97.25	\$7,582	\$22,431	\$2	60.52	\$12.47	1991
1992	\$4,200,899		\$1,404,000	6.79%	\$30,432	97.26	\$7,602	\$24,231	\$2	60.52	\$12.47	1992
1993	\$4,393,899		\$2,003,000	6.79%	\$34,432	97.24	\$7,624	\$26,031	\$2	60.52	\$12.47	1993
1994	\$4,582,899		\$2,602,000	6.77%	\$38,432	97.22	\$7,646	\$27,831	\$2	60.52	\$12.47	1994
1995	\$4,772,899		\$3,201,000	6.76%	\$42,432	97.20	\$7,668	\$29,631	\$2	60.52	\$12.47	1995
1996	\$4,962,899		\$3,800,000	6.75%	\$46,432	97.18	\$7,690	\$31,431	\$2	60.52	\$12.47	1996
1997	\$5,152,899		\$4,400,000	6.74%	\$50,432	97.16	\$7,712	\$33,231	\$2	60.52	\$12.47	1997
1998	\$5,342,899		\$5,000,000	6.73%	\$54,432	97.14	\$7,734	\$35,031	\$2	60.52	\$12.47	1998
1999	\$5,532,899		\$5,600,000	6.72%	\$58,432	97.12	\$7,756	\$36,831	\$2	60.52	\$12.47	1999
2000	\$5,722,899		\$6,200,000	6.71%	\$62,432	97.10	\$7,778	\$38,631	\$2	60.52	\$12.47	2000
2001	\$5,912,899		\$6,800,000	6.70%	\$66,432	97.08	\$7,800	\$40,431	\$2	60.52	\$12.47	2001
2002	\$6,102,899		\$7,400,000	6.69%	\$70,432	97.06	\$7,822	\$42,231	\$2	60.52	\$12.47	2002
2003	\$6,292,899		\$8,000,000	6.68%	\$74,432	97.04	\$7,844	\$44,031	\$2	60.52	\$12.47	2003
2004	\$6,482,899		\$8,600,000	6.67%	\$78,432	97.02	\$7,866	\$45,831	\$2	60.52	\$12.47	2004
2005	\$6,672,899		\$9,200,000	6.66%	\$82,432	97.00	\$7,888	\$47,631	\$2	60.52	\$12.47	2005
2006	\$6,862,899		\$9,800,000	6.65%	\$86,432	96.98	\$7,910	\$49,431	\$2	60.52	\$12.47	2006
2007	\$7,052,899		\$10,400,000	6.64%	\$90,432	96.96	\$7,932	\$51,231	\$2	60.52	\$12.47	2007
2008	\$7,242,899	\$2,218,000	\$11,000,000	6.63%	\$94,432	96.94	\$7,954	\$53,031	\$2	60.52	\$12.47	2008
2009	\$7,432,899	\$2,817,000	\$11,600,000	6.62%	\$98,432	96.92	\$7,976	\$54,831	\$2	60.52	\$12.47	2009
2010	\$7,622,899	\$3,416,000	\$12,200,000	6.61%	\$102,432	96.90	\$8,000	\$56,631	\$2	60.52	\$12.47	2010
2011	\$7,812,899	\$4,015,000	\$12,800,000	6.60%	\$106,432	96.88	\$8,022	\$58,431	\$2	60.52	\$12.47	2011
2012	\$8,002,899	\$4,614,000	\$13,400,000	6.59%	\$110,432	96.86	\$8,044	\$60,231	\$2	60.52	\$12.47	2012
2013	\$8,192,899	\$5,213,000	\$14,000,000	6.58%	\$114,432	96.84	\$8,066	\$62,031	\$2	60.52	\$12.47	2013
2014	\$8,382,899	\$5,812,000	\$14,600,000	6.57%	\$118,432	96.82	\$8,088	\$63,831	\$2	60.52	\$12.47	2014
2015	\$8,572,899	\$6,411,000	\$15,200,000	6.56%	\$122,432	96.80	\$8,110	\$65,631	\$2	60.52	\$12.47	2015
2016	\$8,762,899	\$7,010,000	\$15,800,000	6.55%	\$126,432	96.78	\$8,132	\$67,431	\$2	60.52	\$12.47	2016
2017	\$8,952,899	\$7,609,000	\$16,400,000	6.54%	\$130,432	96.76	\$8,154	\$69,231	\$2	60.52	\$12.47	2017

9/30/1990 TID inception
9/30/2018 Fiscal Year to track TIF related costs.
9/30/2017 Maximum legal life of TID (27 Years)

(1) Per City Estimates as of February 4, 2008.
(2) Estimated Tax Rate based on historical data provided by the DOB.

FROM BROWN, BAKER & BROWN CONSULTANTS AND ARCHITECTS, 1000 W. WASHINGTON, SUITE 1000, MILWAUKEE, WI 53233

Knight - will we be able to project if we overlay TID 1 & 2 to show entire effect?
 Saubert - yes - we will do projections for TID's 1,2,3 & 4 individually and then do one for all four combined.
 Knight - this will allow us to see the benefit for entire community with all four illustrated
 Saubert - the results of this are telling us that because of TID, and because of all increment above base, 74% difference makes up the \$18mil
 Knight - can we also show value to school district for a presentation to the school district? Taxpayers should know if we haven't done this, what would they have paid on their tax bill?
 Brunner - idea = do presentations with information to show benefit of TID, particularly to use TID for other projects.
 Knight - this will be one of the best TID success stories in the state. There have been many things done in this community and they are of great value to the taxpayer.

7. Report on Joint CDA/CC discussion on the role of the CDA

Brunner started by reminding the CDA that both CDA and CC requested that they form a small committee to look at the working relationship between CDA and CC. The committee consisted of Knight and Miller, Singer and Stewart. The committee met in late January, Miller was unable attend. Attorney McDonnell also attended.

As a result of the meeting, they came-up with a MOU and have put things in writing.

8. Distribution and Discussion on Memorandum of Understanding on relationship between the CDA and the City

Memorandum of Understanding

This memorandum of understanding made this 1st day of March, 2009 by and between the City of Whitewater, hereinafter called City, and the Whitewater Community Development Authority, hereinafter called CDA.

Witnesseth:

The City and the CDA have enjoyed a positive working relationship for many years and the two parties are desirous of better defining this relationship. The CDA has been established pursuant to Wisconsin State Statutes 66.1335 by the City for the purpose of carrying out blight elimination, urban renewal programs and projects and housing projects. In addition, the CDA has been charged by the City to act as the agent of the City in planning and carrying out community development programs and activities approved by the City Council under the federal housing and community development act of 1974 as well as to act as agent of the City to carry out the tax increment financing planning and programming activities of the City.

The City and CDA hereby agree to the following:

1. The CDA will provide written reports to City Council on a quarterly basis commencing in 2009. These reports will be presented to the Council at its regularly scheduled meetings. In addition, an annual report detailing the CDA's activities and finances, as required by Chapter 248 of the Whitewater Municipal Code will be presented to the City Council no later than April 15th of each year.
2. The CDA will conduct an annual meeting at which time the economic and community development goals and objectives of the City will be discussed and determined. City Council members as well as community members will be encouraged to attend the annual CDA meeting. The CDA annual meeting shall be held in conjunction with the annual City budget process in the fall of each year.
3. The CDA's financial records will be maintained by the City Finance Director. Quarterly Tax Incremental Finance District reports will be provided by the Finance Director to both the City Council and CDA. Monthly financial reports will also be provided to the CDA of its financial activities.
4. All CDA funds will be accounted for in separate enterprise funds maintained by the City Finance Department. These funds shall be maintained according to General Accepted Accounting Principles (GAAP) and will be subject to annual audit by the City's auditor.
5. The City Council will appoint two of its members to serve on the CDA Board of Directors. These City Council representatives will be responsible for attending and participating fully in all CDA meetings and with reporting periodically to the Council on CDA activities.
6. The parties to this agreement recognize that there may be occasions in the future when, due to conflicting positions, the CDA may have a different position on a matter than the City Manager on an issue which concerns the City Council. This section is set forth for the purpose of providing a process for the parties to follow when such circumstances arise. If a conflict arises, an ad hoc committee shall be formed that will consist of a City Council member appointed by the City Council, a Community Development Authority member appointed by the Community Development Authority, and the City Manager. If it is not practical for the City Council to appoint a member due to the immediacy of the

- circumstances, the City Council President shall act as the City Council representative. If it is not practical for the Community Development Authority to appoint a member due to the immediacy of the circumstances, the Community Development Authority Chairperson shall act as the Community Development Authority representative. The committee so formed shall attempt to resolve the conflict. If the committee is unable to resolve the conflict, the CDA committee member shall be authorized to communicate the CDA's position to the City of Whitewater Common Council. Upon completion of the work of the committee on the issue in question, the committee shall adjourn sine die.
7. The CDA assigns the responsibilities for its Executive Director to the City Manager. In consultation with the City Manager, the CDA Board of Directors is responsible for the hiring/firing of the CDA Coordinator subject to the employment agreement executed for this position. The CDA Coordinator will report on a daily basis to the City Manager with policy direction to come from the CDA Board of Directors.
 8. The annual CDA budget will be developed by the CDA Coordinator and then reviewed and adopted by the CDA Board of Directors before it is submitted to the City Manager for eventual presentation to the City Council.

Agreed to this 1st day of March, 2009.

City of Whitewater

Whitewater Community
Development Authority

Kevin M. Brunner, City Manager

Thomas Miller, Chair

Michele Smith, City Clerk

Alan Marshall, Vice Chair

Knight – suggested letting committee meet once more and talk over points to see if anything is missed.

9. Update and possible action on Whitewater Business Park Wetland Mitigation and Remedial Actions

10. Business Park Marketing Committee Report on February 9th Meeting

a. Website Redesign Status

Mitch Grulke did an analysis of the new CDA website design against IEDC (International Economic Development Council) award winning websites. The conclusions of his analysis are:

Whitewater Business Park Website Current Features and Suggestions:

Whitewater Business Park Site: <http://projects.wicits.uww.edu/bp2/>

- Link to the Brochure (with demographic info, map)
- Directory with map
- Testimonials
- Opportunities (available sites w/ acreage)
- Quality of Life
- Business Environment
- Park Covenant, and directory of current businesses

Siskiyou County Economic Development Site: <http://www.siskiyoucounty.org/default.aspx>

- Resources (PDF's; Education, Arts & Culture, Healthcare, Transportation, Utilities and Taxes)
- Links: State and Federal Govt. Agencies, Community Associations, Economic Development Sites, Associations and Organizations
- Investors and Partners
- About Us
- Business Tools, Resources, and Links (Info on Training, Govt. Requirements, Marketing, etc.)
<http://www.toolsforbusiness.info/success/index.cfm?cx=siskiyou>
- Why choose Siskiyou County, sales pitch, like our postcards
- Search Bar

Both:

- Recent News: Incoming companies, expansions, **success stories**, press releases
- Business Incentives & Assistance
- Financial Advantages
- Maps
- Contact

Other Improvements and advice from site selector's article:

- Have contact name and number highly visible on every page
- Basic map on home page, showing general area
- List of top 10 employers, unions, site information
- Speed, ease of navigation, and useful data
- Easy to find links from other sites they may look at (City website, WCEDA)
- Incentives
- Highlight UW-W and opportunities it provides
- Information on infrastructure (transportation and utilities)
- Target Industries

The analysis has been shared with John Chenoweth. John and Nimm spoke further about the site and have agreed that John will create a list of what they have to do, what the CDA has to do and will set-up a training date and then work with City IT towards a live launch date. All is expected to take place in the next 30 days.

b. 2009 Marketing Budget & Funding Sources

The updated and estimates for the 2009 Marketing Budget are included in the packet. Also enclosed in the packet a listing of site selectors and their contact information.

11. University Technology Park Update

Brunner noted that progress has been made. There is work on federal grants to pay for infrastructure. The land acquisition team is working on an option for acquisition. The Mission statement has been written. The recruitment team is working on users. There is work taking place on the WW innovation center with a target to make this the first facility in park. Brunner noted that in two months, the board has made outstanding progress.

Knight – the energy from the UWW participants is incredible. He was also pleased to see the Whitewater Unified School District at last meeting. The district representatives stated they want to do curriculum around Technology Park. It would be helpful that perhaps the board could prepare a presentation on what would be, how to scope out innovation center and clients.

Marshall – is the EDA grant part of the flooding money?

Brunner – working with EDA on grant project for economic flood relief. We have submitted preliminary grant application. The grant would be used for infrastructure and buildings.

12. CDA Coordinator

a. 5-Points Update

Nimm reported that site investigations are complete. She is working with Ayres Associates to complete the Brownfield Site Assessment Grant Final Report as well as the grant claim worksheet. Copies of the Phase I, Phase II and Asbestos Investigation are available for viewing in the CDA office.

Brunner – 2010 project in CIP – depend on acquisition of right of way and possible redevelopment site, also project could possibly qualify for fed asst. as a Brownfield.

b. Asbestos Supervisor Training

Nimm reported that she is working with Milwaukee Lead and Asbestos to host a one-week long Asbestos Supervisor Training in Whitewater. We are tentatively scheduled for the week of April 27th with class to be held at the Cravath Lake Front Center all week with the exception of class in the Council Chambers on Tuesday (because of a scheduling conflict).

c. Retention Visits Update

To date, in 2009, Bud Gayhart and Nimm have conducted retention visits with Whitewater Manufacturing, Trostel and Husco. All three report that, as a result of the economy, their employment numbers are down from a year ago but that they plan continue to with operations.

Nimm has also been on a site visit with Home Tops. They report 11 employees (full and part-time) and report their new site increases operating efficiencies and there is additional warehouse and office space available for lease.

There are continual efforts to contact other businesses for the purpose of retention visits and will do so until all have been visited.

d. Retail Coach Update

Nimm reported that on December 11th, 2008 a letter was mailed to Kelly Cofer, President and CEO of The Retail Coach. In the letter it was stated "The City of Whitewater selected The Retail Coach's

proposal for a Market Analysis and Retail Recruitment & Development Strategy over that of the Buxton Company. The Retail Coach had something more to offer – a year’s worth of coaching services.

In a presentation made to the City in March, 2008, it was stated by our project manager Joey Grisham that, “we recognize that retail recruitment is a continual effort and process, not a one-time event. As a standard part of our comprehensive recruitment process, we provide 12 months of coaching after the project is completed and at no additional charge. We value your community’s investment dollars so highly that during this coaching period, we even make monthly accountability calls to check in with your community and answer any questions you may find yourself having during this ongoing process.” Since Joey’s departure from The Retail Coach and to date I have received 5 excel spreadsheets, with the last dated 11/03/08 as prompted by a question asking what The Retail Coach is and isn’t doing for our community.

In reviewing the agreement between The Retail Coach and the City of Whitewater, it is our feeling that while The Retail Coach has essentially fulfilled their duties as listed in the contract, the City of Whitewater has not fully received the coaching services of The Retail Coach.

It is important to note that the funding for this study and the work of The Retail Coach was provided half by the City and half from several private funding sources. They too are questioning the validity of our contract and the commitment of your services. The City of Whitewater recognizes our contract for services is with The Retail Coach and not Mr. Grisham and expects a more interactive association.

A response to this letter would be greatly appreciated. Please address our concerns related to the coaching services of The Retail Coach and how we might see greater benefits for our City from our contractual relationship with The Retail Coach.”

As a result, and on January 29th, I attended the Downtown Whitewater Economic Restructuring Committee meeting. We held a conference call with Aaron Farmer of The Retail Coach. The committee and I expressed our disappointment with the performance and coaching by The Retail Coach and requested direct help with our recruitment efforts in Whitewater and Downtown Whitewater.

Downtown Whitewater Wish List:

Clothing	Hobby, Book and Music Store	High End Full Service Restaurant
Bakery	Coffee Shop, Wine Shop, Brewery	Art & Pottery Store
Sporting Goods (Outfitters)	Specialty Food Store Home Furnishings	General Merchandise i.e. Gifts, Card Shop

Deliverables as a result of the letter and conference call shall be:

- o A contract extension to January 29, 2010 of the coaching services
- o A more comprehensive listing of the number of retailers to be contacted by The Retail Coach to include the DTW Economic Restructuring committee wish list of retailers
- o A sample packet (of materials) displaying what should be included in a marketing and recruiting packet
- o Another in-person assessment of Whitewater and it’s trade area conducted (in the next few months) (at no additional cost to the City) by both Mr. Farmer and Mr. Cofer
- o Clarification of and possible correction to some of the reported numbers in the initial study and report on Whitewater and the trade market

Miller asked if the CDA should consider getting an attorney involved in the process.

Nimm noted that she will be persistent with TRC and if she doesn’t see any notable action, she will seek legal help.

e. ICSC – Illinois Idea Exchange

Nimm reported that the week of February 23rd is the International Council of Shopping Centers two-day Idea Exchange in Chicago. Nimm will only attend on Thursday, February 26th. The plan is to participate in these three thirty-minute roundtable discussions: Hot Retailers Large and Small, Directions and Trends of Restaurants, New Retailers Entering the Chicago Market. Nimm will prepare packets of information on Whitewater prepared to hand-out during the Retail Only Deal Making session. Nimm will take CDA Intern Grulke to Chicago.

f. Preserve America Grant Application

Nimm is working with Carie Wright-Whitewater Tourism Council, Al Luckett-Station 13, and Carol Cartwright-Whitewater Historical Society on a Preserve America Grant Application. The grant request is for funding to create walking tours of Historical Whitewater. The group intends to create a booklet that will contain three walking tours and one comprehensive driving tour of Whitewater’s historical architecture and historic sites.

It is the application target, to create narrative tours for each of the tours with headsets available for rent at multiple locations throughout the City. The group also intends to have the tours available on an interactive website (a website only for the tours) with the tours available in a downloadable MP3 format. Each of the tours will contain photos, narrative and maps and will be fully interactive. Portions of some tours will also have video for the person taking the tour on-line.

Nimm is working through the narrative portion of the application and is are now focusing efforts on the budget portion. Each party has been assigned with assembling a budget to reflect the costs and personnel costs relative to their respective part of the project. The grant deadline has not yet been announced, but historically it has been in the first quarter of the year.

g. Train Depot Restoration RFQ

Nimm has written the RFQ for the Architectural Services for the Train Depot restoration project. She is working with Lynda Fink, a consultant to WisDOT, to finalize the RFQ and is prepared to distribute it the week of 2/23/09.

Allen – what's the intention for the building after restoration?

Miller – big enough for historical society?

13. Confirm March Meeting Date of Monday, March 23 @ 4:30PM

14. Future Agenda Items

Stanek – HWY 12 Walworth County improvement project – DOT? Stimulus package? Hwy 67 to P improved what does that mean to WW? Four Lane project. EIS?

15. Adjourn

Jim Allen motioned to adjourn at 5:17 pm. Stewart seconded.

Respectfully Submitted,

Mary S Nimm
CDA Coordinator

City of Whitewater
Parks and Recreation Board Meeting
Monday, February 2, 2009 - 4:30pm
Cravath Lakefront Room - 2nd Floor, City Municipal Building
312 W. Whitewater St. Whitewater, WI 53190

Minutes

1. **Roll Call and Board Introductions**

The meeting was called to order at 4:35 pm by Sheila Kindwall. Present, Max Taylor, David Stone, Nicole Grosinske, Steve Ridenour and Jen Kainia. Excused Prudence Negley. Others present: Matt Amundson and Deb Weberpal

2. **Election of Vice-Chairperson & Oath of Office (Kaina)**

Kindwall nominated Ridenour for Vice-Chairperson, Stone seconded the nomination. Ayes: Taylor, Stone, Grosinske, Kindwall, Kaina. Abstain: Ridenour. Noes: None. Absent: Negley

Amundson presented Kaina with Oath of Office

3. **Approval of January 12, 2009 Park and Recreation Board Minutes**

Taylor motioned to approve the January 12, 2009 minutes. Grosinske seconded the motion. Ayes: Taylor, Stone, Ridenour, Kindwall, Grosinske Abstain: Kaina. Noes: None. Absent: Negley

4. **Citizen Comments: No formal action will be taken during this meeting, although issues raised may become part of a future agenda. Participants are allotted a 3 minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those issues as designated in the agenda.**

Grosinske suggested the Christmas Parade information signs posted needed to be removed

5. **Staff Reports:**

A. Director Report (Amundson):

- **Monthly Report**

Amundson indicated Big Brick Ice Rink had a very busy month. Amundson referred to the increasing popularity of Open Gym at the Armory and the negative effect it has on Adult Volleyball Leagues.

- **Lakes Management Updates**

Amundson indicated upcoming meeting on Wednesday, February 11th

- **Park Improvement Projects**

Amundson referred to park improvements projects calendar with updates.

- ◆ **Trippe Lake Restrooms/Shelter**

Amundson indicated meeting with Strand on 1/27/09. Structural engineer reviewed site and existing building. Strand will be creating design for review.

- ◆ **Waters Edge Trail Extension**

Amundson and City Manager will be attending Town of Whitewater Board meeting 2/11/09 in regards to trail extension along road right-away

- ◆ **Starin Park Playground**

Amundson indicated Whitewater Wal-Marts interests in playground funding with grant opportunities.

B. Recreation & Community Events Programmer

- Youth Sports Photography
Dujardin indicated that eight RFP's were sent out for Youth Sports Photography. Proposals were received from all eight companies, Picture Pro Photography was selected for their reasonably priced packages, complimentary photo's, and 15% return back to Parks and Recreation
- Program/ Staff Clothing RFP
Dujardin indicated that seven RFP's were sent out for clothing. Proposals were received from three companies. Aropa was selected for t-shirts and sweat shirts, while Sassy Shirts was selected for baseball & softball uniforms and additional staff clothing.

C. Senior Coordinator Report (Weberpal):

- ◆ Senior Aide Position
Weberpal indicated she will be receiving a 24 hours a week senior aide through the Federal Program. Rose will be joining the Seniors In The Park shortly

6. **Board and Commission Reports: No action other than possible referral to another meeting, but there may be minimal response to Board member questions:**

- A. Plan and Architectural Review Commission (Stone) Stone indicated the February 16th meeting has been cancelled. February 23rd, meeting will be viewing a 4 unit apartment building plan for the south side.
- B. Bike Advocacy (Ridenour) – No report
- C. Whitewater Aquatics Center (Grosinske)- Grosinske reported the survey was taken by 240 respondents with a majority being non-members. WAC Board continues to meet weekly.
- D. City Council (Taylor)- Taylor reminds board members to be aware of their term expiration. City Council will also be reviewing options for Whiton and Main.
- E. WPRRA Legislative Advocacy (Stone)- Amundson indicated that changes are being proposed in nature based provision of the Stewardship Grant program

(5:15 Grosinske left the meeting)

7. **Discussion and Possible Action on Chapter 11.44.030 Snowmobile Use: Parks & Lakes**

Amundson referred to memo and current ordinances. Taylor motioned to prohibit all Snowmobiles, ATV's and Go Carts in City Park and on City Lakes. Stone seconded. Ayes: Kindwall, Ridenour, Stone, Taylor, Kainia. Abstain: None. Noes: None. Absent: Grosinske.

The board requests ordinances be brought back after changes have been made.

8. **Discuss Fitness Program (Ivy Miles) and potential move to Aquatic Center**

Amundson indicated multiple meetings have taken place with Ivy Miles, Parks & Recreation, and Whitewater Aquatic Center to discuss the opportunities and benefits of moving some fitness classes

the Whitewater Aquatic Center. At this point, three fitness classes will be moved to the Whitewater Aquatic Center on March 30th.

9. **Update and Discussion of Whitewater Street Design**

Amundson referred to design sketch and asked board for landscaping ideas. Amundson indicated construction will start in Spring with a targeted completion for June 1st. Amundson also indicated the current quest for a dermatologist letter to complete grant application for park trees.

10. **Request for future agenda items**

No requests

11. **Adjourn**

Taylor motioned to adjourn at 5:35pm. Stone seconded the motion. Unanimous voice vote.

Minutes submitted respectfully by: Michelle Dujardin

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

PRESENT:

City Council: Allen, Taylor, Nosek (arrived 6:10 p.m.), Binnie, Singer, Kienbaum, Stewart.

Plan Commission:

Zaballos, Kienbaum, Dalee, Stone, Torres, Comfort, Hartmann. ABSENT: Coburn, Miller.
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Chris
Landrud/Vandewalle and Associates, Bruce Parker/Zoning Administrator, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no concerns at this time.

REPORTS:

- a. Report from Community Development Authority Representative. No report.
- b. Report from Tree Commission Representative. The Tree Commission meets Thursday, March 19, 2009 at 4:00 p.m.
- c. Report from Park and Recreation Board Representative. David Stone reported that the Park and Recreation Board was discussing the designs for a shelter that would replace the beach house at Trippe Lake.
- d. Report from City Council Representative. Marilyn Kienbaum reported that the City Council has declared a hiring freeze for the City with the exception of a police officer. The City Council will be meeting Tuesday, March 17, 2009 at 6:30 p.m.
- e. Report from the Downtown Whitewater Inc. Board Representative. Tami Brodnicki, Executive Director of Downtown Whitewater Inc. reported they have been working on the sign ordinance and will have it to the Plan Commission next month. They have five façade grant proposals; and their award meeting will be April 9th.
- f. Report from staff. Bruce Parker, Zoning Administrator, explained that the two trees that were removed by McDonalds will be replaced with 2 inch honey locust trees by June 1st.
- g. Report from chair. No report.

JOINT ITEM WITH CITY COUNCIL FOR CONTINUATION OF THE DISCUSSION OF NEIGHBORHOOD PRESERVATION STRATEGIES. Chairperson Zaballos explained that Chris Welch, who was present at the meeting, from the Jefferson Daily Union has written articles on the Whitewater Housing Zoning Ordinance issues, which provided useful information on neighborhood issues. It was also noted that the League of Women Voters was having a forum with a panel on the issue of zoning and housing on Thursday at 7:00 p.m. at City Hall.

City Planner Mark Roffers started off the discussion by referencing his memo of March 11, 2009 in which he put together a series of potential solutions to preserving neighborhoods. The strategy that is decided, could become an important component of the City Master Plan. He explained there are options such as regulatory approaches or incentive based approaches. As a condition of the amendments to the Central Area Plan, the City was to look at the issue of preserving neighborhoods, with potential approaches or strategies. Mark went through the ideas and possible solutions they had compiled.

1. Define and limit rezonings in "Neighborhood Preservation Areas." Through public input and research on the conditions in various neighborhoods in the City, the City could designate certain neighborhoods in the City that have a solid single family, owner-occupied housing base as "Neighborhood Preservation Areas." These designations could be shared with the community for an educational value, and serve as a basis for many of the other approaches for consideration that are listed below.
2. Help convert two-family or multi-family buildings back to single-family homes. Encourage the conversion of homes in "Neighborhood Preservation Areas" that are being used as two-family or multi-family residences back to single-family homes.
3. Offer home buyer assistance. Sponsor or collaborate on low-interest loans and/or down-payment assistance for first-time home buyers to buy and rehabilitate homes in "Neighborhood Preservation Areas" or possibly elsewhere.
4. Encourage conversion of renter-occupied homes to owner-occupancy. Within Neighborhood Preservation Areas, provide incentives for homes formerly being used for rental housing to be upgraded and sold for owner occupancy.
5. Encourage rental properties in designated "Neighborhood Preservation Areas" to be rented to families, or non-student residents. This could potentially also be linked with property owner requested rezonings (to R-3) of properties in other parts of the City.
6. Limit residential density and household size increases in "Neighborhood Preservation Areas." This could focus on not entertaining "upzoning" of these areas to R-3 or conversions of single family units to duplexes or multiple family units.
7. Consider down-zoning of certain neighborhoods. There are one or two predominately single-family, owner-occupied neighborhoods in the City that nevertheless have been zoned R-3 for a number of years. One approach may be to analyze such areas and consider rezoning all or parts of them to R-1 or R-2, for example. Another approach may be to limit the number of unrelated persons in non-family households to three in R-3 zoned lands that are also in designated "Neighborhood Preservation Areas."
8. Invest in neighborhood improvements. Improvements in infrastructure, lighting, landscaping/street trees, signage, parks, and trails can help elevate the appearance of a neighborhood, lead to additional private investments in housing, and make the neighborhood more attractive for home owners and buyers.
9. Encourage the establishment of new neighborhood associations and promote the activities of existing associations. The City currently has one neighborhood association called the Historic Starin Park Neighborhood Association (area bounded by Prairie, Main, Fremont and Starin Road) and a second association is in the process of forming for the South Campus Neighborhood (area roughly bounded by Walworth, Janesville, Prairie and Main Streets). Neighborhood associations can strengthen communication between the City and the residents of a neighborhood, increasing the likelihood that issues will be raised and addressed in an organized and effective manner. Neighborhood associations can

also bring residents together to resolve problems, ensure that a higher level of attention is paid to each individual neighborhood in the City, and generally result in better managed and maintained neighborhoods.

10. Work to reduce student housing demand in (significantly) off-campus areas. This approach would likely involve close collaboration with UW-Whitewater, and may involve upgrading and increasing on-campus and near-campus housing. Techniques like significantly increasing the cost and availability of on-campus student parking may also discourage cross-town living of students.
11. Consider various approaches to upgrade homes to make them neighborhood friendly. Encourage aesthetic improvements to homes, or stricter maintenance of homes, though a variety of approaches, regardless of who lives in them. Ideas may include assigning an even higher priority to code enforcement (particularly in Neighborhood Preservation Areas), prohibiting the placement of certain types of furniture intended for indoor use (e.g., couches) outside the house, limiting the conversions of garages to living spaces, or limiting the conversion of backyard spaces for large parking lots or significant building expansions.
12. Modify residential bulk standards to ensure that tear-downs or home additions are consistent with the size and character of the surrounding neighborhood. The City could revise or create bulk standards (e.g., height, setbacks, floor area, lot coverage, or even building volume) for some or all residential zoning districts to ensure that homes that are expanded or rebuilt within existing neighborhoods are not considerably larger than other surrounding homes. A related approach may also involve placing limits on backyard parking lots in certain neighborhoods.
13. Develop a zoning approach to regulate building additions. Additions in which the owner intends to add rooms and spaces that could significantly transform the function of a single-family home, such as installing a second kitchen and/or adding on several more bedrooms, could be more closely regulated. Approaches may include requiring a conditional use permit for certain types of additions or more clearly defining what constitutes a "single-family home" or not.
14. More clearly and obviously present the City's current non-family household limits in the zoning ordinance. The City's regulations regarding the maximum size of non-family households (no more than 3 persons in R-1 and R-2 and no more than 5 persons in R-3) are currently located in a somewhat difficult to find section of the zoning ordinance, which means that many property owners may not even be aware of these regulations. This may increase enforcement challenges. Moving or repeating these standards in residential district regulations section of the code could be one strategy for achieving better awareness of these requirements.
15. Distribute notices to the owners of all rental properties in the City reminding them of the City's requirements on the maximum size of non-family households. The City recently enacted a rental property registration ordinance, which means that the City now has an up-to-date database of all rental properties in Whitewater. Using this list, the City could send a notice to all owners of rental properties reminding them of the regulations governing the maximum size of non-family households in the various residential zoning districts. As mentioned above, ensuring that property owners are aware of these rules may help cut down on enforcement issues.
16. Consider reductions in the number of unrelated people allowed per unit. The City currently allows up to three unrelated individuals to occupy a dwelling unit in the R-1 and R-2 districts, and up to five unrelated individuals to occupy a dwelling unit in the R-3 district. The City could consider reducing these numbers either city-wide, within certain zoning districts, or within certain neighborhoods (Neighborhood Preservation Areas).

No formal action was required at the meeting, but they did want Plan Commission and City Council's thoughts on what strategies should be researched and pursued further. They have requested that the survey they have provided be filled out and submitted to provide information to allow them to focus on researching approaches that appear to have initial support for possible inclusion in an overall strategy. They requested that the surveys be submitted by April 30, 2009.

Jan Bilgen-Craggs, 178 N. Park Street, explained that the City has initiated activities to inform residents of the regulations (#15). She also stated that the Campus Community Committee is a

broad range of residents who get information out to neighborhoods. They will be holding their next meeting on April 3, 2009.

Richard Ehrenberg, 505 E. Clay Street, stated that he rented an apartment in his home, upstairs, and also 1 room to a student. In reference to #17, he suggested that any single family home not be allowed to become student housing, but to allow for it to be an owner occupied rental. Promote owner occupied rentals to students. Limit residential homes with students living in them to be owner occupied.

Roy Nosek, 210 N. Park Street, expressed his gratification by the earnestness and ingenuity of the consultants. He determined that 12 of 16 items had already been discussed by the Ad Hoc Housing Committee. #17 was a good one. He also received two more items to be added to the list. Nosek felt that all 19 items were viable and could all be implemented. He requested that the March 31st deadline on the survey be extended at least 30 days. They have a neighborhood association meeting on April 9th and would like the time to work through them. He felt that this has been in the making for 30 to 35 years and needs time to evolve. #17 owner occupied rental is a potential solution to help move this along.

Max Taylor, 1222 W. Salisbury Lane, 2nd District Representative of the Whitewater City Council, felt that single family residences are important, but students should not be punished. Parking should not be taken away on Campus, there are already parking problems on campus. #5 and #7 should be redone, but the others are good and could help.

Bob Freiermuth, landlord for 20 years, stated that there is no portion of the population he cannot rent to. Rentals are not destroying neighborhoods. Freiermuth stated that the problem has to be isolated, and then direct action toward the problem.

Marilyn Kienbaum, City Council member and Plan Commission member, stated that #5 can't discriminate; and #8 where are the dollars coming from. The Bluff Road apartments were not going to rent to students when they were built. They had a lot of vacancies. If you take students out of all housing, it would create a bad situation.

City Council President Patrick Singer asked about the legality of requiring that an owner limit renters. Items #9 and #15 have already been started and at a very low cost. Neighbors are talking to neighbors.

City Attorney McDonell stated that this is very preliminary. There are serious legal questions and fiscal issues (funding) which are possible routes to be investigated. The City has to be careful of fair housing laws and property rights. There will be certain limitations as to how much restriction there can be. The strategy for neighborhood preservation will dovetail with the comprehensive plan to be complete by the end of the year.

Donna Henry, President of the Rental Association, has lived in Whitewater a long time. There was a time when students rented rooms in houses. They didn't have cars or the dollars to do a lot of things. Her main concern is that it sounds mighty unfriendly. The university brings a lot to Whitewater. There is the proposed Technology Park/ town and gown relationship. The college brings money and culture to Whitewater. Some of the items can be worked out and some are helpful. Donna felt that choosing the neighborhoods to preserve could cause hard feelings. She suggested when the neighborhood groups are selected, everyone should be included and made to

feel welcome. The tone of the whole issue bothers her. She is also concerned about the legalities.

Terry Race, resident of the corner of Starin and Esterly Ave., stated that this is a density issue, not a student issue. The issue is with enforcement, and the unwillingness of the City to enforce. The City has no way of identifying complaints. Until there is an item on the list which tells how to have an effective enforcement system, the list is no good.

The Board voiced that: they appreciated the City Planner compiling the list and the Citizen comments; is interested in a neighborhood association; and #11 is already in effect (household furniture is not allowed outside); it is important to have the university here; and keeping residents informed of City ordinance requirements would help.

Chairperson Zaballos said that about a year ago, Tratt Street was upzoned. Some areas move to greater density on their own. Rezoning is difficult. What is involved and where is downzoning successful?

City Planner Mark Roffers explained that downzoning is difficult. There is need for a lot of public information. Communities have been successful through the planning process, having a basis and backing for recommendations such as a comprehensive plan. Where things don't align, rezoning could be considered. Some communities review their comprehensive plan yearly, including Baraboo, Cudahy, and Beloit. In order to consider downzoning, there must be a basis, backing, why and what implications would be. Zoning and political processes would be used. Mark decided the time frame to submit the survey/questionnaire would be extended to April 30th.

City Manager Kevin Brunner asked everyone to keep in mind that this is part of the comprehensive planning process in which the City has nine months to complete.

City Council Members Taylor and Allen moved to adjourn the Joint meeting with City Council at 7:05 p.m. Motion approved by unanimous voice vote.

MINUTES. Moved by Comfort and Stone to approve the minutes of February 23, 2009. Motion approved by unanimous roll call vote. Moved by Kienbaum and Comfort to approve the minutes of June 16, 2008 with a couple minor corrections. Motion approved by unanimous roll call vote. Moved by Torres and Hartmann to approve the minutes of May 19, 2008 with a few minor corrections. Motion approved by unanimous roll call vote. Moved by Stone and Torres to approve the minutes of April 28, 2008 with a couple minor corrections. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR THE ADOPTION, BY RESOLUTION, OF THE SOUTH WHITEWATER NEIGHBORHOOD DEVELOPMENT PLAN AS PART OF THE CITY OF WHITEWATER MASTER PLAN. Chairperson Zaballos opened the public hearing for consideration of the adoption, by resolution, of the South Whitewater Neighborhood Development Plan as part of the City of Whitewater Master Plan.

City Planner Mark Roffers explained that last July they presented the preliminary version of the map and received a lot of public comment. As directed by the Plan Commission, the City has continued with communication with the Township in enhancing the Plan to work with the Township Master Plan. They have prepared the plan document with the goal of better coordination with the Town. The Town and the City are very close in alignment. They have worked on the text that describes the plan.

Chris Landrud explained that there have been three general updates; the text version of the plan map; the plan map was updated; and meetings with the Town to review of the map and plans. The items they have been looking at are the land uses south of the bypass, key access points, potential park plans, school locations, and changes to allow more flexibility. The U.W. Technology Park has three options for road alignments. There is abundant land use as agricultural preservation. The urban service has been adjusted to meet the Town plan. The City Staff reviewed the plan in January. The proposed plan has been at the Library and on the City Web Site for 6 weeks.

City Planner Mark Roffers explained that turquoise area on the map is the potential future tech park. To the west of that would be either tech park or commercial. The land near Walworth and the bypass would also be tech park or commercial and Taylor Road into Hwy. 59 would also be tech park or commercial. The plan provides flexibility. The plans can be changed, but they should be visionary. The process from here: this could potentially be the final public hearing, in which case the Plan Commission would adopt the plan as a part of the City of Whitewater Master Plan by resolution; it would go to the City Council for certification and would then become a part of the comprehensive plan for the City of Whitewater.

Ron Fero, Town of Whitewater Chairperson, has worked with the City. There are some subtle differences in the plans. The Town is doing what the landowners want. They object to moving Taylor Road- as long as it is in the Township. He felt the Township and the City were 90 % in agreement. He also stated that the Township would like the 1 ½ mile line around the city limits put on the map so the Town knows when they need to get City approvals. He also announced that the Town will be having an open house on March 28 from 10 a.m. to 12 p.m. at the Town Hall to review the plan. His main suggestion to the City is to listen to those who own the land.

John Hoffmann, along with his brother Tom, are primary land owners in the South Whitewater Neighborhood Development Plan. John told the history of the property; the many changes of uses for his property. They have grave concerns of the planning and labeling of their land. They have been told that the plan is just a guideline, general ideas for City progress in the future. When this plan is rolled over into the comprehensive plan, it is no longer a guideline. It becomes the rule. For example, the technology park designation. The City, the University and the Property Owners are involved. There is one potential buyer and one use. If it does not happen, the restrictions make the property unmarketable. John Hoffmann requested the following changes to the proposed plan. All of the land (approximately 200 acres) south of the bypass would be designated as follows "a combination of tech park or commercial, tech park or planned mixed use, business park, and community commercial" with the environmental corridor being eliminated from the Plan and the planned mixed use modified as to not resemble a small village. All land (approximately 67 acres) between east of Indian Mounds Parkway, Walworth Avenue, the high school, and the bypass, be designated a "combination of single family and mixed residential". All land (approximately 34 acres) between west of Indian Mound Parkway, Walworth Ave., and north of the bypass be designated "Community Commercial". John Hoffman requested that this draft form of the South Whitewater Neighborhood Plan not be adopted.

Mitch Simon explained that when DOT made their land acquisition from the northwest quadrant piece for the bypass, they imposed an access restriction which required new streets to be 200 to 250 feet away from the bypass intersection with Walworth Ave./Hwy. N.

City Planner Mark Roffers explained that this plan will not be folded verbatim into the comprehensive plan. What goes into the comprehensive plan has not been decided at all. The Smart Growth State Law requires that in 2010, all development needs to be consistent with the plan. It doesn't sub plan the zoning ordinances. Trained community planners consider a lot of things including general assessment, market conditions, the land assessment, and surrounding neighborhoods. The more current plan takes precedence. Future land use, such as the tech park is a vision for the area. All tech parks are not all city or university owned. Some are privately owned and managed. The designation of "Planned Mixed Use" provides more flexibility. It is not the same as a traditional neighborhood. It would include commercial and offices, no requirement for public transit service. There would be more pedestrian travel, but no loss of vehicles. Mark Roffers stated that as a value judgment, he would be supportive of changing the designation of the area "environmental corridor". The proposed road to the west of Indian Mound Parkway was put on the map to try to secure an access in.

Neil Frauenfelder, Senior Planner for Walworth County Land Use and Resource Management Department, explained that 13 towns have joined in the County wide plan to meet the State Smart Growth requirement. He said the most important thing is to get public input. It is a community plan. Involving the community will insure good implementation of the plan. The City and Town plans are about 90% in agreement. He hopes they continue to work together to refine other areas. In regard to the urban reserve south of the City of Whitewater, the Town would consider hooking up to City sewer and water utilities without annexation. Neil also suggested that their could be amendments to the plan by an annual amendment process. As far as the environmental corridor designation, the Southeast Wisconsin Regional Planning Commission determines the environmental corridors. The City could have a field investigation done to determine the resource value which would determine whether it is an environmental corridor or not.

Terry Race, a member of the Town Board, explained that it is very important to have a boundary agreement between the City and the Town. It would determine which types of parcels are annexed and the zoning for the future. The City and the Town would have the same expectations for properties. He recommended to the City to continue to work toward having a boundary agreement. The objective is in the plan (page 11).

Mitch Simon still had concerns about the flexibility of the comprehensive plan. He doesn't want the language in the text to get too specific that it does not allow any flexibility. If the land is designated to one use, it will not happen.

Ron Fero, Town Chairperson, stated that they would be putting in a 6 month clause, that if a proposed amendment to the comprehensive plan would be of benefit to the Town or the community, the comprehensive plan could be opened up for possible amendment in less than one years time.

City Planner Mark Roffers explained that the Southwest Neighborhood Development Plan is not Smart Growth Comprehensive Plan. The Smart Growth Comprehensive Plan must be written clearly and with less detail so as not to have development boxed in. The City can write an annual review into the plan with the ability to open up more often if there is a clear benefit to the community. The Smart Growth Comprehensive Plan will generalize from the specifics of the Neighborhood Plans. The Comprehensive Plan will not go into as much detail as the Neighborhood Plans unless the Plan Commission wants it to.

Mitch Simon stated that the South Whitewater Neighborhood Development Plan and the other Master Plan documents will continue to exist after the adoption of the Comprehensive Plan. He asked the Plan Commission to not adopt the plan until the issues are looked at and changes made.

Chairperson Zaballos closed the public hearing.

Zoning Administrator Bruce Parker explained that SEWRPC had been scheduled to do a wetland delineation on the Hoffmann property late last fall, but due to the weather their visit was held over until this spring. "Report 94" has the area as a secondary environmental corridor.

City Planner Mark Roffers stated he would support re-designation of the tech park area to "tech park or mixed use". He would also support the removal of the graphic for mixed use centers barring autos. In the area southwest of Walworth Ave. and Indian Mound Parkway he would agree to allow a mixture of housing (single family to multi-family) without designation of where each would be located. The north/south road on the east side allows for lot depth by the high school property. Remove the access off Walworth Ave. west of Indian Mound Parkway. Mark Roffers would also agree to change the purple area (two lots closest to Indian Mound Parkway) to Community Business so that you don't drive through residential area to get to commercial, with more commercial toward Indian Mound Parkway.

Moved by Comfort and Kienbaum to postpone deciding on the plan until the next meeting to take care of the concerns presented. It will be a public hearing. Per the City Attorney, a Class 1 notice will be published. Motion approved by unanimous roll call vote.

City Manager Kevin Brunner, as a member of the Tech Park Board, stated that this corridor is important and this item should be postponed to a date certain.

The next meeting will be April 20, 2009.

PUBLIC HEARING FOR CONSIDERATION ON ADOPTION OF A FLOOD PLAIN ORDINANCE FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT AND INFORMATION TO ASSIST THE PLAN COMMISSION AND THE CITY COUNCIL IN DETERMINING WHETHER OR NOT TO ADOPT A NEW FLOOD PLAIN ZONING ORDINANCE FOR THE CITY OF WHITEWATER. Chairperson Zaballos opened the public hearing for consideration on the adoption of a flood plain ordinance for the purpose of receiving public comment and information to assist the Plan Commission and the City Council in determining whether or not to adopt a new flood plain zoning ordinance for the City of Whitewater.

City Attorney McDonell explained that this ordinance repeals the existing ordinance and enacts a new ordinance. FEMA and DNR instituted new regulations for Zoning and Flood Plain areas. The background on this is that a person when buying a house, in order to get a mortgage if it is in a flood sensitive area, he will be required to have FEMA Insurance. If the City does not adopt a Flood Plain Ordinance by June 2, 2009, everyone in the community would not be able to have FEMA Insurance. The ordinance will regulate areas that are flood sensitive areas as far as uses, prohibited uses, non-conforming uses etc. It is a hybrid of the Zoning Ordinance with heavy regulations by the Federal Government and the State of Wisconsin. It will help Whitewater avoid situations such as Lake Delton.

City Manager Kevin Brunner explained that the City of Whitewater has received the new maps for the Jefferson County portion of the City. This ordinance will include the new Jefferson

County maps and the old Walworth County flood plain maps. When the new Walworth County maps are received, the ordinance will be brought back to the plan commission for a public hearing to amend the ordinance for the new maps. This will be done at a later date. The City did have input into the process. The City Staff would like to expedite the process and request the Plan Commission approve the Flood Plain Zoning Ordinance.

Attorney McDonell stated that the Walworth County maps will be done this year and at that time, the dam analysis will also come to the Plan Commission.

Moved by Stone and Torres to recommend to the City Council to approve the Flood Plain Ordinance. (There will be another public hearing to amend the ordinance when the Walworth County portion of the new mapping is completed.) Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR A PROPOSED NEW BUILDING (MORE THAN ONE BUILDING ON A LOT) AND TO REDUCE THE SETBACK OF 15' ALONG THE RAILROAD RIGHT OF WAY, TO BE LOCATED AT 624 E. MILWAUKEE STREET FOR FRAWLEY OIL COMPANY (MIKE FRAWLEY). Chairperson Zaballos opened the public hearing for consideration of a conditional use permit application for a proposed new building (more than one building on a lot) and to reduce the setback of 15' along the railroad right of way, to be located at 624 E. Milwaukee Street for Frawley Oil Company (Mike Frawley).

Zoning Administrator Bruce Parker explained that there was a minor correction to the agenda item. They do not need to reduce the building setback to the railroad tracks as they have the required 30 feet. The new complex will house the office and some of the outside tank storage. City Staff and the Consulting Engineer are working on the stormwater for the west side area. There will be brick on the front entrance area with columns on the back to balance the building.

Mike Frawley, owner, and Steve Knudsen, engineer, were present to explain and answer any questions. Mike Frawley explained that his sons, Brian and Phillip, would be taking over the business. The new building will house the offices and the lubricant business. The building will have enough square footage for the business to grow. Mike Frawley gave a little history of the business and the existing building. The existing building will be torn down. The ABF trucking company closed their facility in Whitewater and will no longer need the parking space. The new building will leave very little room for transient truck parking. They have had 7 or 8 large company trucks park there waiting to fill appointments at the business park. No one has parked for an extended term.

Richard Ehrenberg, 505 E. Clay Street, stated that the building was a nice improvement. He was concerned that there was no mention of the removal of two terrace trees in the area where the west driveway entrance is to be located. The large tree near the west entrance is being protected. Ehrenberg requested that they not have the west drive in order to preserve the roots of the big tree. He was also concerned of the shrubbery between the sidewalk and the parking being too big for the space and that when trimmed, they would be trimmed too small. He suggested putting in flowering prairie plants, keeping the clusters of arborvitae. The snow will not hurt the prairie plants. Ehrenberg also suggested that sumac (shrub) be put in the long span in front of the building where grass is proposed. It would add green color to the front of the building.

Tiu Grayfow, S. Ridge Street, suggested that, because the building is 24 feet to the eve and the terrace area has power lines, they put a couple fairly tall trees in the landscape area (maple or oak trees). She was also concerned about the noise of the trucks.

Mike Frawley explained that two box elder trees will be removed, one is dying. They will be putting some more hardy plantings behind the building and south of the railroad tracks. There will be loading and unloading of Class B liquids to and from bulk trucks at the loading docks behind the building. The loading of package goods will be at the front docks. He also explained that there will be must less trucks and noise coming from this property. Some of the trucks will idle behind the building. They will be accepting loads two times per week.

Chairperson Zaballos closed the public hearing.

Mike Frawley explained that in order to get the landscaping points value into the plan, he had talked with City Staff and explained that they made a compromise. He would be purchasing trees to put in the E. Main Street yard. There are two existing 150 point trees on the property.

Zoning Administrator Bruce Parker explained that the trees will be placed between E. Main Street and the Railroad right-of-way. Ten trees would cover the space of the project, one every 35 feet.

City Planner Mark Roffers stated he would agree with perennial plantings, one tree on the east side of the project, sumac along the building and the small condenser for air conditioning. Mark Roffers stated it was a great project.

The Board voiced that they liked the project, uniform and looked good, and that the lighting should stay as it was proposed.

Mike Frawley explained that they have 12 lubricant tanks, 6 inside and 6 outside. They have three more gasoline and diesel tanks and will be adding one more petroleum tank.

City Planner Mark Roffers went through his recommendations with the changes proposed.

Recommendation

We recommend that the Plan Commission approve the conditional use permit for Mike Frawley, Frawley Oil Company, located at 624 East Milwaukee Street, to allow the construction of more than one principal building on the lot and a warehousing building, subject to the following conditions:

1. The site shall be developed in accordance with the plans submitted for the March 16, 2009 Plan and Architectural Review Commission meeting, including the Site Plan (sheet C1.1) dated 2/17/09; Landscape Plan (sheet C1.7) dated 3/10/09; South, East, North, and West Elevations (sheet A2.0) dated 3/10/09; Floor Plan (sheet A1.1) dated 2/17/09; Site Plan-Point by Point (sheet PXP) dated 2/17/09, Existing Site and Demolition Plan (sheet C1.0) dated 2/17/09; Grading and Erosion Control Plan (sheet C1.2) dated 2/17/09; Water, Sanitary, and Light Pole Location Plan (sheet C1.3) dated 2/17/09; Storm Sewer Plan (sheet C1.8) dated 2/17/09; Dumpster Plan (sheet A2.1) dated 2/17/09; except as alterations to these plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the applicant shall revise and resubmit the landscaping plan to show 10 large deciduous trees along the south side of the East Main Street frontage, spaced every 35 feet, and of a species and size that is approved by the City Forester and that provides some screening of the building from Main Street in accordance with the landscaping plan dated 3/16/09, landscaping south of the foundation of the building, in general accordance with the landscaping plan dated 2/17/09 and the sumac concept presented at the Planning and Zoning Commission meeting; and landscaping south of the parking lot would be converted at least in part to perennial plantings. One of the deciduous trees east of the building will be converted to oak, red maple or similar canopy tree.
3. Prior to the issuance of a building permit, the applicant shall revise and resubmit the buildings elevations to show a wider vertical band at the southwest corner of the building, wrapping around to both the south and west building facades, along with wall-mounted lighting on each of the brick pillars on the southern façade.
4. Prior to the issuance of a building permit, the applicant shall revise the site plan to show a solid fence south of the loading area on the east side of the building, instead of and same height as the metal guard rail, shall indicate the closure and removal of all driveway openings no longer required on East Milwaukee Street, and shall make other adjustments as are necessary to meet other conditions of approval.
5. Prior to the issuance of a building permit, the City's engineering consultant shall review and approve the Water, Sanitary, and Light Pole Location Plan and the Storm Sewer Plan. If revisions to the versions of these plans dated 2/17/09 are determined to be necessary, the applicant shall revise and resubmit the plans to the City.
6. All exterior lighting shall be installed so that the light fixture extends parallel to the ground surface (not tilt-up) with the Plan Commission finding that halide lighting is required for true color rendition.
7. At the time of site development, the applicant shall close the curb opening located near the west end of the property that is no longer required for access, remove any pavement or gravel, curb Milwaukee Street, and grass the terrace area.
8. The applicant and City shall work to vacate any existing storm sewer/drainage easements that will no longer be in use and record any new easements for similar purposes.
9. Following completion of the project, all existing lubricant bulk oil outdoor storage shall be removed from the exterior locations on the site and there shall be no outdoor storage between the new building and Milwaukee Street. No new outdoor storage of tanks shall be permitted, except the existing location where tanks are currently stored.

10. All roof-mounted mechanical equipment shall be placed in a screened location on the roof of the building, so that it is not visible from property lines. No ground mounted mechanical equipment shall be located between the building and Milwaukee Street except for residential style condenser units.

11. The applicant shall not install any new signage on the property unless and until detailed signage plans have been submitted and approved by City staff.

12. In the event that not all site and landscape improvements are completed before occupancy of this building, the applicant shall provide the City with a site improvement deposit in the amount of \$1,000.

13. Within this project area only, a maximum of two semi-trucks/trailers not serving the business shall be parked or stored at any one time.

Moved by Comfort and Hartman to approve the conditional use permit for a new building to be located at 624 E. Milwaukee Street for the Frawley Oil Company with the conditions set forth. (The Certified Survey Map approved as part of the plan.) Motion approved by unanimous roll call vote.

INFORMATION:

a. Possible future agenda items. The South Whitewater Neighborhood Plan will be first on the agenda for the next meeting. And the proposal for the Wisconsin Street property is ready to come back.

b. Next Plan Commission meeting. The next regularly scheduled Plan Commission meeting will be April 20, 2009 at 6:00 p.m.

Moved by Torres and Kienbaum to adjourn at approximately 10:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary



PROCLAMATION

WHEREAS at the end of World War II many people wanted to share our country's abundance with European war victims; and Church World Service and CROP's first purpose was to gather wheat and other crops from U.S. farms for shipment to Europe; and,

WHEREAS today, locally-organized, Church world Service-sponsored CROP WALKS are an important part of community life for more than 2,000 towns and cities in the United States, bringing together people of different faiths, diverse cultures, and all age groups; and,

WHEREAS in the last 15 years alone, CROP WALKS have raised over \$200 million to bring help and hope to people in need in more than 80 countries, including the U.S.; and,

WHEREAS each year CROP WALKS help more than 3,200 local food pantries, food banks and meal sites in the U.S. Provide food to neighbors in need, including our own Whitewater Food Pantry and the Gathering, Community Meal in Whitewater.

WHEREAS the Annual CROP WALK will be held on Sunday, April 26th, 12:30 noon, from the First English Lutheran Church to St. Luke's Episcopal Church, to help our community become aware of and concerned about hunger and its causes; and,

WHEREAS the CROP WALK will raise funds to help stop hunger both locally and globally;

NOW, THEREFORE, I, Kevin Brunner, City Manager of Whitewater, do hereby proclaim Sunday, April 26th as CROP WALK DAY in Whitewater and do urge the citizens of Whitewater to support this CROP WALK.

Kevin M. Brunner
Kevin M. Brunner, City Manager

Michele R. Smith
Michele R. Smith, City Clerk

ABRAHAM LINCOLN DAY 2009 PROCLAMATION

WHEREAS, Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history;

WHEREAS, born of humble roots in Hardin (now LaRue) County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States;

WHEREAS, with the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States;

WHEREAS, Abraham Lincoln had a generous heart, with "malice toward none, with charity for all";

WHEREAS, Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865;

WHEREAS, all Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education;

WHEREAS, Lincoln Elementary School, located at 242 S. Prince Street in Whitewater, Wisconsin, is proudly named after this great president;

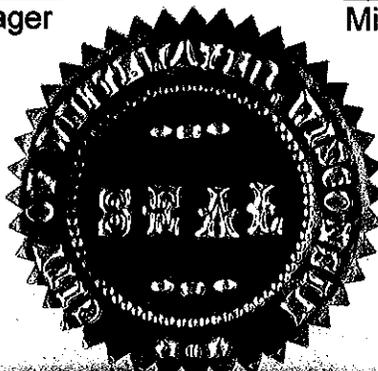
WHEREAS, during the year 2009 the United States is observing the Bicentennial anniversary of the birth of Abraham Lincoln;

NOW THEREFORE, I, Kevin Brunner, City Manager of Whitewater, Wisconsin, do hereby proclaim April 9, 2009, as Abraham Lincoln Day. I urge citizens, schools, businesses, churches, and media of Whitewater, Wisconsin to use this occasion to dedicate ourselves to preserve the legacy of our 16th President.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of April 2009.


Kevin M. Brunner, City Manager


Michele R. Smith, City Clerk



RESOLUTION IN SUPPORT OF 2010 UNITED STATES CENSUS AND FORMATION OF WHITEWATER 2010 COMPLETE COUNT COMMITTEE

Whereas, the City of Whitewater, Wisconsin recognizes the importance and impact of the 2010 U.S. Census on the overall well-being and quality of life for all residents in its community; and

Whereas, each and every resident in Whitewater counts and deserves to be counted in the 2010 U. S. Census; and

Whereas, the City of Whitewater agrees to be one of 39,000 local governments in partnership with the United States Census Bureau by forming a 2010 Complete Count Committee; and

Whereas, the City of Whitewater agrees to appoint a Complete Count Committee Chairperson as well as citizens who are willing to serve to promote awareness of the 2010 U.S. Census in Whitewater as well as develop appropriate subcommittees such as education, community-based organization, recruiting and special housing to assist with these census awareness efforts; and

Now Therefore Be It Resolved, by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin that the City of Whitewater fully supports 2010 U.S. Census and the formation of a Whitewater Complete Count Committee.

Be It Further Resolved, that City Manager Kevin Brunner be directed to appoint a chair of the Whitewater Complete Count Committee as well as to engage others from Whitewater as maybe appropriate on this important committee.

Resolution introduced by Councilmember _____, who moved its adoption.
Seconded by Councilmember _____.

AYES:
NOES:
ABSENT:
DATE:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk



City of Whitewater
Doug Saubert, Finance Director

March 18, 2009

TO: City Manager and Common Council
 FROM: Doug Saubert, Finance Director *DS*
 RE: Budget Transfer Resolution #1 – 2009
 DATE: March 18, 2009

Attached is the First Budget Transfer Resolution for 2009. This adjusts for the following actions:

1. Recognition of a \$1,500 donation from the National Recreation & Parks Association.
2. Estimated local share of the feasibility study for commuter bus service between Janesville, Milton & Whitewater-\$5,000.
3. Recognition of \$1,587 grant from the Federal Department of Justice for bulletproof vests.
4. Purchase of 50 trash/recycling receptacles (25 of each) for the park system-\$14,175.
5. Approval of the engineering contract with Strand Engineering for the Center Street Reconstruction-\$41,000.
6. Recognition of the grant for \$46,073 awarded to the Fire Department for replacement turnout gear, boots, helmets, new thermal imaging camera and 4 gas monitors. The grant is through the 2008 Federal Fire Act.
7. Recognition of the Federal Grant for \$319,810 for the restoration of the Whitewater Depot. This is an 80/20 grant. Balances of funding (79,953) will come from the Whitewater Historical Society and the City of Whitewater.
8. Estimated cost of the Installation/Engineering of the Whiton/Main St. Traffic Signal. Design/Engineering contract with Strand Engineering was approved at the March 3, 2009 Council Meeting for \$20,800. The balance (\$104,200) is the estimated cost of the purchase/installation of the traffic signals. \$125,000 was allocated for the project in the Capital Improvement Plan.

Please place on the April 8, 2009 Council Agenda for their review/action. I will be at the meeting in order to address any questions the council may have.

2009
BUDGET TRANSFER RESOLUTION I

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2009 on November 18, 2008, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

Increase

General Fund #100

Recreation Programs
Program Supplies

100.55300.341 \$ 1,500.00

REVENUES:

Miscellaneous Revenues
Donations-Rec-Sports Related

100.48515.55 \$ 1,500.00

Recognition of a \$1,500 donation from the National Recreation & Parks Association. Donation received on 1/30/2009.

2) EXPENDITURES:

Increase

General Fund #100

Planning
Other Professional Services

100.56300.219 \$ 5,000.00

Decrease

General fund #100

Contingencies

100.51100.910 \$ 5,000.00

Estimated local share of the 2009 Supplemental Transportation Rural Assistance Program Grant (STRAP) which is a feasibility study for commuter bus service between Janesville, Milton & Whitewater. Grant is administered by the City of Janesville.

3) EXPENDITURES:

Increase

General Fund #100

Police Patrol
Uniform Allowances

100.52100.118 \$ 1,587.00

REVENUES:

Intergovernmental
Fed/State Grants

100.43510. \$ 1,587.00

Recognition of \$1,587 grant from the Bullet Proof Vest Partnership (BVP) from the Federal Department of Justice. Proceeds will partially offset the cost of 4 vests for patrol officers.

4) EXPENDITURES:

Increase

Parkland Development Fund #245

Capital Outlays/Improvements	245.56120.822	\$ 11,675.00
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REVENUES:

Other Financing Sources

Transfer In	245.49290.56	\$ 8,000.00
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Fund Balance Applied	245.49300.56	\$ 3,675.00
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EXPENDITURES:

Increase

Solid Waste/Recycling Fund #230

Transfer Out	230.53600.911	\$ 8,000.00
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REVENUES:

Other Financing Sources

Fund Balance Applied	230.49300.53	\$ 8,000.00
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To recognize the purchase of 50 trash/recycling receptacles (25 of each) to be placed throughout the park system replacing the existing containers. \$8,000 of the purchases will be financed through the Solid Waste/Recycling Fund #230. Purchase was approved by the Parks & Recreation Board. The City Manager also approved the purchase.

5) EXPENDITURES:

Increase

Center Street Reconstruction

Design/Engineering	456.57500.821	\$ 41,000.00
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REVENUES:

Other Financing Sources

Transfer In-Other Funds	456.49290.57	\$ 41,000.00
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EXPENDITURES:

Capital Projects-LSP-Fund #450

Capital Project Expenses

Transfer Out	450.57500.650	\$ 41,000.00
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REVENUES:

Other Financing Sources

Fund Balance Applied	450.49300.57	\$ 41,000.00
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To recognize the approval of the contract with Strand Engineering for the Center Street Reconstruction Contract approved at the 1/20/09 Council Meeting.

6) EXPENDITURES:

Increase

General Fund #100

Capital Equipment	100.52200.810	\$ 46,073.00
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REVENUES:

Intergovernmental Revenues

Federal/State/County Grants	100.43510.00	\$ 46,073.00
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To recognize the grant awarded to the Fire Department for replacement turnout gear, boots, helmets, new thermal imaging camera and 4 gas monitors. The grant is through the 2008 Federal Fire Act.

7) EXPENDITURES:

Increase

Depot Restoration Project Fund #459

Design/Engineering	459.57500.821	\$ 36,828.00
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Construction	459.57500.820	<u>\$ 362,935.00</u>
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\$399,763.00

REVENUES:

Intergovernmental

Transfer In-Other Funds	459.43355.57	\$ 39,953.00
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Federal/State Grant	459.43510.57	\$ 319,810.00
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Miscellaneous Revenue

Donations	459.54500.57	<u>\$ 40,000.00</u>
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\$399,763.00

To recognize the Federal Grant awarded for the restoration of the Depot. The Federal Grant is for 80% of the Design/Engineering/Construction. 10%, or \$40,000, will be through a donation from the Historical Society. Balance will come from the City, the exact source has not been determined. Construction to take place in 2009 or 2010.

8) EXPENDITURES:

Increase

Whiton/Main Street Traffic Signal Find #458

Design/Engineering	458.57500.821	\$ 20,800.00
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Construction	458.57500.820	<u>\$ 104,200.00</u>
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\$125,000.00

REVENUES:

Other Financing Sources

Transfer In	458.49290.57	\$ 125,000.00
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EXPENDITURES:

Capital Projects-LSP-Fund #450

Capital Project Expenses

Transfer Out	450.57500.650	\$ 125,000.00
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REVENUES:

Other Financing Sources

Fund Balance Applied	450.49300.57	\$ 125,000.00
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Estimated cost of the Purchase/Installation/Engineering of the Whiton/Main St. Traffic Signal. Design/Engineering contract with Strand Engineering was approved at the March 3, 2009 Council Meeting for \$20,800. The balance (\$104,200) is the estimated cost of the purchase/installation of the traffic signals.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember _____ who moved its adoption.
Seconded by: _____.

AYES:

NOES:

ABSENT:

ADOPTED:

City Manager

City Clerk



City of Whitewater
Doug Saubert, Finance Director

March 19, 2009

TO: City Manager and Common Council
FROM: Doug Saubert, Finance Director *DS*
RE: Budget Transfer Resolution #7 – 2008
DATE: March 19, 2009

Attached is the Seventh Budget Transfer Resolution for 2008. This adjusts for the following actions:

1. Received \$17,561 Urban Forestry Grant proceeds from the Wisconsin DNR on December 31, 2008.

Please place on the April 8, 2009 Council Agenda for their review/action. I will be at the meeting in order to address any questions the council may have.

2008
BUDGET TRANSFER RESOLUTION VII

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2008 on November 20, 2007, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

Increase

General Fund #100

Parks Maintenance

Operating Supplies

Other Repair/Maintenance/Supp

100.53270.340

100.53290.359

\$ 4,360.00

\$ 13,201.00

REVENUES:

Intergovernmental Revenue

Federal/State Grants

100.43510.00

\$ 17,561.00

To recognize the DNR-Urban Forestry Grant and the related expenditures associated with the grant.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by: _____

AYES:

NOES:

ABSENT:

ADOPTED:

_____ City Manager

_____ City Clerk



City of Whitewater
Doug Saubert, Finance Director

March 18, 2009

TO: City Manager and Common Council
FROM: Doug Saubert, Finance Director *DS*
RE: Budget Transfer Resolution #8 – 2008 – Closeout
DATE: March 18, 2009

Attached is the Eighth Budget Transfer Resolution for 2008. This adjusts for the following actions:

Closeout of the General Fund Expenditures based on the final audited financial statements. The City of Whitewater budgets are adopted at the function level of expenditures. Summary of transfers based on function are as follows:

General Government	20,000
Public Safety	51,000
Public Works	6,000
Culture/Recreation	<16,000>
Conservation/Development	30,599
Transfers	<91,599>
TOTAL	-0-

After approval, the adjusted expenditure budget will be reflected in the 2008 audited financial statements.

Please place on the April 8th, 2009 Council Agenda for their review/action. I will be at the meeting in order to address any questions the council may have.

2008
BUDGET TRANSFER RESOLUTION VIII

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2008 on November 20, 2007, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

Increase <Decrease>

General Fund #100

Legal Services	100.51300.212	\$ 20,000.00
Rescue Service/Ambulance	100.52300.113	\$ 51,000.00
Snow & Ice	100.53320.295	\$ 6,000.00
Parks Administration	100.55200.292	\$ <8,000.00>
Recreation Programs	100.55300.113	\$ <8,000.00>
Planning	100.56300.219	\$ 30,599.00
Transfers	100.59220.919	\$ <5,884.00>
Transfers	100.59220.994	\$ <10,335.00>
Transfers	100.59260.934	\$ <75,380.00>

TOTAL \$ -0-

To adjust the General Fund Expenditures per the 2008 Financial Statements.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by: _____.

AYES:

NOES:

ABSENT:

ADOPTED:

City Manager

City Clerk



MEMORANDUM

TO: Common Council
FROM: Karie Nygren *KN*
SUBJECT: 2009 Salary Resolution Amendment #1
DATE: 04/03/09

Attached is the first amendment to the 2009 Salary Resolution. The following modifications have been made; wages are retroactive to January 1, 2009.

1. Schedule I: Chief of Police and Municipal Judge salaries were increased 3%.
Note: Municipal Judge salary increase will not take effect until 05/01/09.
2. Schedule II: All wages were increased by 3%.
3. Schedule III: All wages were increased by 3%.
4. Schedule V: All wages were increased by 3%. Grade E1 and Grade E2 below table were renamed to F and G respectively to coincide with the union contract.
5. Schedule VII: Fire Vehicle Maintenance line was added. This position is not new it was simply erroneously omitted from the resolution.
6. Schedule VIII: All wages were increased 3%.
7. Schedule IX: Crossing Guard wage was increased 3%.

The wages amended in this resolution were for the two AFSCME contracts that were ratified 04/01/09 and for all non-represented employees. Please note that the resolution will be further amended after our collective bargaining agreements for WPPA and Teamsters are settled.

**City of Whitewater
2009 SALARY RESOLUTION
AMENDMENT #1**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2009, 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 2009 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 April 8, 2009 with wages increases retroactive to January 1, 2009.

**SCHEDULE I
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	01/01/2008	95,781.56
Chief of Police	1	01/01/2009	86,805.42
Municipal Judge	1	05/01/2009	19,099.28
City Attorney	1	01/01/2009	50,000.00

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles	
A*	3/4	Senior Coordinator (Part-time)	F	1	Assistant Finance Director - City Treasurer	
	2	Administrative Assistant II - Records Technician		1	City Clerk	
	2	Administrative Assistant II - General Administrative Offices		1	Human Resources Coordinator	
	1/2	Administrative Assistant II - Wastewater (Part-time)	G	1	City Planner	
B*	1	Accounting Technician II - Payroll & Accounts Payable	I	1	Information Technology Administrator	
	1	Accounting Technician II - Utilities		J	1	Streets, Parks & Forestry Superintendent
	1	Administrative Assistant I - Neighborhood Services			1	Neighborhood Services Director
	1	Clerk of Courts		1	Parks & Recreation Director	
C				1	Wastewater Treatment Plant Superintendent	
D	1	Support Services Manager	K	1	Lieutenant - Administrative Services	
E	1	Cable TV Coordinator	L	1	Lieutenant - Field Services	
	1	CDA Coordinator		1	Finance Director	
	1	Recreation & Community Events Programmer		1	Public Works Director	

*Non-Exempt Positions

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade		1	2	3	4	5
A*	Hourly Wage 2080 Hours	14.21 29,556.80	14.65 30,472.00	15.28 31,782.40	15.92 33,113.60	16.55 34,424.00
B*	Hourly Wage 2080 Hours	15.23 31,678.40	15.92 33,113.60	16.61 34,548.80	17.30 35,984.00	17.99 37,419.20
C	Salary	34,418.15	35,981.87	37,545.82	39,111.17	40,675.12
D	Salary	37,170.00	38,860.09	40,547.80	42,237.65	43,929.16
E	Salary	40,793.95	42,647.83	44,501.45	46,356.50	48,211.29
F	Salary	43,982.57	45,981.62	47,979.74	49,980.21	51,978.10
G	Salary	47,170.94	49,315.67	51,459.21	53,601.34	55,746.06
H	Salary	50,359.54	52,647.35	54,937.50	57,223.89	59,515.45
I	Salary	53,546.98	55,981.39	58,414.38	60,847.84	63,282.24
J	Salary	56,734.18	59,312.84	61,892.91	64,470.39	67,050.22
K	Salary	59,923.97	62,646.87	65,371.20	68,092.93	70,817.24
L	Salary	63,111.41	65,979.74	68,849.48	71,716.88	74,587.57

*Non-Exempt Positions

**SCHEDULE III
LIBRARY POSITIONS**

Pay Grade	# of Position	Classification Titles	Step				
			1	2	3	4	5
A1	3	Library Aide*	11.34	11.84	12.37	12.37	12.37
A2	5	Library Assistants*	12.32	12.88	13.45	14.00	14.56
A3	3	Library Technical Assistants*	14.00	14.65	15.28	15.92	16.55
	3	Library Associates*					
A4	1	Youth Service Librarian	34,418.15	35,982.10	37,545.82	39,111.17	40,675.12
A5	1	Assistant Library Director	43,982.57	45,981.62	47,979.74	49,975.69	51,978.10
A6	1	Library Director	56,734.18	59,312.84	61,892.91	64,470.39	67,050.22

*Non-Exempt Positions

**SCHEDULE IV
WHITEWATER POLICE DISPATCH UNION**

Position	# of Positions	Effective Date	Step			
			1	2	3	4
Records Communications Coordinator <i>Per 2,080 Hours</i>	1	01/01/2008	17.15 35,663.25	18.05 37,542.56	18.99 39,509.28	19.20 39,936.00
Dispatch / Records Communications Aide <i>5 @ Per 1947 Hours</i> <i>1 @ Per 976 Hours</i>	6	01/01/2008	15.42 30,025.79 15,051.45	16.22 31,586.96 15,834.04	17.08 33,254.76 16,670.08	17.24 33,566.01 16,826.11
Parking/Community Support <i>Per 1872 Hours</i>	1	01/08/2008	13.99 26,189.28	14.74 27,593.13	15.51 29,033.67	15.67 29,334.24

**SCHEDULE V
AFSCME UNION**

R-5

Pay Grade	Classification Title	Step					
		1 0-11 mos.	2 12-23 mos.	3 24-35 mos.	4 36-47 mos.	5 48-59 mos.	6 60+ mos.
A	Chemist Assistant	11.97	12.56	13.15	13.15	13.15	13.15
B	Custodian/Groundskeeper <i>Per 2,080 Hours</i>	14.24 29,629.39	14.78 30,743.44	15.32 31,857.49	15.84 32,950.11	16.37 34,042.74	16.90 35,156.78
C	Laborer II <i>Per 2,080 Hours</i>	16.64 34,621.18	17.18 35,735.23	17.71 36,827.86	18.24 37,941.90	18.78 39,055.95	19.30 40,148.58
D	Building Maintenance <i>Per 2,080 Hours</i>	18.63 38,756.02	19.17 39,870.06	19.68 40,941.26	20.24 42,098.16	20.76 43,190.78	21.30 44,304.83
E	Engineering Technician Laborer I Laborer I - Mechanic Code Enforcement/Building Maintenance Water Operator - no certification (1) Wastewater Operator - no certification (1) Wastewater Operator - Lab Technician no certification (1) <i>Per 2,080 Hours</i>	20.84 43,340.75	21.31 44,326.26	21.77 45,290.34	22.24 46,254.42	22.70 47,218.50	23.18 48,204.00

(1) Additional twenty cents (\$.20) per hour upon completion and receipt of Grade I certification and one (1) subgrade

Grade F: Successful completion of Grade II and all Grade II subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$23.91

Grade G: Successful completion of Grade IV and all Grade IV subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$24.16

**SCHEDULE VI
WHITEWATER PROFESSIONAL POLICE ASSOCIATION UNION**

Position	# of Positions	Effective Date	Hourly Wage	<i>Per 2,080 Hours *Patrol (2,008 Hours)</i>
Sergeant*	4	01/01/2008	27.02	54,246.80
		07/01/2008	27.29	54,789.27
Detective Sergeant	1	01/01/2008	27.02	54,249.94
		07/01/2008	27.29	54,792.43
Detective	2	01/01/2008	25.81	53,689.90
		07/01/2008	26.07	54,226.80
Juvenile Officer	1	01/01/2008	25.81	53,689.90
		07/01/2008	26.07	54,226.80
Patrol Officer I*	13	01/01/2008	25.07	50,331.61
		07/01/2008	25.32	50,834.92
Patrol Officer II*	13	01/01/2008	22.73	45,633.69
		07/01/2008	22.95	46,090.03
Patrol Officer III*	13	01/01/2008	21.43	43,031.10
		07/01/2008	21.64	43,461.41

**SCHEDULE VII
FIRE-RESCUE**

Position	# of Positions (Part-time)	Wage
Fire-Inspector	6	\$11.00 per hour
Volunteer Fire	48	\$8.00 per call
Rescue Squad Captain	1	\$10.00 per call
Rescue Squad Lieutenant	4	\$9.00 per call
Rescue Squad Maintenance	1	\$100.00 per month
EMT Driver		\$15.00 1st hour + \$4 each addl. 15 minutes
EMT Basic		\$17.50 1st hour + \$4 each addl. 15 minutes
EMT Intermediate		\$20.00 1st hour + \$4.25 each addl. 15 minutes
EMT On-Call Pay		\$2.00 per hour
Fire Chief	1	\$15.00 per call
1st Asst. Fire Chief	1	\$13.00 per call
2nd Asst. Fire Chief	1	\$11.00 per call
Fire Vehicle Maintenance	5	\$50.00 per month

**SCHEDULE VIII
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	2	01/01/2009	\$10.54

**SCHEDULE IX
PART-TIME SEASONAL EMPLOYEES**

Position	Step				
	1	2	3	4	5
Election Officials	8.00	8.00	8.00	8.00	8.00
Crossing Guards	10.96	10.96	10.96	10.96	10.96
Cable TV Camera Operator	7.25	7.50	8.00	8.75	9.75
Adult Sport Officials	10.00	11.00	12.00	13.00	15.00
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	6.55	6.75	7.00	7.50	7.75
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.00	7.25	7.75	8.25	8.50
Youth Sport Officials	7.00	7.25	7.75	8.25	8.50
Seasonal Labor	7.25	7.50	8.00	8.75	9.75

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

Resolution Opposing Proposed Changes to Prevailing Wage Law

Whereas, Governor Doyle’s proposed biennial state budget, AB 75, makes the prevailing wage law applicable to any public works contract over \$2,000; and

Whereas, under current law the prevailing wage requirements only apply to multiple trade public works projects over \$234,000 and single trade public works projects over \$48,000; and

Whereas, reducing the threshold to \$2,000 will increase the cost of small public works projects previously exempted from the prevailing wage requirement; and

Whereas, the cost increase will be passed on to municipal property taxpayers or will force municipalities to reduce other services; and

Whereas, the Governor’s proposed state budget also for the first time makes the prevailing wage law applicable to private projects that receive public financing; and

Whereas, many of the tools communities use to encourage development within a tax incremental financing district would be considered under the Governor’s proposal to be public financing of a private project and would therefore make private construction projects within TIF districts subject to the prevailing wage law, thereby significantly increasing the developer’s project costs; and

Whereas; applying the prevailing wage law to private projects receiving public financing will be a major disincentive to economic development and job creation.

Now, Therefore, Be It Resolved, that the Common Council of the City of Whitewater opposes the changes to the prevailing wage law included in Governor Doyle’s state budget proposal, AB 75, and hereby urges the Wisconsin State Legislature to remove these items from the budget bill.

Resolution introduced by Councilmember _____, who moved its adoption.
Seconded by Councilmember _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION IN SUPPORT OF ADDRESSING LOCAL INFRASTRUCTURE NEEDS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT

WHEREAS, the American Recovery and Reinvestment Act appropriated \$27.5 billion for highway construction and the State of Wisconsin received \$529.1 million; and

WHEREAS, the federal government required that 50% of the allocation be obligated within 75 days of passage; and

WHEREAS, many cities in the State of Wisconsin did not have qualified plans for the federal guidelines favoring arterial and collector routes so that the vast majority of initial stimulus spending went to Wisconsin Department of Transportation freeway and highway priority projects; and

WHEREAS, the local infrastructure and roads that serve the freeway and interstate system are critical to the State's overall transportation system for economic development; and

WHEREAS, local governments are struggling with the economic downturn, fore-closures, high unemployment and all the challenges to public systems and resources they entail; and

WHEREAS, the State DOT will advance many projects ahead of its planned schedule, freeing resources to be committed at a later date;

NOW THEREFORE BE IT RESOLVED, that the Whitewater Common Council urges the Governor, Wisconsin Office of Recovery and Reinvestment, Wisconsin Department of Transportation, the Wisconsin Legislature and U.S. Congress as follows:

- That DOT consider allowing ARRA funds for the local 20% match on 2009/2010 projects so that the local funding could be redirected and used for local paving and resurfacing needs. Local governments would pledge to apply these funds to the backlog in local projects that do not qualify for federal stimulus funds because they are not collectors or arterials;
- That DOT direct more GTA funding into local road improvement and paving projects with the resources now covered by federal stimulus funding by the advancement of state highway projects under ARRA.
- That all parties work together to seek any necessary waivers or changes in federal rules, regulations, or legislation that would direct more resources to local infrastructure maintenance.

FURTHER BE IT RESOLVED, that the Whitewater Common Council wants to continue more discussion and action on funding solutions for local infrastructure needs in light of 18 years of frozen shared revenue aids and state's own fiscal condition.

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by _____.

AYES:
NOES:
ABSENT:

ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION IN SUPPORT OF HELPING WISCONSIN CITIES IN STRESS

WHEREAS, The national economic downturn is placing extraordinary stress on Wisconsin cities; and

WHEREAS, Local governments need tools to deal with this stress and do not need state-imposed barriers that detract from their ability to continue to serve their citizens; and

WHEREAS, Provisions of Wisconsin's expenditure restraint program, proposed increases in contribution rates to the Wisconsin Retirement System (WRS), increased "tipping fees" (without a commensurate increase in recycling grants) and an inadequate ceiling on levy increases proposed in the state budget bill all conspire to increase the stress on local governments in Wisconsin,

NOW THEREFORE BE IT RESOLVED, that the Whitewater Common Council urges the governor and Legislature to either eliminate levy limits or:

- Set a more realistic limit of 4% or net new construction value, whichever is greater.
- Exempt any shared revenue cuts from a municipality's levy limits.
- Exempt emergency and state-mandated expenditures from levy limits. (e.g., tipping fees)
- Exempt from levy limits the cost of increases in the WRS contribution rate.
- Include new construction on tax exempt property as though it were subject to the levy.
- Include a carryover for unused levy capacity of any prior year.

BE IT RESOLVED FURTHER, that the Whitewater Common Council urges the governor and the Legislature to exempt all grants from the limits of the Expenditure Restraint Program and to establish a 3% floor on the inflation factor in the formula; and

BE IT RESOLVED FURTHER, that the Whitewater Common Council urges the governor and the Legislature to allow non-property tax sources of revenue for local governments in Wisconsin, including a surcharge on telecommunications companies to help fund emergency responders and passing a regional economic development incentive, either with funding or a sunrise.

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by _____.

AYES:
NOES:
ABSENT:
ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION ESTABLISHING THE SENIORS IN THE PARK
AS A SUBDIVISION OF THE CITY OF WHITEWATER
DIVISION OF PARKS AND RECREATION**

WHEREAS, an organization called the Seniors in the Park promotes and enhances a vital aging community in the City of Whitewater, and

WHEREAS, said organization provides community recreation and human service programs for older adults and offers a broad range of services and activities in a variety of settings which encompass various levels of abilities in the aging community, and

WHEREAS, said organization promotes continued personal growth, development, and leadership potential and improves the self-image of older adults by offering appropriate activities, programs and services, and

WHEREAS, said organization addresses social, intellectual, physical, spiritual, emotional, vocational, and cultural needs and interests of older adults in the community, and

WHEREAS, said organization provides information and referral services for a variety of social services to older adults in the community and responds to individual differences such as lifestyle, ethnicity, values, experiences, age and health status, and

WHEREAS, said organization provides information to the community to shed a positive light on aging and the aging process, and

WHEREAS, it will provide the Seniors in the Park organization certain opportunities and advantages if it is recognized as a subdivision of the Department of Parks and Recreation of the City of Whitewater.

Now, therefore, BE IT RESOLVED that the Seniors in the Park organization is hereby established as a subdivision of the City of Whitewater Department of Parks and Recreation.

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

Michele R. Smith, City Clerk

NOES:

ABSENT:

Kevin Brunner, City Manager

ADOPTED:

**ORDINANCE CREATING CHAPTER 7.40
REGULATIONS CONCERNING NEIGHBORHOOD PRESERVATION**

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

SECTION 1. Chapter 7.40, Regulations Concerning Neighborhood Preservation, is hereby created to read as follows:

Sections:

- 7.40.010 Definitions.
- 7.40.020 Notice.
- 7.40.030 Abatement Plan
- 7.40.040 Additional Nuisance Activity
- 7.40.050 Appeal
- 7.40.060 Violations – Penalties – Remedies – Injunctive and other relief.

7.40.010 **Definitions.** The following terms shall be defined as follows in this chapter:

- A. **Chief.** The Chief of Police or his or her designee.
- B. **Enforcement Action.** Arrest, the issuance of a citation, the issuance of a written warning, the issuance of an order to correct, the imposition of a reinspection fee.
- C. **WWMC.** Whitewater Municipal Code.
- D. **Neighborhood Services Director.** The Neighborhood Services Director or his or her designee.
- E. **Nuisance Activity.** Any of the following activities, behaviors or conduct occurring upon a premises or arising out of the use of a premises (unless the owner of the property is the victim of the crime or act):

1. POLICE NUISANCE ACTIVITY

- a. An act of Harassment, as defined in §947.013, Wis. Stats.
- b. Disorderly Conduct, as defined in §947.01, Wis. Stats.
- c. Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.

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- d. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.
- e. Prostitution, as defined in §944.30, Wis. Stats.
- f. Theft, as defined in §943.20, Wis. Stats.
- g. Receiving Stolen Property, as defined in §943.34, Wis. Stats.
- h. Arson, as defined in §943.02, Wis. Stats.
- i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.
- j. Gambling, as defined in §945.02, Wis. Stats.
- k. Trespassing, as defined in §943.13 and §943.14, Wis. Stats.
- l. Obstructing or resisting an officer, set forth in WWMC 7.02.
- m. Failure to obey a police officer, set forth in WWMC 7.03.
- n. Possession of marijuana, set forth in WWMC 7.26.
- o. Disturbance of the peace, set forth in WWMC 7.36.
- p. Underage alcohol violation, set forth in WWMC 7.63.
- q. Furnishing alcohol to underage persons, set forth in WWMC 7.66.
- r. Fireworks violation, set forth in WWMC 5.08.
- s. Noise violation as set forth in WWMC 19.58.
- t. Another similar activity to that stated above.

2. CODE NUISANCE ACTIVITY

- a. Weeds and grass violation, set forth in WWMC 7.22.
- b. Storing junk on property, set forth in WWMC 7.48.
- c. Junked automobiles, set forth in WWMC 5.56.
- d. Filth violation, set forth in WWMC 8.12.

- e. Rubbish violation, set forth in WWMC 8.24.
 - f. Building and construction violations, set forth in WWMC Title 14.
 - g. Zoning violations under Chapter 19 provided they are in a residential setting.
 - h. Any other similar activity to that stated above.
- F. **Owner.** The owner of the premises and his or her agents.
- G. **Premises.** An individual dwelling unit used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

7.40.020 Notice.

A. Whenever the Chief determines that six (6) or more Police Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period the Chief, or his designee, may notify the premises owner and tenant in writing of the violations. In reaching this determination, the Chief shall not include nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief may initiate and implement the procedure and enforcement for Police Nuisance Activities under this Section.

B. Whenever the Neighborhood Services Director determines that six (6) or more Code Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period, the Neighborhood Services Director, or his designee, may notify the premises owner and tenant in writing. In reaching this determination, the Neighborhood Services Director shall not include nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Neighborhood Services Director may initiate and implement the procedure and enforcement for Code Nuisance Activities under this Section.

C. The Chief and Neighborhood Services Director may jointly agree to initiate, implement and enforce this Chapter in the event that an aggregate of six (6) or more combined Police Nuisance Activities and Code Nuisance Activities, in any combination thereof, resulting in enforcement action have occurred at a premises on separate days during a 12 month period.

D. The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

E. The Chief's written notice shall be delivered to the owner of the premises by one

of the following methods: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, as the Chief or Neighborhood Services Director, as applicable, may determine appropriate under the particular facts and circumstances.

7.40.030 Abatement plan.

Any owner receiving such notice shall personally meet with the City Official (Chief or Neighborhood Services Director) who issued the notice, or with his or her City designee, within seven (7) days of receipt of such notice. The Chief or Neighborhood Services Director, as applicable, and owner shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Chief or Neighborhood Services Director, as applicable, or his or her designee, a detailed written abatement plan designed to forthwith and effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the premises who can be contacted in the event of further police, fire, or inspection activities and/or contact.

7.40.040 Additional nuisance activity.

Whenever the Chief or Neighborhood Services Director, as applicable, determines that:

1. Additional nuisance activity and/or enforcement action has/have occurred upon a premises for which written notice has been issued under this Chapter; and
2. This additional nuisance activity and/or enforcement action has/have occurred more than seventeen (17) days after written notice was served; and
3. Reasonable effort has not been made by the owner of the premises to abate the nuisance activity;

then the Chief or Neighborhood Services Director, as applicable may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement including, but not limited to, actual burdened labor, overtime, materials, vehicle use, and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief or Neighborhood Services Director, as applicable shall then cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid in 30 days, charged, assessed, levied and collected by the City as a special charge against the premises/property.

7.40.050 Appeal.

A. Appeal by Affected Property Owner. An affected owner of the premises may appeal the Police Chief's or Neighborhood Services Director's, as applicable, determination and invoiced special charges arising from and imposed for the police and related

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costs, fees and expenses set forth in this Ordinance in the manner set forth in this subsection.

B. The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal must be filed within thirty (30) days of the invoice from the City Clerk.

C. The appeal shall be considered only if filed within 30 days of the date of the invoice from the Clerk and prior to the time that any unpaid special charges imposed against the premises/property under this chapter are turned over by the Treasurer to be placed on the tax roll.

D. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

E. Upon receipt of the written appeal, the Clerk shall set the matter for a hearing for a meeting of the Common Council not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.

F. The Clerk shall provide written notice to the appellant and to the Chief of Police or Neighborhood Services Director of such hearing date, time and place.

G. The parties may agree to continuances and stipulations as to procedure and substance.

H. The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven (7) years by the City Clerk. A party may have a court reporter record the hearing but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.

I. The appellant and the Chief of Police or Neighborhood Services Director may each present witnesses who testify upon oath after being duly sworn in by the City Clerk, the Deputy City Clerk, or any other person authorized by law to administer oaths.

J. After the hearing, the Common Council in open session shall deliberate and then make a determination by recorded motion, second and vote. A majority of Council Members voting shall decide the matter.

K. The City Clerk and Treasurer shall adjust all invoices, tax and related City records in accord with the Council's determination.

7.40.060 Violations – Penalties – Remedies – Injunctive and other relief.

In addition to the special charges authorized and described above, the following penalties and remedies are cumulative and not exclusive; may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable, by the courts:

A. First Offense. Any individual, corporation or party who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit and pay to the City not less than \$100 nor more than \$1,000, together with the costs of prosecution. It shall be considered a violation of this chapter by the property owner if additional nuisance activity under section 7.40.040 takes place at a premises within a period of two years after a notice under 7.40.020 is given concerning a premises.

B. Subsequent Offenses. Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within twenty-four (24) months after committing a previous violation shall forfeit and pay to the City not less than \$200 nor more than \$2,000, together with the costs of prosecution.

C. Each and every day that a violation occurs, continues, and/or remains present constitutes a separate offense.

D. The City, in addition to the above monetary penalty(ies) and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, abatement, and such other legal and/or equitable relief, remedies, judgments, and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time, deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare, and/or safety.

E. In addition to the above penalties, relief and remedies, the Common Council may refuse to issue or not renew any license or permit to the owner of the premises and/or the premises, after conducting a hearing thereon.

F. It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the City or the court.

G. This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under the applicable state statutes.

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

Ordinance introduced by Council member _____, who moved its adoption. Seconded by Council member _____.

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AYES:
NOES:
ABSENT:
ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

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4/3/2009 10:15 AM

ORDINANCE NO. _____
 AN ORDINANCE CREATING 5.20.027 OF CHAPTER 5.20
 STANDARDS FOR REVIEWING ALCOHOL LICENSE APPLICATIONS

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 5.20.027, is hereby created to read as follows:

5.20.027 Licensing Standards for Considering New Alcohol License Applications.

A. Alcohol License Review Committee review. All new applications for “Class A” sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and “Class B” sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the Alcohol License Review Committee (at times hereafter referred to as the ALRC) before the application is acted upon by the Common Council. The ALRC shall recommend that the Council grant, deny or grant with conditions each license. The Common Council shall consider the recommendation of the ALRC when considering license applications.

B. Staff Input. The ALRC and the Common Council shall consider the below listed factors in reviewing and judging the adequacy of applications. Appropriate city staff shall review the application in the context of these factors and report to the Committee. The city staff may include the city manager, the police department, the fire department, the Community Development Authority, the city clerk’s office, the city attorney’s office, the neighborhood services director’s office, the Department of Public Works office, and any other staff as deemed necessary or desirable. It shall not be required that all of the foregoing participate in any particular recommendation, rather it is the intent that the make-up of the staff involved be flexible to meet the needs of each particular situation.

C. Factors to be Considered. The ALRC in making its recommendation, and the Council in making its decision, shall consider the following factors:

1. Factors to be considered for reviewing new license applications:
 - a. Economic development considerations.

The Council finds that while all of the factors listed below are important considerations in licensing issuance decisions, economic development consideration should be a primary factor

in the decision. In considering the economic development impact of an application, the ALRC and the Council will favor license applications that support important additional desirable development, such as businesses that provide high quality employment opportunities, businesses that provide attractive entertainment opportunities, or establishments that feature high quality restaurants.

The council also finds that establishments whose primary purpose is to serve alcohol, and that do not support other important additional developments should be given low priority in the application process because the city has an excess supply of similar establishments and those establishments do not foster economic development. Also, such businesses tend to cause more police enforcement related problems, and often detract from the immediate neighborhood and at times diminish the quality of life in the City of Whitewater.

The Council also finds that it is appropriate and in the public's best interest to at times hold in reserve one or more licenses that are limited by quota so that there will be a license or licenses available if a highly desirable development that needs a license seeks to locate in the City of Whitewater.

- b. Character of applicant, agent, managerial personnel, and owners.
- c. Experience of applicant and manager in operating a licensed establishment.
- d. History of applicant and manager in operation of licensed establishments.
- e. History of premises.
- f. Design, type, and size of the proposed establishment.
- g. Proximity to other licensed establishments.
- h. Proximity to residential buildings or areas.
- i. Ability of police department to ensure public safety at this location.
- j. Condition of building/premises.
- k. Compatibility of proposed use with the surrounding neighborhood.

- l. Zoning and land use considerations.
- m. Likely impact on property values.
- n. Any other relevant considerations.

D. Ranking Applications. When deciding between applications, those applications which best meet the listed factors shall be judged as superior to other applications. If there are multiple applications pending for licenses, whether the licenses are available or not, the timing of the filing of the application shall not create any preference. If more than one license application is pending for any particular license, the Alcohol Licensing Committee shall recommend which application, if any, in order of priority, should be granted.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AN ORDINANCE AMENDING CHAPTER 11.16.150, STREET INDEX OF PARKING LIMITATIONS.

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

SECTION 1. Whitewater Municipal Code Section 11.16.150 entitled "Street Index of Parking Limitations," is hereby amended as follows:

The following shall be *deleted* from the Street Index of Parking Limitations:

Conger Street South side; from Summit to S. Whiton 11.16.080 No Parking

The following shall be *added* to the Street Index of Parking Limitations:

Conger Street South side; from the east curblineline of Whiton,
East, for a distance of 160 feet 11.16.080 No Parking

Conger Street South side; from west curblineline of Summit St.
West for a distance of 256 feet 11.16.090 No Parking
2:00 a.m. –
5:00 a.m.

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

Ordinance introduced by Councilmember _____, who moved its adoption.
Seconded by Councilmember _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 2.12 OF THE
CITY OF WHITEWATER MUNICIPAL CODE
REGARDING APPOINTMENT OF BOARDS,
COMMISSION AND COMMITTEE MEMBERS**

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

Section 1: Chapter 2.12 Subsection 2.12.011 of the City of Whitewater Municipal Code is hereby amended to read as follows:

2.12.011 Appointment of Board, Commission and Committee Members.

(a) The City Manager and the Common Council President shall review all board, commission and committee applicants and recommend nominees to the Common Council.

(b) After considering the candidates nominated to the various boards, commissions, and committees, the Common Council shall appoint the members of said boards, commissions, or committees.

Ordinance introduced by Councilmember _____, who moved its adoption.

Seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

(e) All Class A and Class B alcohol beverage licenses to be issued by the City of Whitewater shall be reviewed by the Alcohol License Review Committee prior to final action on the issuance by the Common Council. The committee shall provide the Common Council with a recommendation to approve, approve with conditions, or deny the license.

Ordinance introduced by Councilmember Taylor, who moved its adoption. Seconded by Councilmember Singer. AYES: Taylor, Singer, Kienbaum. NOES: Stauffer, Nosek, Hixson, Stewart. ABSENT: None. ORDINANCE IS DEFEATED.

FIRST READING OF ORDINANCE AMENDING CHAPTER 2.10 TO CREATE AN APPOINTMENT COMMITTEE (IN PLACE OF NOMINATIONS COMMITTEE) AND FIRST READING OF ORDINANCE AMENDING CHAPTER 2.12.011 (REPEALING NOMINATIONS COMMITTEE).

Councilmember Singer requested discussion regarding the possibility of forming an Appointment Committee (made up of citizens and a council representative and a UW-Whitewater representative) to review Board & Commission applications instead of the Nominations Committee (made up of Councilmembers). A lengthy discussion ensued. Singer noted that the City of Beloit version was used as a beginning point. Concerns expressed related to the University representative being on the Committee, creating a larger Committee than necessary, and a request that a city staff member serve as a secretary to the meeting. It was moved by Singer and seconded by Taylor to approve the Ordinances as presented. After further discussion, it was then moved by Hixson and seconded by Stauffer to call the question and end debate. A vote was taken on the motion to call the question. AYES: Stauffer, Hixson, Kienbaum. NOES: Taylor, Nosek, Singer, Stewart. Conversation continued. Resident Kristine Zaballos indicated it is difficult for citizens to be interviewed in a public forum. Councilmember Nosek stated that he feels the City Manager should be making the recommendations for the Boards and he should be doing the interviews on a one-on-one basis. Councilmember Singer stated that there are serious flaws in the current system. He was attempting to take the "politics" out of the process. It was moved by Stewart and seconded by Taylor to table action on this ordinance until the Chapter 2 Task Force has completed their charge. Portions of this issue can be taken up through their review. AYES: Taylor, Nosek, Hixson, Singer, Kienbaum, Stewart. NOES: Stauffer. ABSENT: None.

FIRST READING OF AN ORDINANCE REPEALING CHAPTER 2.12.011 REGARDING NOMINATIONS COMMITTEE.

The Nominations Committee currently consists of three councilmembers. If a new type of Committee is formed, this Ordinance would have to be repealed. It was moved by Taylor and seconded by Stewart to table action on this Ordinance until such time as the Chapter 2 Task Force brings forth their recommendations. AYES: Taylor, Nosek, Hixson, Singer, Kienbaum, Stewart. NOES: Stauffer. ABSENT: None.

If any provision of this chapter is found to be illegal, the remaining provisions shall remain in effect.

Resolution introduced by Councilmember Nosek who moved its adoption. Seconded by Councilmember Stauffer. AYES: Stauffer, Taylor, Nosek, Hixson, Singer, Kienbaum, Stewart. NOES: None MEMBERS ABSENT: None. ADOPTED: July 17, 2007.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING CHAPTER 2.12.011 TO ASSIGN NOMINATIONS RECOMMENDATIONS OF BOARD AND COMMISSION MEMBERS TO CITY MANAGER INSTEAD OF COUNCIL MEMBER COMMITTEE. Lengthy discussion ensued. Several Councilmembers felt that City Manager Brunner was overcommitted as it was and adding this responsibility to his duties would be unfair. Several councilmembers also stated that their positions were elected and that it was their (Council's) responsibility to handle this. Other councilmembers felt that the politics would be taken out of the process if the City Manager were to make recommendations.

The ordinance presented to Council for action assigned duties of recommending citizen members to Boards and Commissions to the City Manager instead of the Committee consisting of council members. It was moved by Nosek and seconded by Stewart to approve the ordinance. AYES: Stauffer, Nosek, Stewart. NOES: Taylor, Hixson, Singer, Kienbaum ABSENT: None.

Motion fails. The Nominations Committee consisting of Councilmembers will remain in effect.

SECOND READING OF ORDINANCE AMENDING CHAPTER 11 REGARDING "STOP SIGNS." The second reading of the Ordinance updating Stop Sign locations within the City was presented.

AN ORDINANCE AMENDING CHAPTER 11.12 "ARTERIAL HIGHWAYS AND ONE-WAY STREETS"

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

SECTION 1. Whitewater Municipal Code Section 11.12.011 of the Municipal Code, entitled "Stop Signs" shall be amended to read as follows:

The following shall be added to the Street Index of Stop Signs:

COMMERCIAL AVENUE	Westbound at Newcomb
COOK STREET, NORTH	Northbound at E. North
EAGLE COURT	Northbound at Turtle Mound Lane
EXECUTIVE DRIVE	Westbound at Newcomb
INDIAN MOUND PARKWAY	Northbound at West Main
INDIAN MOUND PARKWAY	Southbound at Walworth
MAIN STREET, EAST	Southbound at Bluff (two)
MEADOW VIEW COURT	Westbound at Indian Mound Pkwy.
MOUND VIEW PLACE	Eastbound at Indian Mound Pkwy.
PANTHER COURT	Northbound at Turtle Mound La.
PEARSON COURT	Eastbound at Pearson Lane
STARIN ROAD	Westbound at Fremont
SUMMIT STREET	Northbound at Peck Street
TURTLE MOUND CIRCLE	Westbound at Indian Mound Pkwy.
TWELFTH PLACE	Northbound at Salisbury
WILDWOOD ROAD	Westbound at Indian Mound Parkway
WOOD STREET, NORTH	Southbound at E. North Street

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**POLICY ON BOARD AND COMMISSION APPOINTMENTS FOR CITY OF
WHITEWATER**

1. **PURPOSE:** To establish an open appointments procedure for members of City Boards and Commissions, subject to recommendation of the Nominations Committee and confirmation by the Common Council. ↗ will need updating
2. **APPLICABILITY.** This policy applies to the members and alternate members appointed by the City Council to the Board of Zoning Appeals (3-year terms), Cable TV Committee (3-year terms), Commission on Grievances on Discrimination Against the Handicapped (3-year terms), Community Development Authority (4-year terms), Commission on Equal Opportunity (5-year terms), Fire & Police Commission (5-year terms), Industrial Development Commission (3-year terms), Landmarks Commission (3-year terms), Library Board (3-year terms), Park and Recreation Board (3-year terms), Plan & Architectural Review Commission (3-year terms), or others as designated by the Common Council.
3. **PROCEDURE:**
 - a) All vacancies shall be announced in the official newspaper and posted prior to appointment.
 - b) A standard application form shall be distributed by the City Clerk for use by all applicants, including incumbents who wish to be reappointed.
 - c) Unless otherwise specified by City ordinance, all applicants shall have resided within the City for at least one year.
 - d) Unless otherwise specified by City Ordinance, no member of any board or commission shall serve more than two consecutive 5-year terms or two consecutive 4-year terms or three consecutive 3-year terms as applicable for that board of commission. An incumbent may continue to serve beyond this period, until their replacement has been duly appointed. An appointment to fill a partial term shall not count in the limits specified above.
 - e) Unless otherwise specified by City Ordinance, an individual who has been replaced as a result of the maximum service limits shall be eligible for reappointment after they have been off the board or commission for a minimum of one term.
4. **MEETING PARTICIPATION.** To ensure that voting members are well versed in the issues facing the Board or Commission, regular attendance is mandatory. In the event that a member fails to attend three consecutive, regular meetings or fails to attend at least $\frac{3}{4}$ of the regular meetings during the preceding twelve months, the Board may request that the City Council select another individual to serve out the member's term.

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ORDINANCE NO. _____
AN ORDINANCE REPEALING CHAPTER 19.46
FLOOD PLAIN REGULATIONS AND
RE-ENACTING A NEW FLOODPLAIN ORDINANCE

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

SECTION 1: Whitewater Municipal Code Chapter 19.46 Flood Plain Regulations is hereby repealed and re-enacted as follows:

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Whitewater, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Whitewater Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Public Works Department, City of Whitewater. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS: Based on the FIS

(a) For Jefferson County Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432E, 55055C0451E and 55055C0455E, dated June 2, 2009, with corresponding profiles based on the Flood Insurance Study (FIS) dated June 2, 2009 volume number 55055CV000A;

(b) For Walworth County Flood Insurance Rate Maps (FIRM), panel numbers 5502000002B and 5502000004B, dated June 1, 1982, with corresponding profiles based on the Flood Insurance Study (FIS) dated December 1, 1981 volume number 550200V000;

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
- (d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Walworth and Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) Except as allowed in par. (3) below, no floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

(3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health and Family Services.
- (2) A land use permit for the campground is issued by the zoning administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9) The municipality shall monitor the limited authorizations issued by the campground

operator to assure compliance with the terms of this section.

- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(4).

3.2 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1:
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

(a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structure is not designed for human habitation and does not have a high flood damage potential;
- (b) it must be anchored to resist flotation, collapse and lateral movement;
- (c) mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- (d) it must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)**4.1 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those

identified pursuant to s. 5.1(4).

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

S. 2.1 shall apply in addition to the following requirements according to the use requested.

(1) RESIDENTIAL USES

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
- (d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(2) ACCESSORY STRUCTURES OR USES

- (a) Except as provided in par. (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (b) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of

sections 3.3 (2) (a), (b), (c) and (d) and 4.3 (5) below.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;

(b) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(8) WELLS

All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood.

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 OTHER FLOODPLAIN DISTRICTS

Other floodplain districts may be established under the ordinance and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)**(1) APPLICABILITY**

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(2) PERMITTED USES

Pursuant to s. 5.1(4), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

(3) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

(4) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

3. Profile showing the slope of the bottom of the channel or flow line of the stream;

4. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(e) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

5.2 FLOOD STORAGE DISTRICT

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as

shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

- (a) Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a foot in the height of the regional flood.
- (b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per s. 8.1 of this ordinance.
- (d) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

(f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

6.2 FLOODWAY AREAS

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of s. 6.1;

(c) Will not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in ss. 4.3 and 7.5, except where s. 6.3(2) is applicable.

(2) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(a) No floor is allowed below the regional flood elevation for residential or commercial

structures;

(b) Human lives are not endangered;

(c) Public facilities, such as water or sewer, will not be installed;

(d) Flood depths will not exceed two feet;

(e) Flood velocities will not exceed two feet per second; and

(f) The structure will not be used for storage of materials as described in s. 4.3(6).

(3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

(a) Meets all other regulations and will be granted by permit or variance;

(b) Does not exceed 60 square feet in area; and

(c) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

(4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE AREAS

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

(1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance, and

issue certificates of compliance where appropriate.

(bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

(c) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
4. All substantial damage assessment reports for floodplain structures.

(d) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - b. A map showing location and details of vehicular access to lands outside the floodplain; and
 - c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) **EXPIRATION**

All permits issued under the authority of this ordinance shall expire 365 days after issuance.

(3) **CERTIFICATE OF COMPLIANCE**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of s. 7.5.

(4) **OTHER PERMITS**

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The City of Whitewater Plan and Architectural review commission shall:

(a) oversee the functions of the office of the zoning administrator; and

(b) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

(2) This zoning agency shall not

(a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or

(b) amend the text or zoning maps in place of official action by the Governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

- 1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- 2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4).
 - c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;

2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

(b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;

2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in s. 1.3.

(b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance may not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.

5. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 7.1(2).
- (b) Floodway/floodfringe determination data in s. 5.1(4).
- (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator.
- (d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

- (a) Follow the procedures of s. 7.3;
- (b) Consider zoning agency recommendations; and
- (c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

7.5 FLOODPROOFING

(1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(2) Floodproofing measures shall be designed to:

(a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(b) Protect structures to the flood protection elevation;

(c) Anchor structures to foundations to resist flotation and lateral movement; and

(d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(3) Floodproofing measures could include:

(a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

(b) Adding mass or weight to prevent flotation.

(c) Placing essential utilities above the flood protection elevation.

(d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

(e) Constructing water supply wells and waste treatment systems to prevent the entry of flood

waters.

(f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

8.1 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.1(4) and 7.1(2).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The

amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$ 200 and not more than \$ 300, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 3) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5) "BUILDING" - See STRUCTURE.
- 6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary

highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

- 7) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 9) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 10) "CHANNEL" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 12) "DECK" - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 13) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- 14) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 15) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 16) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 17) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads

- 18) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 19) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 20) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 21) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- ✓ The overflow or rise of inland waters,
 - ✓ The rapid accumulation or runoff of surface waters from any source,
 - ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 22) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 23) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 24) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 25) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 26) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other

designated floodplain areas for regulatory purposes.

- 27) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 28) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 29) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 30) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 31) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 32) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 33) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 34) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 35) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- 36) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 37) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 38) "HISTORIC STRUCTURE" - Any structure that is either:
 - ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

- ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 39) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 40) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 41) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 43) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 44) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1988 adjustment.
- 45) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- 46) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

- 47) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 48) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 49) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 50) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 51) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- 52) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 53) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 54) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 55) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 56) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 57) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 58) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other

improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 59) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 60) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
- 61) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 62) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 63) "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 64) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 65) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
- 66) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 67) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless

Ordinance introduced by Council member _____, who moved its adoption.
 Seconded by Council member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

February 23, 2009

msmith@ci.whitewater.wi.us

Dear Michele:

I am e-mailing herewith a Notice of Hearing concerning the Flood Plain Ordinance and a time line for passage. I would appreciate it if you would forward this to the Whitewater Register so that it can be published two times; those being on February 26, 2009, and March 5, 2009. This will allow us to have the public hearing at the Plan Commission meeting on March 16, 2009, and put it on for the first Council reading on March 17, 2009.

If you have any questions in regard to this, feel free to contact me at any time.

Wally

**NOTICE OF PUBLIC HEARING BEFORE
THE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
OF THE CITY OF WHITEWATER ON ADOPTION
OF FLOOD PLAIN ZONING ORDINANCE**

PLEASE TAKE NOTICE that the Plan and Architectural Review Committee of the City of Whitewater will hold a public hearing on March 16, 2009, at 6:00 P.M. at the Community Room in the City of Whitewater Municipal Building located at 312 West Whitewater Street, Whitewater, Wisconsin, 53190, for the purpose of receiving public comment and information to assist the Plan Commission and the City Council in determining whether or not to adopt a new Flood Plain Zoning Ordinance for the City of Whitewater. All interested parties may express their views at the hearing. A full copy of the proposed ordinance is available for viewing and copying at the office of the City Clerk located at 312 West Whitewater Street, Whitewater, Wisconsin.

Dated February 23, 2009.

Michele R. Smith, City Clerk of the
City of Whitewater

FLOOD PLAIN ADOPTION TIMELINE

02-23-09

02-26-09	1 st publication of notice of hearing
03-05-09	2 nd publication of notice of hearing
03-12-09	Required buffer week after final notice completed
03-16-09	Plan Commission Public Hearing
03-17-09	Council 1 st reading
04-07-09	Council 2 nd reading
06-02-09	Final passage due date

Mary S. Nimm
 Community Development Authority
 Geographic Information Systems
 Coordinator
 P.O. Box 178
 312 W. Whitewater Street
 Whitewater, WI 53190



PHONE: (262) 473-0525 ex. 248
 FAX: (262) 473-0549
 Email: mnimm@ci.whitewater.wi.us
 WEBSITE: www.ci.whitewater.wi.us

March 24, 2009

To: Whitewater Common Council

From: Mary Nimm, CDA Coordinator 

Re: CDA Marketing Budget Request

The Community Development Authority is requesting the Common Council consider approving a marketing budget increase of \$15,000 to be appropriated to the CDA marketing budget from TID #4.

The CDA is gearing-up to launch a business recruitment marketing campaign consisting of the following:

1. Mailing of a series of 5 postcards, each with an individual message, approximate number of post cards per each of the 5 mailings is 6,420+/- . The mailing is targeted at a select group of industry types in Counties located within the Center of Opportunity triangle of Madison, Milwaukee and Chicago. The 5 postcards are a result of our marketing study completed by Applied PhD research in 2008. The cost to print and mail the cards is estimated at: \$18,076.10
2. Follow-up Business-to-Business Phone calls will follow the series of 5 postcards. One call will be placed to each industry that received the postcard series. The industry will be asked if they received the mailing, have an interest in expanding their business, and then asked if they would like more information on locating their business in Whitewater. The quote for this service is at: \$9,780.00
3. The CDA will also be working with a marketing firm specializing in Public Relations and Business Event Press Releases. The CDA feels that there is a monetary value of a well-placed story and series of stories is valuable property in the top business sections of the major publications in the Madison, Milwaukee and Chicago regions. The cost for this service is estimated at: \$1,200.

While the CDA recognizes the current economic situation has most businesses skeptical about expansion and relocation, however, the CDA has given serious consideration as to the timing of this recruitment and marketing campaign. The CDA believes that getting the word out now that Whitewater is ready for business development will pay dividends when the economy improves in the future.

The CDA wishes to launch the campaign yet this spring and is requesting that the Council consider approving an appropriation of \$15,000.00 from TID #4 to be used for the purpose of marketing Whitewater as the place to do business.

Please contact me if you have any questions regarding this request. Kevin and I will also be available to answer any questions that you might have at the next Common Council meeting.

cc-CDA Board Members
Kevin Brunner

Memorandum of Understanding

This memorandum of understanding made this 1st day of April, 2009 by and between the City of Whitewater, hereinafter called City, and the Whitewater Community Development Authority, hereinafter called CDA.

Witnesseth:

The City and the CDA have enjoyed a positive working relationship for many years and the two parties are desirous of better defining this relationship. The CDA has been established pursuant to Wisconsin State Statutes 66.1335 by the City for the purpose of carrying out blight elimination, urban renewal programs and projects and housing projects. In addition, the CDA has been charged by the City to act as the agent of the City in planning and carrying out community development programs and activities approved by the City Council under the federal housing and community development act of 1974 as well as to act as agent of the City to carry out the tax increment financing (TIF) planning and programming activities of the City with final approval of TIF budgets and plans by the City Council.

The City and CDA hereby agree to the following:

1. The CDA will provide written quarterly reports to City Council commencing in 2009. These reports will be presented to the Council at one of its regularly scheduled meetings. In addition, an annual report detailing the CDA's activities and finances, as required by Chapter 2.48 of the Whitewater Municipal Code will be presented to the City Council no later than April 15th of each year.
2. The CDA will conduct an annual meeting at which time the economic and community development goals and objectives of the City will be discussed and determined. City Council members as well as community members will be encouraged to attend the annual CDA meeting. The CDA annual meeting shall be held in conjunction with the annual City budget process in the fall of each year.
3. The CDA's financial records will be maintained by the City Finance Director. Quarterly Tax Incremental Finance District reports will be provided by the Finance Director to both the City Council and CDA. Monthly financial reports will also be provided to the CDA of its financial activities.
4. All CDA funds will be accounted for in separate enterprise funds maintained by the City Finance Department. These funds shall be maintained according to General Accepted Accounting Principles (GAAP) and will be subject to annual audit by the City's auditor. Approval of special enterprise fund expenditures shall be the responsibility of the CDA and monthly revenue/expenditure reports will be produced by the City Finance Department and approved by the CDA Board of Directors.
5. The City Council will appoint two of its members to serve on the CDA Board of Directors. These City Council representatives will be responsible for attending

and participating fully in all CDA meetings and with reporting periodically to the Council on CDA activities.

- 6. The parties to this agreement recognize that there may be occasions in the future when, due to conflicting positions, the CDA may have a different position on a matter than the City Manager on an issue which concerns the City Council. This section is set forth for the purpose of providing a process for the parties to follow when such circumstances arise. If a conflict arises, an ad hoc committee shall be formed that will consist of a City Council member appointed by the City Council, a Community Development Authority member appointed by the Community Development Authority (who shall not be a member of the Common Council), and the City Manager. If it is not practical for the City Council to appoint a member due to the immediacy of the circumstances, the City Council President shall act as the City Council representative. If it is not practical for the Community Development Authority to appoint a member due to the immediacy of the circumstances, the Community Development Authority Chairperson shall act as the Community Development Authority representative. The committee so formed shall attempt to resolve the conflict. If the committee is unable to resolve the conflict, the CDA committee member shall be authorized to communicate the CDA's position to the City of Whitewater Common Council. Upon completion of the work of the committee on the issue in question, the committee shall adjourn sine die.
- 7. The CDA assigns the responsibilities for its Executive Director to the City Manager. In consultation with the City Manager, the CDA Board of Directors is responsible for the hiring/firing of the CDA Coordinator subject to the employment agreement executed for this position. The CDA Coordinator will report on a daily basis to the City Manager with policy direction to come from the CDA Board of Directors.
- 8. The annual CDA budget will be developed by the CDA Coordinator and then reviewed and adopted by the CDA Board of Directors before it is submitted to the City Manager for eventual presentation to the City Council. Final approval of annual CDA budgets shall be made by the City Council.

Agreed to this 8th day of April, 2009.

City of Whitewater

Whitewater Community
Development Authority

Kevin M. Brunner, City Manager

Thomas Miller, Chair

Michele Smith, City Clerk

Alan Marshall, Vice Chair

Hea

Kevin M. Brunner, City Manager
312 W. Whitewater Street
Whitewater, WI 53190
kbrunner@ci.whitewater.wi.us

City of Whitewater

Memo

To: Common Council Members
From: Kevin Brunner
Date: 04/02/2009
Re: Recommendation to Approve Comprehensive Plan Services Agreement with Vandewalle and Associates (City Comprehensive Plan Preparation-Wisconsin Smart Growth Initiative)

Attached is a proposed agreement that I have negotiated with Vandewalle and Associates for the preparation and development of the City's Comprehensive Plan. I am recommending approval and have placed your consideration for approval of this agreement on next week's Common Council agenda.

It is important to complete the preparation of our municipal comprehensive plan (including the updating of the Central Area Plan as a component of the overall city plan) to ensure that we are in compliance with the Wisconsin Smart Growth law which requires all municipalities in the State to have their comprehensive planning documents completed consistent with Smart Growth provisions by January 1, 2010. While I don't know if we would incur any monetary penalties from the State if this plan was not completed by the due date, I think that the periodic updating of our comprehensive plan provides the City with one of the essential planning tools that it needs to guide community growth and development as well as land use decisions over an extended period of time (in this case, it has been over 10 years since the City Comprehensive Plan has been fully updated). There is also the probability that the City would not be able to apply for some future State grants if we failed to meet the Smart Growth provisions.

The total cost of the services to be provided by Vandewalle is \$29,920 (the firm had originally quoted me a cost of \$40,000) to perform the needed work. As you review the outline for the work that Vandewalle will be performing, please know that I have tried to minimize their involvement as much as possible and expect that city staff and I will take on much of the planning and organizational work for this project. While I had hoped to hire a city planner to perform most if not all of the work necessary to produce a new comprehensive plan for the City this year, since those hiring plans are temporarily on hold, we will need to transfer budgeted salary and fringe benefit funds to the planning outside services account to pay for this contract. I anticipate no problem with staying well within our planning budget this year even with this necessary transfer.

Completing the comprehensive planning process to meet the January 1, 2010 State deadline will be very ambitious so getting going soon on all the various steps that will be necessary is very important (we could have begun this process a bit sooner but our inability to fill the city planner position as well as a desire to complete the Southside Neighborhood Plan first has set us back a bit).

If you have any questions on the recommended agreement with Vandewalle or the comprehensive planning process in general, please contact me.

Cc- Plan Commission Members



Vandewalle & Associates
INCORPORATED

March 27, 2009

Agreement for Comprehensive Planning Services

THIS AGREEMENT is made and entered into by and between the "Client" City of Whitewater, Wisconsin, and VANDEWALLE & ASSOCIATES, Madison, Wisconsin, a professional planning and design firm. For purposes of this Agreement, the "Project" is defined as preparation of a Comprehensive Plan (Plan).

Article I Scope of Work

- A. VANDEWALLE & ASSOCIATES agrees to provide the following "Services":

WORK ELEMENT ONE: PREPARATION

Task 1.1 Base Map Compilation

The consultant will compile existing mapping data from the City, Walworth County, Jefferson County, SEWRPC, and state and federal sources to produce a digital base map for the Comprehensive Plan, which in turn will be used to produce maps for the individual plan elements. The consultant will work with the City, Counties, and SEWRPC to compile all available digital mapping data. The consultant will use ArcView GIS software to produce these maps, which is compatible with the City's system.

Task 1.2 Land Use Inventory

The consultant will coordinate and conduct an inventory of existing land uses in Whitewater and its extraterritorial jurisdiction. This task will involve a City staff/consultant meeting at the consultant's office in which zoning and aerial maps will be used to identify the existing land use for each parcel in the City. This information will be used to produce an up-to-date digital, color map of existing uses in the City by type (e.g., residential, commercial, institutional). A draft map can then be field checked by City staff, particularly in areas where there is still some question about the precise existing land use

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va@vandewalle.com

Shaping places, shaping change

pattern. This type of map, which is required under the Smart Growth legislation, has not been prepared for the City in many years, to our knowledge, and will provide the basis for the Future Land Use plan map.

Task 1.3 Data Collection and Synthesis

The consultant will compile data from various local, regional, state, and federal sources inventorying existing conditions in the City of Whitewater. The consultant will also draw upon existing plans, reports, and documents for these data. Data will be presented in the form of text, tables, graphs, and maps, and will cover the following information, as required by State Statutes.

a) *Agricultural, Natural, and Cultural Resources Base*

The consultant will describe the important agricultural, natural, and cultural features within the City's planning area. These features will include areas of productive farmland, areas with soil limitations, topography; environmental and open space corridors (wetlands, floodplains, steep slopes, shorelands); other significant natural areas; parks and open spaces; and archeological and historical features. The consultant will produce one map illustrating the location of key natural features and one map illustrating the location of the most productive agricultural soils located within the City's planning area.

b) *Population/Demographics*

The consultant will collect and analyze pre-existing data and describe the historic trends in Whitewater's population size, age profile, gender characteristics, household size, educational levels, and economic profile.

c) *Housing*

The consultant will collect data and describe historic changes in the City's housing stock, including size, type, age, tenure mix, vacancy rates, and housing prices and rents compared to incomes (i.e., affordability). The consultant will compare these statistics with typical ratios of single-family, two-family, and multiple-family housing in similar communities. The consultant will also identify housing programs and projects currently available to address the needs of persons of various income levels, age groups, and persons with special needs. Data that will help advance

discussion and options for the Neighborhood Preservation Strategy described below will be particularly emphasized.

d) *Transportation*

The consultant will describe the existing transportation system in the City and its immediate vicinity. Included in this inventory will be a review of the location, capacity, and condition of existing roadways and railways; description of existing transit service; location of airport facilities; characteristics of trucking and water transportation; location of bikeways and walkways; and description of what transportation systems are available for persons with disabilities. The consultant will also document the findings of relevant transportation plans or studies prepared by the City, its consultants, relevant counties, the State, SEWRPC, and WisDOT.

e) *Utilities and Community Facilities*

The consultant will review and describe the conditions, capacity, locations, and service areas of local utilities and community facilities including sanitary sewer, water, stormwater management, waste-water treatment, solid waste disposal, public and private schools, libraries, police, fire and rescue facilities, medical facilities, park and recreational facilities and community centers. This analysis will identify any needed expansion of existing facilities or new facilities and their optimal location based on planned growth. The consultant will communicate with Strand Associates to accurately complete this inventory.

f) *Economic Base*

The consultant will summarize Whitewater's existing economic base, including the number and type of jobs, mix of existing industries and retail uses, industry and occupation of employed residents, availability of sites for new commercial and industrial development and expansion, and existing local economic development efforts. The consultant will rely primarily on state databases to identify and evaluate environmentally contaminated sites in the City and identify potential areas for infill development. We will also identify and summarize local, county, regional and state economic development programs, and incorporate the results

of recent economic asset and opportunities analyses for the Milwaukee 7 and Thrive regions (prepared by Vandewalle & Associates).

g) *Intergovernmental Cooperation Framework*

The consultant will describe the existing intergovernmental framework in the region, including local, regional, state, and federal jurisdictions and any potential sources of conflict. This task will include a summary of the existing plans and studies prepared by other governmental entities including adjacent communities and overlapping jurisdictions, as they affect the growth and development of the community. Particular emphasis will be placed on recent comprehensive plans of adjoining towns and counties. It will also explore the City's legal powers and cooperative opportunities under Wisconsin law.

h) *Land Use*

The consultant will identify the amount, type, intensity, and net density of existing uses of land in the City based on the existing land use inventory discussed in Task 1.2 above. The consultant will analyze trends in the supply, demand, and price of land, identify opportunities for redevelopment, and evaluate existing and potential land-use conflicts, as required by statute.

i) *Existing Community Prepared Plans and Ordinances*

The consultant will review and summarize all relevant existing plans and ordinances, including the various elements of the City's Central Area Plan and various neighborhood development plans. These existing City plans will provide much of the background information for this comprehensive planning project and provide a starting point for goals, objectives, policies, and recommendations included in this comprehensive plan. In addition, the consultant will review other relevant strategic plans, stormwater management plans; bikeway plans; official maps; and other relevant plans, studies, and ordinances prepared by Walworth, Jefferson, and Rock counties, SEWRPC, and the State.

Task 1.4 Population, Housing, Employment, Land Use Forecasts

The consultant will develop one set of forecasts for population, employment, housing, and general land use demand within the community through the year 2030. The consultant will use generally accepted methods to make these

forecasts, and will in particular rely on Wisconsin Department of Administration forecasts for population and housing.

WORK ELEMENT TWO: PARTICIPATION

Task 2.1 General Meetings/Ongoing Communications

Not including any other meetings specifically listed in this scope of services, the consultant will attend 3 meetings with the Plan Commission (or other City-formed steering committee) to complete comprehensive plan assignments, on the same evening as regularly scheduled Plan Commission meetings which the consultant would normally attend. City Council members will be invited and encouraged to attend these meetings. In addition, the consultant will attend 2 meetings with the City staff Project Management Team, provided these meetings can be combined with other business associated with the consultant's current planning contract with the City. Combining meetings in this way will lead to cost efficiencies associated with this task. To enable the consultant to staff these meetings with only one representative, the City will be responsible for taking detailed notes during these meetings. The City will be responsible for copying of all meeting materials associated with this task.

This task also includes general and ongoing phone and email communication with City staff and officials throughout the planning process.

Task 2.2 Kick-Off Meeting

The consultant will assist with organizing and participating (via one principal staff member) in a public kick-off event at the beginning of the planning process intended to introduce the process and statutory requirements, describe the other various planning processes the City has completed over the past several years and the key outcomes of those processes (e.g., key recommendations and plan directions), and provide an opportunity for the public to react and contribute to the information that is presented. Copies of evaluation forms and other kick-off meeting materials that require reproduction will be the responsibility of the City.

This meeting may also feature a visual preference survey, which will be prepared and administered by the City. In planning for the visual preference survey, the consultant will provide models of surveys that have been conducted in other communities (in Powerpoint format), including input forms. Revisions to these model surveys will be the responsibility of the City. The consultant will also provide an example participant evaluation form to be adapted by the City. The City will be responsible for compiling all visual preference survey results so they can be included by the consultant in the Comprehensive Plan.

Task 2.3 Advice on Community Survey

If the City decides it would like to prepare and distribute a community-wide survey as part of this planning process, the consultant will assist in the effort by providing digital copies of recent surveys from other communities for which the consultant administered a survey that can be adapted by the City as needed. Survey preparation, printing, distribution, and response compilation will be handled by the City. The consultant will integrate the survey results into the Comprehensive Plan.

Task 2.4 Advice on Other Public Input Opportunities

The consultant will provide a model public participation program and an accompanying resolution, which the Council must formally adopt under the requirements of the State comprehensive planning law near the beginning of the process.

The City may independently complete other public input opportunities not otherwise described in this scope of services. The consultant will provide model materials for the following types of events conducted by the consultant in other comparable communities: focus groups, interviews, student vision workshop. The consultant will not modify the forwarded models—provided in MS Word format wherever possible—to customize them for Whitewater.

Throughout the course of the planning process, the consultant will provide the City digital versions of all materials that the City can then post on the City's web site.

Task 2.5 Open House on Draft Plan Components

Before a complete draft of the Plan is prepared, the consultant will help organize and participate in the facilitation of a city-wide open house designed to present an update on the planning process and preliminary components of the Plan, such as a draft future land use map and draft Neighborhood Preservation Strategy. The Open House will provide an opportunity for the public to learn about the direction of Plan recommendations and provide input prior to the drafting of a complete Plan. The consultant will staff the Open House with one principal level staff member.

WORK ELEMENT THREE: PLAN

Task 3.1 Preparation of Draft Comprehensive Plan (DRAFT #1)

The consultant will prepare the first full draft of the Comprehensive Plan for Plan Commission/Steering Committee review and comment. This draft will contain all of the required elements of a "Smart Growth" comprehensive plan. The draft will also incorporate appropriate recommendations already included in each of the City's neighborhood development and other applicable plans and will serve as a complete update to the City's Central Area Plan.

The Draft Plan will include the following nine elements:

a) General Framework Plan (Issues and Opportunities)

This element will provide the overall framework for subsequent plan recommendations. It will include statements of vision, goals, and objectives to address overall community growth and redevelopment over the 20-year planning period.

b) Agricultural, Natural, and Cultural Resources

This element will include a compilation of goals, objectives, policies, and programs focused on maintaining and enhancing the environmental

quality of the City and surrounding region, as well as protecting sensitive environmental features (wetlands, floodplains, steep slopes), air and water quality, wildlife habitat, productive farmland, and significant cultural and historic resources. This element will also forward and contribute to the goals, objectives, and policies contained in the City's park and open space plan.

c) *Land Use*

This element will include a compilation of goals, objectives, policies, maps and programs to guide the future development and redevelopment of Whitewater. This element will also include projections of future residential, agricultural, commercial, and industrial land uses in five-year increments as required under state statutes. A future land use map and supporting narrative will identify recommended locations for different use and character types of residential, commercial, office, industrial, institutional, mixed-use, parks and open space, and environmental corridor land uses. The map will depict recommended land use both within the City and its surrounding planning area, particularly the sanitary sewer service area and extraterritorial jurisdiction. The land use plan map will rely heavily on recent City neighborhood development planning efforts. However, new attention will be devoted to future land uses for developed parts of the City previously addressed as part of the City's Central Area Plan, which has not been revisited in many years.

The consultant will be responsible for preparing the future land use map, including all work necessary to translate consultant-produced AutoCAD and hard-copy mapping data from neighborhood development planning efforts into GIS format. The consultant will also be responsible for ensuring that the overall design of the future land use map matches all other Plan maps.

d) *Transportation*

This element will contain a compilation of goals, objectives, policies, maps, and programs to guide the future development of the various

modes of transportation in the City. It will identify existing and proposed arterial and collector streets, bicycle and pedestrian paths, current and potential future transit facilities, park and ride facilities, and other existing and proposed transportation system improvements. The element will also place an emphasis on reserving future rights-of-way for proposed streets and paths. The City's Official Map and bikeway plan will provide a strong foundation for this element. This element will be prepared in consultation with Strand Associates. Strand's time has not been budgeted for as part of this scope of work, but the extent of Strand's involvement is not expected to be significant.

e) *Housing and Neighborhood Development*

This element will include a compilation of goals, objectives, policies, and programs to assist the City in providing an adequate housing supply that meets existing and forecasted housing demand. It will describe programs available to local government, City residents, and non-profit organizations that promote affordable housing and housing for persons with special needs. The element will also describe programs and efforts to maintain and rehabilitate Whitewater's existing housing stock.

The Housing and Neighborhood Development element will also include an estimated three- to four-page segment outlining a strategy for long-term neighborhood preservation, as recommended in the City's Central Area Plan (Neighborhood Preservation Strategy). This will include an analysis of neighborhoods in the City that are appropriate for student rental housing and those that should be reserved for primarily single-family, owner-occupied housing; a description of different techniques the City may use to encourage the preservation and restoration of single-family, owner-occupied homes in identified areas; and a proposed timeline and process for implementing these techniques. Examples of techniques that may be discussed include encouraging the formation of neighborhood associations, strategically rezoning certain neighborhoods, investing in neighborhood improvements, and providing incentives for owner-occupancy.

f) Utilities and Community Facilities

This element will include a compilation of goals, objectives, policies, and programs to guide the future development of utilities and community facilities. It will include a general evaluation of and recommendations for facility space and locational needs. The element will include an approximate timetable that forecasts the need to expand or rehabilitate existing utilities and facilities or to create new facilities or utilities, or detailed plans for such facilities. This element will be prepared in consultation with Strand Associates and will incorporate existing facilities studies as needed. Strand's time has not been budgeted for as part of this scope of work, but is not expected to be significant.

g) Economic Development

This element will include a compilation of goals, objectives, policies, and programs to promote the stabilization, retention or expansion of the City's economic base and employment opportunities. The element will explore opportunities to build on recent downtown redevelopment and "edge" economic development activities. The element will identify any vacant, under-utilized or deteriorating commercial and industrial properties in the City. It will promote the reuse of environmentally contaminated sites for commercial or industrial facilities. The City's and CDA's recent retail market analysis, downtown strategy, and industrial/technology park development efforts will be utilized and translated.

h) Intergovernmental Cooperation

This element will include a compilation of goals, objectives, policies, and programs to promote joint planning and decision making with other jurisdictions in the planning area, the counties, SEWRPC, and state agencies. This element will identify key areas of potential intergovernmental conflict, both geographic and policy-based. The element will describe processes and appropriate strategies for negotiating or mediating intergovernmental conflicts and forging cooperative

alliances with adjacent communities, the School District, and UW-Whitewater.

i) Implementation

This element will include a compilation of programs and specific actions to be completed in a stated sequence to implement the Plan. This element will cover traditional implementation strategies like zoning and capital budgeting. It will also identify grants or other funding sources and promising intergovernmental cooperation opportunities (e.g., boundary agreements, shared service agreements, school-community programming). The element will include a table with a detailed list and timeline of the major actions that the City should complete to implement the Plan.

The City will be responsible for making all necessary copies of the Draft #1 for distribution to the Plan Commission/Steering Committee, staff, and other interested parties.

Task 3.2 Public Review Draft of Comprehensive Plan (DRAFT #2)

Following initial review by the Plan Commission/Steering Committee, the consultant will make one set of necessary revisions to the draft Plan. The City will be responsible for preparing all hard copies of the Plan for distribution to the Plan Commission/Steering Committee, City staff, and other interested parties. The City will also be responsible for distributing copies of the revised draft for public and intergovernmental review under the comprehensive planning legislation. The consultant will provide a list of communities and agencies the Plan must be sent to under state law.

Task 3.3 Plan Commission Open House/Public Hearing

The City will invite the public to attend a special meeting of the Plan Commission/Steering Committee (not included under Task 2.1) at which the consultant will present Draft #2 of the Comprehensive Plan. Following the

presentation, the Plan Commission/Steering Committee will open the floor to public comment. Written comment forms will also be provided for those who do not wish to speak. Based on the minutes of the Plan Commission/Steering Committee meeting (assembled by City staff) and the written comment forms, the consultant will provide a memo summarizing input received at the meeting, which will be forwarded to the Plan Commission in advance of their final recommendation meeting.

Task 3.4 Plan Commission Recommendation Meeting

At a regularly scheduled Plan Commission meeting, the Plan Commission will adopt a resolution making a recommendation on the Plan to the City Council. The consultant will provide a model resolution for Plan Commission consideration. The consultant is not scheduled to attend this meeting. The City will be responsible for all meeting arrangements and notices.

Task 3.5 City Council Public Hearing on Comprehensive Plan

Following the Plan Commission's recommendation, the consultant will provide an overview of the Comprehensive Plan at a public hearing before of the City Council. The final plan must be adopted by ordinance. The consultant will provide a model adoption ordinance for City Council consideration. The City will be responsible for all meeting arrangements and notices.

Task 3.6 Preparation of Adopted Comprehensive Plan Document

Following its adoption by the City Council, the consultant will prepare and provide to the City a digital copy of the Comprehensive Plan in Microsoft Word format, and all digital maps in ArcView and PDF format. Maps and graphics produced using other software will be provided in PDF format. The final draft will include all City Council approved changes. The City will be responsible for printing hard copies of the Plan and will also be responsible for distributing the Plan to other governmental agencies per the comprehensive planning legislation.

- A. Additional Services, beyond those stated in Article I.A., may be provided through a "Work Order".
- B. VANDEWALLE & ASSOCIATES agrees to provide its professional Services in accordance with generally accepted standards of its profession.

Article II Client's Responsibilities

- A. Client shall be responsible for coordination of all meeting venues, publicity dissemination, notifications, and refreshments.
- B. Client agrees to provide VANDEWALLE & ASSOCIATES with all base maps, blueprints, aerial photos, studies, reports, and ordinances needed to complete these Services. VANDEWALLE & ASSOCIATES may reasonably rely on the accuracy and completeness of these items. Client agrees to provide these items and to render decisions in a timely manner so as not to delay the orderly and sequential progress of VANDEWALLE & ASSOCIATES Services.
- C. The administrative liaison between VANDEWALLE & ASSOCIATES and the Client will be Kevin Brunner, City Manager.
- D. Client agrees that the following individuals are approved to authorize Additional Services via a Work Order:

Name	Title
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Name	Title
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- E. Client understands that any work product delivered in electronic form under this Agreement may require Client to use certain third-party hardware and/or software products. Client shall be solely responsible for obtaining licenses to use such third-party software. VANDEWALLE & ASSOCIATES makes no warranties or representations as to the quality, capabilities, operations, performance or suitability of any third-party hardware or software including the ability to integrate with any software currently in use by the Client. Client acknowledges that the quality, capabilities, operations, performance, and suitability of any third-party hardware or software lies solely with Client and the vendor or supplier of that hardware or software.

F. If Client makes any modifications to Deliverables, Client shall either 1) obtain the prior written consent of VANDEWALLE & ASSOCIATES; or 2) remove VANDEWALLE & ASSOCIATES name from the Deliverables. In the event that Client selects option #2, VANDEWALLE & ASSOCIATES shall not be liable or otherwise responsible for such modifications or their effect on the results of the implementation of the recommendations contained in such Deliverables.

Article III Estimated Schedule

A. Services in this Agreement shall commence from date of execution, and be in effect a maximum of eighteen months, unless the parties agree otherwise.

B. VANDEWALLE & ASSOCIATES shall render its Services as expeditiously as is consistent with professional skill and care. During the course of the Project, anticipated and unanticipated events may impact the Project schedule and VANDEWALLE & ASSOCIATES shall not be responsible for any delays caused by factors beyond its reasonable control.

Article IV Costs and Payment

A. All work will be completed on a time and materials basis with the budget for the Project set at \$29,920. Client acknowledges that significant changes to the Project schedule, budget or Project's scope may require Additional Services for which the parties may (but are not required to) enter into a separate Work Order (see Article I.B.).

B. Invoice charges to the Client are divided into these two elements:

1. Professional Fees.

Charged for all Services rendered at current billing rates as listed in Attachment One.

2. Reimbursable Expenses.

a. Most will be invoiced at cost, including travel and all in-house charges.

b. Some Reimbursable Expenses will be charged at cost multiplied by 1.1. These are limited to items charged through a third party vendor. Examples of these would include: printing, reproduction, and delivery charges.

C. VANDEWALLE & ASSOCIATES shall send Client an invoice for Professional Fees and Reimbursable Expenses once a month. Client shall pay VANDEWALLE & ASSOCIATES the amounts due under such invoice upon receipt of such invoice. A

service charge of 1% per month may be charged on all amounts more than 30 days after date of invoice.

Article V Termination

A. Either Client or VANDEWALLE & ASSOCIATES may terminate this Agreement upon seven days written notice.

B. If terminated, Client agrees to pay VANDEWALLE & ASSOCIATES the hourly rates for all Services rendered and Reimbursable Expenses incurred, up to the date of termination.

C. Upon not less than seven days' written notice, VANDEWALLE & ASSOCIATES may suspend the performance of its Services if Client fails to pay VANDEWALLE & ASSOCIATES in full for Services rendered or Reimbursable Expenses incurred. VANDEWALLE & ASSOCIATES shall have no liability because of such suspension of service or termination due to nonpayment.

Article VI Dispute Resolution

VANDEWALLE & ASSOCIATES and Client agree to mediate claims or disputes arising out of or relating to the Agreement. The mediation shall be conducted by a mediation service acceptable to the parties. A demand for mediation shall be made within a reasonable time after a claim or dispute arises. In no event shall any demand for mediation be made after such claim or dispute would be barred by the applicable law.

Article VII Intellectual Property; Confidentiality

A. Except as otherwise provided by law: upon payment in full by Client to VANDEWALLE & ASSOCIATES for Services rendered and Reimbursable Expenses incurred pursuant to this Agreement, VANDEWALLE & ASSOCIATES shall grant Client a non-transferable, non-exclusive, perpetual license to use any and all Work Product developed or produced by VANDEWALLE & ASSOCIATES pursuant to this Agreement. As used in this Agreement, "Work Product" means all inventions, processes, data, documents, drawings, records, and works of authorship, whether or not copyrightable or patentable, that are originated or prepared by VANDEWALLE & ASSOCIATES in the course of rendering the Services under this Agreement. Until Client pays VANDEWALLE & ASSOCIATES in full for Services rendered and expenses incurred pursuant to this Agreement, Client may not use any Work Product to

complete the Project with others unless VANDEWALLE & ASSOCIATES is in material breach of this Agreement.

B. Except as otherwise provided by law: Client shall not communicate, publish, or otherwise disclose to a third party or authorize or induce anyone else to use, communicate, publish, or otherwise disclose, any nonpublic information pertaining to VANDEWALLE & ASSOCIATES, including, without limitation, any information relating to pricing, products, or ideas of VANDEWALLE & ASSOCIATES. Until VANDEWALLE & ASSOCIATES is paid in full by Client for Services rendered and expenses incurred pursuant to this Agreement, Client shall not communicate, publish, or otherwise disclose to any third party, any information pertaining to or summaries of the Work Product.

Article VIII Miscellaneous Provisions

A. Wisconsin law governs this Agreement (without regard to its conflict of law principles or rules of construction concerning the draftsman hereof).

B. This Agreement is the entire and integrated agreement between the Client and VANDEWALLE & ASSOCIATES, and supersedes all prior negotiations, statements or agreements, either written or oral, with regard to its subject matter. This Agreement may be amended only by written instrument signed by both Client and VANDEWALLE & ASSOCIATES. Neither party can assign this Agreement without the other party's prior written permission.

C. Notwithstanding any other term in this Agreement, VANDEWALLE & ASSOCIATES shall not control or be responsible for another party's means, methods, techniques, schedules, sequences or procedures, or for construction safety or any other related programs.

D. The parties acknowledge that society has become more and more litigious over the years. Despite having done everything right and fulfilling its obligations under this Agreement, VANDEWALLE & ASSOCIATES may be brought into a lawsuit or other action regarding the Project or other activities of the Client. To avoid VANDEWALLE & ASSOCIATES from incurring significant financial obligations when it has properly performed under this Agreement, Client agrees to indemnify, defend and hold VANDEWALLE & ASSOCIATES, its agents and employees harmless from and against any and all claims, liabilities, suits, demands, losses, costs and expenses (including reasonable attorneys' fees), arising out of the Project or the performance or non-performance of obligations under this Agreement, except to the extent the

same are directly caused by VANDEWALLE & ASSOCIATES' negligence or willful misconduct related to this Agreement.

E. In the event that any suit or action is instituted to enforce any provision in this Agreement, the prevailing party in such dispute shall be entitled to recover from the losing party all fees (including legal and accounting fees), costs and expenses of enforcing any right of such prevailing party under or with respect to this Agreement, including without limitation, all costs of appeals. For purposes of this provision, "prevailing party" shall include a party that dismisses an action in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.

F. VANDEWALLE & ASSOCIATES reserves the right to include representations of the Project in its promotional and professional materials.

G. In order for VANDEWALLE & ASSOCIATES' to provide cost effective services, the parties agree that VANDEWALLE & ASSOCIATES shall not be liable to client or any third party for any losses, lost profits, lost data, consequential, special, incidental, or punitive damages, delays, or interruptions arising out of or related to this Agreement, regardless of the basis of the claim. VANDEWALLE & ASSOCIATES' aggregate liability (including attorneys' fees) to Client shall not exceed the amount of fees actually paid to VANDEWALLE & ASSOCIATES by Client with regard to the Services or the Work Order for which liability has been asserted.

IN WITNESS WHEREOF, the parties hereto entered into this Agreement as of the latest date noted, below.

City of Whitewater

By:

Signature of Authorized Representative

Date

Printed Name

Title

VANDEWALLE & ASSOCIATES

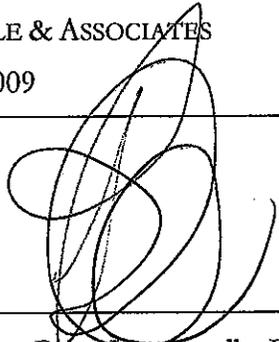
VANDEWALLE & ASSOCIATES

City of Whitewater, WI / *Comprehensive Plan*

March 27, 2009

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By:



Brian Vandewalle, President

Date

ATTACHMENT ONE**FEE SCHEDULE**

	<u>Hourly Rates</u>
Company President	\$195 to \$250
Principal	\$120 to \$220
Associate	\$70 to \$120
Assistant	\$60 to \$80
GIS Analyst/Cartographer	\$60 to \$80
Communications Specialist	\$60 to \$85
Project Assistant	\$35 to \$60

Rates are subject to change with a 30-day notice.

There is generally a cost-of-living increase each January 1st.