

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**

Common Council Meeting
Tuesday, July 7, 2009 - 6:30 p.m.
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 July 3, 2009.
CA-B	*Acknowledgment of Receipt and Filing of : *CDA Minutes of 6/1/09.
CA-C	Expedited approval of the following items, per city staff recommendation: O-1

REPORTS:

City Manager	1) State Budget Update
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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 of Support for Fire Station Grant Application. (City Manager Request)
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ORDINANCES – First Reading – None

ORDINANCES – Second Reading.

*O-1	Adoption of Ordinance Prohibiting Hunting on City Owned Land (Park and Recreation Board and Police Dept.).
O-2	Amending Chapter 11.44 “Snowmobiles on City Property” (prohibiting snowmobile operation in city parks) (Park & Recreation Director Request)
O-2A	Amending Chapter 11.48 “Miscellaneous provisions concerning vehicles” (Prohibiting recreational vehicle operation in city parks) (Park & Recreation Director Request)
O-3	Amending Chapter 5.19 “Sidewalk Café” Permits.

CONSIDERATIONS:

C-1	Appointment of replacement Councilmember to University Technology Park Board (due to resignation of Councilmember Singer) (Councilmember Singer Request)
C-2	Action on Alcohol Licensing Committee’s recommendation to issue Beverage Operator’s License to Gregory Dowden. (City Clerk Request)
C-3	Councilmember requests for future agenda items.
C-4	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.

Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
ABBOTT ELECTRONIC SECURITY LLC						
4279	ABBOTT ELECTRONIC SECURI	06-08-09	POLICE PATROL/REPAIR EQUI	07/07/2009	111.83	100-52110-242
Total ABBOTT ELECTRONIC SECURITY LLC:					111.83	
AIRWAY SALES INC						
641	AIRWAY SALES INC	14941	WASTEWATER/OPERATING SU	07/07/2009	91.29	620-62840-340
Total AIRWAY SALES INC:					91.29	
ALL PEST CONTROL						
4813	ALL PEST CONTROL	2009-1402	ALL PEST/BLDG REPR/MTN	07/07/2009	52.00	100-51600-245
Total ALL PEST CONTROL:					52.00	
AROPA DESIGNS						
880	AROPA DESIGNS	288902	PARKS/ROOKIE & T BALL SHIR	07/07/2009	822.87	100-55300-341
880	AROPA DESIGNS	28986	REC/JERSEYS	07/07/2009	75.00	100-55300-341
Total AROPA DESIGNS:					897.87	
AT&T						
3917	AT&T	3917-070709	GEN BLDG/PHONE	07/07/2009	936.48	100-51600-225
Total AT&T:					936.48	
AT&T LONG DISTANCE						
4746	AT&T LONG DISTANCE	4746-070709	GEN BLDG/PHONE	07/07/2009	104.30	100-51600-225
4746	AT&T LONG DISTANCE	4746-070709	CABLE/LONG DISTANCE	07/07/2009	4.80	200-55110-225
Total AT&T LONG DISTANCE:					109.10	
BATTERIES PLUS						
3069	BATTERIES PLUS	213757	WASTEWATER/OPERATING SU	07/07/2009	175.90	620-62840-340
3069	BATTERIES PLUS	213757	WASTEWATER/POWER GEN R	07/07/2009	482.00	620-62880-357
Total BATTERIES PLUS :					657.90	
BEST STAMPS						
432	BEST STAMPS	351742	POLICE ADMN/OFFICE SUPPLI	07/07/2009	13.00	100-52100-310
Total BEST STAMPS:					13.00	
BURTNESS CHEVROLET						
4716	BURTNESS CHEVROLET	15626	BURTNESS/CSO VEHICLE	07/07/2009	64.26	100-52140-241
Total BURTNESS CHEVROLET:					64.26	
BUSS & ASSOCIATES LLC, DICK						
5529	BUSS & ASSOCIATES LLC, DIC	237	DISPATCH CTR/CARPET	07/07/2009	7,500.00	217-52600-812
Total BUSS & ASSOCIATES LLC, DICK:					7,500.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
CDW GOVERNMENT INC (Cont.)						
CDW GOVERNMENT INC (Cont.)						
1234	CDW GOVERNMENT INC	PGJ1584	POLICE PATROL/OPERATING S	07/07/2009	75.39	100-52110-340
Total CDW GOVERNMENT INC:					75.39	
CITGO						
5404	CITGO	19364090	POLICE PATROL/GAS	07/07/2009	1,727.71	100-52110-351
5404	CITGO	19364090	POLICE/INVEST	07/07/2009	575.95	100-52120-351
5404	CITGO	19364090	FIRE/GAS	07/07/2009	395.06	100-52200-351
5404	CITGO	19364090	RESCUE/GAS	07/07/2009	568.11	100-52300-351
5404	CITGO	19364090	CSO/GAS	07/07/2009	85.97	100-52140-351
Total CITGO:					3,352.80	
COACH S LOCKER, THE						
495	COACH S LOCKER, THE	712242	REC/EQUIPMENT	07/07/2009	76.75	100-55300-341
Total COACH S LOCKER, THE:					76.75	
DAN'S MEAT MARKET						
4580	DAN'S MEAT MARKET	61509	RESCUE/OPERATING SUPPLIE	07/07/2009	93.96	100-52300-340
Total DAN'S MEAT MARKET:					93.96	
DESIGN ALLIANCE ARCHITECTS INC						
840	DESIGN ALLIANCE ARCHITECT	TRIPPE BEAC	TRIPP LAKE IMPROVEMENTS/C	07/07/2009	3,524.50	469-57500-821
Total DESIGN ALLIANCE ARCHITECTS INC:					3,524.50	
DIGGERS HOTLINE INC						
636	DIGGERS HOTLINE INC	0939601 PP2	STORMWATER/TICKETS	07/07/2009	255.29	630-63440-350
636	DIGGERS HOTLINE INC	0939601 PP2	WATER/TICKETS	07/07/2009	255.29	610-61651-350
636	DIGGERS HOTLINE INC	0939601 PP2	WASTEWATER/TICKETS	07/07/2009	255.29	620-62830-354
Total DIGGERS HOTLINE INC:					765.87	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	97891	FINANCE/JUNE SVC	07/07/2009	349.36	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					349.36	
DOWNTOWN WHITEWATER INC						
3916	DOWNTOWN WHITEWATER IN	COMMERCIAL	CDA/CHARTER COMMERCIAL	07/07/2009	600.00	900-56500-223
Total DOWNTOWN WHITEWATER INC:					600.00	
EAGLE ENGRAVING						
3467	EAGLE ENGRAVING	2009-1232	EAGLE ENGRAVE/FIRE/OPERA	07/07/2009	11.40	100-52200-340
Total EAGLE ENGRAVING:					11.40	
FIRE-RESCUE SUPPLY LLC						
3886	FIRE-RESCUE SUPPLY LLC	2150	RESCUE/OPERATING SUPPLIE	07/07/2009	1,090.00	100-52300-340
Total FIRE-RESCUE SUPPLY LLC:					1,090.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
FIRST CITIZENS STATE BANK (Cont.)						
FIRST CITIZENS STATE BANK (Cont.)						
222	FIRST CITIZENS STATE BANK	#1179	CDA/SAFE DEPOSIT BOX	07/07/2009	35.00	900-56500-340
Total FIRST CITIZENS STATE BANK:					35.00	
FOLEY & LARDNER						
1368	FOLEY & LARDNER	31034142	LEGAL/TECHNICAL PARK	07/07/2009	194.00	100-51300-212
Total FOLEY & LARDNER:					194.00	
FORT HEALTHCARE						
151	FORT HEALTHCARE	06/05/09	POLICE PATROL/PROFESSION	07/07/2009	82.40	100-52110-219
4034	FORT HEALTHCARE	106	RESCUE/OPERATING SUPPLIE	07/07/2009	320.00	100-52300-340
Total FORT HEALTHCARE:					402.40	
FULL COMPASS SYSTEMS LTD						
724	FULL COMPASS SYSTEMS LTD	3287608	CABLE/CAPITAL EQUIPMENT	07/07/2009	297.26	200-56110-810
Total FULL COMPASS SYSTEMS LTD:					297.26	
GMA PRINTING INC						
1920	GMA PRINTING INC	R033823	CDA/MARKETING POSTCARD	07/07/2009	681.35	900-56500-323
1920	GMA PRINTING INC	R033848	CDA/MARKETING POSTCARD	07/07/2009	681.35	900-56500-323
Total GMA PRINTING INC:					1,362.70	
GRAINGER						
367	GRAINGER	9011071926	GRAINGER/BLDG MTN REPAIR	07/07/2009	173.37	100-51600-355
Total GRAINGER:					173.37	
HOME LUMBER CO						
60	HOME LUMBER CO	6086620	HOME LUMBER/BLDG MTN/REP	07/07/2009	20.26	100-51600-355
60	HOME LUMBER CO	686579	HOME LUMBER/BLDG MTN/REP	07/07/2009	11.63	100-51600-355
Total HOME LUMBER CO:					31.89	
HOTEL SIERRA						
5535	HOTEL SIERRA	48201	HOTEL SIERRA/INV TRAINING	07/07/2009	297.00	100-52120-154
Total HOTEL SIERRA:					297.00	
HYDRITE CHEMICAL CO						
186	HYDRITE CHEMICAL CO	01203035	WASTEWATER/CREDIT	07/07/2009	400.00	620-62840-341
186	HYDRITE CHEMICAL CO	1202911	WASTEWATER/CHEMICALS	07/07/2009	1,477.94	620-62840-341
Total HYDRITE CHEMICAL CO:					1,077.94	
INTERNATIONAL GREENHOUSE CO						
5520	INTERNATIONAL GREENHOU	88038A	WASTEWATER/OPERATING SU	07/07/2009	267.00	620-62840-340
Total INTERNATIONAL GREENHOUSE CO:					267.00	
J P COOKE CO						
4884	J P COOKE CO	11556	FINANCE/SIGNATURE STAMP	07/07/2009	45.10	100-51500-310

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total J P COOKE CO:					45.10	
JAMES IMAGING SYSTEMS INC						
4617	JAMES IMAGING SYSTEMS INC	8619598	GEN ADMN/COPIER	07/07/2009	383.13	100-51450-244
4617	JAMES IMAGING SYSTEMS INC	8619598	GEN ADMN/COPIES	07/07/2009	112.08	100-51400-310
4617	JAMES IMAGING SYSTEMS INC	8619598	COUNCIL/COPIES	07/07/2009	168.11	100-51100-310
Total JAMES IMAGING SYSTEMS INC:					663.32	
JOHNS DISPOSAL SERVICE INC						
42	JOHNS DISPOSAL SERVICE IN	28665	RECYCLE/EXTRA PICK UP	07/07/2009	100.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	28882	RECYCLE/EXTRA PICK UP	07/07/2009	25.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	29234	RECYCLE/EXTRA PICK UP	07/07/2009	50.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	29273	RECYCLE/EXTRA PICK UP	07/07/2009	25.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	29280	RECYCLE/EXTRA PICK UP	07/07/2009	50.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	29286	RECYCLE/EXTRA PICK UP	07/07/2009	25.00	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:					275.00	
JOHNSON BLOCK & CO INC						
4258	JOHNSON BLOCK & CO INC	00111297	LIBRARY/AUDIT FINAL BILL	07/07/2009	150.00	220-55110-213
4258	JOHNSON BLOCK & CO INC	00111297	FINANCE/AUDIT FINAL BILL	07/07/2009	1,500.00	100-51500-214
4258	JOHNSON BLOCK & CO INC	00111297	WATER/AUDIT FINAL BILL	07/07/2009	800.00	610-61923-210
4258	JOHNSON BLOCK & CO INC	00111297	WASTEWATER/AUDIT FINAL BI	07/07/2009	800.00	620-62810-219
4258	JOHNSON BLOCK & CO INC	00111297	STORMWATER/AUDIT FINAL BI	07/07/2009	500.00	630-63300-214
Total JOHNSON BLOCK & CO INC:					3,750.00	
K&W GREENERY						
4751	K&W GREENERY	113862	WASTEWATER/FREMONT LIFT	07/07/2009	265.44	620-62810-820
Total K&W GREENERY:					265.44	
KETTERHAGEN MOTORS INC						
111	KETTERHAGEN MOTORS INC	T17063	POLICE PATROL/VEHICLE MAI	07/07/2009	22.38	100-52110-241
Total KETTERHAGEN MOTORS INC:					22.38	
LAWSON PRODUCTS INC						
289	LAWSON PRODUCTS INC	8171006	WASTEWATER/OPERATING SU	07/07/2009	41.57	620-62840-340
Total LAWSON PRODUCTS INC:					41.57	
MESSNER INC						
508	MESSNER INC	357903-00	MESSNER/LIBRARY	07/07/2009	278.05	100-55111-355
508	MESSNER INC	357903-00	MESSNER/GEN BLDG	07/07/2009	278.06	100-51600-355
508	MESSNER INC	357903-01	MESSNER/LIBRARY	07/07/2009	1,085.19	100-55111-355
508	MESSNER INC	357903-01	MESSNER/GEN BLDG	07/07/2009	1,085.19	100-51600-355
Total MESSNER INC:					2,726.49	
MIDSTATE EQUIPMENT-JANESVILLE						
1470	MIDSTATE EQUIPMENT-JANES	LATECH 5/09	WASTEWATER/FEES	07/07/2009	3.32	620-62890-357
Total MIDSTATE EQUIPMENT-JANESVILLE:					3.32	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
MILLARD FEED MILL (Cont.)						
MILLARD FEED MILL (Cont.)						
1649	MILLARD FEED MILL	FEE	PARKS/CHARGES	07/07/2009	4.49	100-53270-295
Total MILLARD FEED MILL:					4.49	
MILPORT ENTERPRISES INC						
1408	MILPORT ENTERPRISES INC	186594	WASTEWATER/CHEMICALS	07/07/2009	5,289.40	620-62840-341
Total MILPORT ENTERPRISES INC:					5,289.40	
MILWAUKEE MAP SERVICE						
871	MILWAUKEE MAP SERVICE	305090	MILWAUKEE MAP/CAPITAL EQ	07/07/2009	370.00	100-52200-810
Total MILWAUKEE MAP SERVICE:					370.00	
NAT'L CRIME PREVENTION						
716	NAT'L CRIME PREVENTION	41158	POLICE/CRIME PREVENTION	07/07/2009	798.50	100-52100-220
Total NAT'L CRIME PREVENTION:					798.50	
NORTH WOODS SUPERIOR CHEMICAL						
1947	NORTH WOODS SUPERIOR CH	95249	WASTEWATER/BLDG & GROUN	07/07/2009	241.21	620-62860-357
Total NORTH WOODS SUPERIOR CHEMICAL:					241.21	
NORTHERN LAKE SERVICE INC						
1335	NORTHERN LAKE SERVICE INC	168481	DPW/LANDFILL	07/07/2009	880.00	100-53100-219
Total NORTHERN LAKE SERVICE INC:					880.00	
OFFICE DEPOT						
4146	OFFICE DEPOT	477090408-00	POLICE ADMN/OFFICE SUPPLI	07/07/2009	75.70	100-52100-310
4146	OFFICE DEPOT	477247471-00	FINANCE/PAYROLL ENVELOPE	07/07/2009	185.04	100-51500-310
4146	OFFICE DEPOT	478173711-00	OFFICE DEPOT/DP ADMIN OFFI	07/07/2009	10.56	100-52100-310
Total OFFICE DEPOT:					271.30	
OFFICEMAX INC						
2951	OFFICEMAX INC	286886	OFFICE MAX/POLICE ADM/OFF	07/07/2009	24.93	100-52100-310
2951	OFFICEMAX INC	980405	RESCUE/OFFICE SUPPLIES	07/07/2009	73.03	100-52300-310
Total OFFICEMAX INC:					97.96	
OLSEN SAFETY EQUIPMENT CORP						
4450	OLSEN SAFETY EQUIPMENT C	0222877-IN	WASTEWATER/OPERATING SU	07/07/2009	35.84	620-62840-340
Total OLSEN SAFETY EQUIPMENT CORP:					35.84	
OVERHEAD GARAGE DOOR						
4478	OVERHEAD GARAGE DOOR	D36620	WASTEWATER/BLDG & GROUN	07/07/2009	951.47	620-62860-357
Total OVERHEAD GARAGE DOOR:					951.47	
PER MAR SECURITY SERVICES						
260	PER MAR SECURITY SERVICES	391829	PER MAR SECURITY SERVICES	07/07/2009	168.75	100-51600-340

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total PER MAR SECURITY SERVICES:					168.75	
PETERSON, PATRICK						
5530	PETERSON, PATRICK	THE PIPE CIR	REC/CONCERT IN THE PARK	07/07/2009	750.00	100-55320-790
Total PETERSON, PATRICK:					750.00	
PLAHN'S OUTDOOR SHOPS LTD						
1811	PLAHN'S OUTDOOR SHOPS LT	1159	PLAHN'S OUTDOOR/CAP EQUI	07/07/2009	20.00	100-52200-810
Total PLAHN'S OUTDOOR SHOPS LTD:					20.00	
PMI						
5492	PMI	0179187	RESCUE/OPERATING SUPPLIE	07/07/2009	335.75	100-52300-340
5492	PMI	0180016	RESCUE/OPERATING SUPPLIE	07/07/2009	211.00	100-52300-340
Total PMI:					546.75	
PREMIER ELECTION SOLUTIONS INC						
4828	PREMIER ELECTION SOLUTION	EWA64386	ELECTIONS/HARDWARE MTN &	07/07/2009	485.46	100-51400-242
Total PREMIER ELECTION SOLUTIONS INC:					485.46	
PUMPING SOLUTIONS INC						
5532	PUMPING SOLUTIONS INC	MS29-1632-00	WASTEWATER/EQUIPMENT MA	07/07/2009	229.22	620-62850-357
Total PUMPING SOLUTIONS INC:					229.22	
QUALITY DOOR & HARDWARE INC						
5536	QUALITY DOOR & HARDWARE I	0700131-IN	QUALITY DOOR/GEN BLDGS	07/07/2009	1,210.00	100-51600-355
5536	QUALITY DOOR & HARDWARE I	0700131-IN	QUALITY DOOR/PARK & REC	07/07/2009	1,210.00	100-55200-355
Total QUALITY DOOR & HARDWARE INC:					2,420.00	
QUILL CORPORATION						
445	QUILL CORPORATION	15788152	QUILL/WALL MOUNT POCKET	07/07/2009	8.09	100-51400-310
445	QUILL CORPORATION	15788152	QUILL/COLORED PAPER, CANA	07/07/2009	74.60	100-55210-310
445	QUILL CORPORATION	7507992	QUILL/CARD STOCK, CANARY	07/07/2009	34.28	100-53300-310
445	QUILL CORPORATION	7507992	QUILL/PARCHMENT PAPER	07/07/2009	27.97	100-51400-310
445	QUILL CORPORATION	7507992	GEN ADMN/OFFICE SUPPLIES	07/07/2009	35.02	100-51400-310
445	QUILL CORPORATION	7507992	QUILL/DPW/OFFICE SUPPLIES	07/07/2009	35.02	100-53100-310
445	QUILL CORPORATION	7507992	QUILL/REC/OFFICE SUPPLIES	07/07/2009	30.01	100-55210-310
445	QUILL CORPORATION	7583326	QUILL/NOTE BOOK	07/07/2009	12.00	100-52400-310
Total QUILL CORPORATION:					256.99	
S & H TRUCK SERVICE						
388	S & H TRUCK SERVICE	9483	S&H/EQUIPMENT REPAIRS	07/07/2009	829.69	100-52200-242
Total S & H TRUCK SERVICE:					829.69	
SAFETY FIRST INC						
728	SAFETY FIRST INC	18244	SAFETY FIRST/CAPITAL EQUIP	07/07/2009	53.16	100-52200-810
Total SAFETY FIRST INC:					53.16	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
SASSY SHIRTS (Cont.)						
SASSY SHIRTS (Cont.)						
131	SASSY SHIRTS	30738	REC/STAFF SHIRTS	07/07/2009	182.50	100-55300-341
131	SASSY SHIRTS	30775	PARKS/FAMILY FUN NIGHT BA	07/07/2009	280.00	100-55320-790
131	SASSY SHIRTS	30815	REC/UNIFORMS	07/07/2009	180.00	100-55300-341
Total SASSY SHIRTS:					642.50	
SHADOW FAX						
2800	SHADOW FAX	INV0723061	SHADOW FAX/INK STREETS	07/07/2009	86.40	100-53300-310
2800	SHADOW FAX	INV072528	SHADOW FAX/INK SITP	07/07/2009	73.55	100-55310-340
Total SHADOW FAX:					159.95	
STATE ELECTRICAL SUPP INC						
200	STATE ELECTRICAL SUPP INC	264097	WASTEWATER/VEHICLE REPAI	07/07/2009	32.44	620-62890-357
Total STATE ELECTRICAL SUPP INC:					32.44	
STOKES, DAVID						
2550	STOKES, DAVID	7/23/09 PERF	REC/FAMILY FUN NIGHT	07/07/2009	325.00	100-55320-790
Total STOKES, DAVID :					325.00	
STRAND ASSOCIATES INC						
358	STRAND ASSOCIATES INC	0072347	WASTEWATER/EQUIPMENT RE	07/07/2009	39,820.55	620-62820-219
358	STRAND ASSOCIATES INC	0072348	WASTEWATER/EQUIPMENT RE	07/07/2009	915.09	620-62820-219
358	STRAND ASSOCIATES INC	0072349	PLANNING/UJWW MAPS STARIN	07/07/2009	293.84	100-56300-219
358	STRAND ASSOCIATES INC	0072349	TID 4/TECHNOLOGY PARK	07/07/2009	4,725.88	440-57663-839
358	STRAND ASSOCIATES INC	0072349	RECYCLE/LANDFILL MONITORI	07/07/2009	974.26	230-53600-219
358	STRAND ASSOCIATES INC	0072349	PLANNING/TRATT ST	07/07/2009	564.44	100-56300-219
358	STRAND ASSOCIATES INC	0072349	PLANNING/FLORENCE ST	07/07/2009	3,515.68	100-56300-219
358	STRAND ASSOCIATES INC	0072349	TID 4/STARIN RD EXTENSION	07/07/2009	1,760.52	440-57663-840
358	STRAND ASSOCIATES INC	0072395	WASTEWATER/BEACH PUMP S	07/07/2009	944.02	620-62810-820
358	STRAND ASSOCIATES INC	0072608	CIP/CENTER ST RECONSTRUC	07/07/2009	898.33	456-57500-821
358	STRAND ASSOCIATES INC	0072609	TID 4/NORTH & 1ST ST	07/07/2009	5,466.47	440-57663-832
358	STRAND ASSOCIATES INC	0072610	TID 4/WHITEWATER ST	07/07/2009	472.09	440-57663-834
358	STRAND ASSOCIATES INC	0072639	TID 4/MUNICIPAL PARKING LOT	07/07/2009	389.49	440-57663-838
Total STRAND ASSOCIATES INC:					60,740.66	
STREICHER'S						
345	STREICHER'S	1636989	STREICHERS/PATROL OP SUP	07/07/2009	387.00	100-52110-340
Total STREICHER'S :					387.00	
THE LUMINIS GROUP LTD						
5531	THE LUMINIS GROUP LTD	701208	CDA/PRESS RELEASE & WIRE	07/07/2009	1,012.50	900-56500-323
Total THE LUMINIS GROUP LTD:					1,012.50	
TINCHER REALTY INC						
5510	TINCHER REALTY INC	6/11/09	NEIGHBORHOOD SVC/PROFES	07/07/2009	140.00	100-52400-219
Total TINCHER REALTY INC:					140.00	
UNITED PARCEL SERVICE						
19	UNITED PARCEL SERVICE	00000X36X825	WATER/STATE LAB	07/07/2009	23.20	610-61652-350

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Total UNITED PARCEL SERVICE:					23.20	
USA BLUE BOOK						
1062	USA BLUE BOOK	833671	WASTEWATER/OPERATING SU	07/07/2009	265.29	620-62840-340
Total USA BLUE BOOK:					265.29	
UW WHITEWATER						
8	UW WHITEWATER	22086	UW CASHIER/GEN BLDG	07/07/2009	218.09	100-51600-355
8	UW WHITEWATER	22087	UW CASHIER/GEN BLDGS	07/07/2009	108.96	100-51600-355
8	UW WHITEWATER	22087	UW CASHIER/LIBRARY	07/07/2009	44.63	100-55111-355
Total UW WHITEWATER:					371.68	
VORPAGEL SERVICE INC						
41	VORPAGEL SERVICE INC	25111	VORPAGEL SERVICE/BLDG HE	07/07/2009	2,170.56	100-51600-244
Total VORPAGEL SERVICE INC:					2,170.56	
WALMART COMMUNITY						
1507	WALMART COMMUNITY	0609WALMAR	WALMART/FINANCE/OFFICE S	07/07/2009	31.95	100-51400-310
1507	WALMART COMMUNITY	0609WALMAR	WALMART/POLICE ADMIN/	07/07/2009	5.88	100-52100-340
1507	WALMART COMMUNITY	0609WALMAR	WALMART/PATROL OP	07/07/2009	35.56	100-52110-340
1507	WALMART COMMUNITY	0609WALMAR	WALMART/REC/SUPPLIES	07/07/2009	17.00	100-46733-55
1507	WALMART COMMUNITY	0609WALMAR	WALMART/CABLE/	07/07/2009	18.75	200-55110-340
1507	WALMART COMMUNITY	0609WALMAR	WALMART/CABLE/	07/07/2009	4.72	200-55110-310
1507	WALMART COMMUNITY	0609WALMAR	WALMART/CABLE/	07/07/2009	26.64	200-55110-362
1507	WALMART COMMUNITY	0609WALMAR	WALMART/LIBRARY	07/07/2009	11.95	220-55110-310
1507	WALMART COMMUNITY	0609WALMAR	WALMART/LIBRARY	07/07/2009	296.20	220-55110-342
1507	WALMART COMMUNITY	0609WALMAR	WALMART/WASTEWATER	07/07/2009	29.14	620-62870-340
1507	WALMART COMMUNITY	0609WALMAR	WALMART/WATER	07/07/2009	55.97	610-61935-350
1507	WALMART COMMUNITY	0609WALMAR	WALMART/WATER	07/07/2009	79.03	610-61921-310
Total WALMART COMMUNITY :					612.79	
WATER ENVIRONMENT FEDERATION						
535	WATER ENVIRONMENT FEDER	2000450502	WASTEWATER/EMPLOYEE TR	07/07/2009	65.00	620-62820-154
Total WATER ENVIRONMENT FEDERATION :					65.00	
WE ENERGIES						
25	WE ENERGIES	25-070709	TRAFFIC/ELECTRIC	07/07/2009	15.16	100-53300-222
25	WE ENERGIES	25-070709	ST LIGHTS/ELECTRIC	07/07/2009	16.06	100-53420-222
25	WE ENERGIES	25-070709	CITY & PARKS/ELECTRIC	07/07/2009	4,592.40	100-51600-222
25	WE ENERGIES	25-070709	WATER/ELECTRIC	07/07/2009	2,629.66	610-61620-220
25	WE ENERGIES	25-070709	WASTEWATER/LIFT STATIONS	07/07/2009	155.66	620-62830-222
25	WE ENERGIES	25-070709	WASTEWATER/ELECTRIC	07/07/2009	11,444.05	620-62840-222
Total WE ENERGIES:					18,852.99	
WEBERPAL, DEBRA						
3207	WEBERPAL, DEBRA	REIMBURSE 7	SENIORS/SUPPLIES	07/07/2009	29.49	100-46733-55
Total WEBERPAL, DEBRA:					29.49	
WELDERS SUPPLY CO BELOIT INC						
49	WELDERS SUPPLY CO BELOIT	906945	RESCUE/OXYGEN	07/07/2009	216.00	100-52300-340

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total WELDERS SUPPLY CO BELOIT INC:					216.00	
WHITEWATER FIRE DEPT						
284	WHITEWATER FIRE DEPT	0609REFUND	WITMER PUBLIC SAFETY	07/07/2009	115.48	100-52200-810
284	WHITEWATER FIRE DEPT	0609REFUND	DMI/DELL BUS LINE	07/07/2009	87.55	100-52200-310
284	WHITEWATER FIRE DEPT	0609REFUND	GANDER MOUNTAIN	07/07/2009	268.99	100-52200-810
Total WHITEWATER FIRE DEPT:					472.02	
WI MUNICIPAL COURT CLERKS ASSC						
315	WI MUNICIPAL COURT CLERKS	MAAS	COURT/2009 DUES	07/07/2009	40.00	100-51200-320
Total WI MUNICIPAL COURT CLERKS ASSC:					40.00	
WI PARK & RECREATION ASSOC						
66	WI PARK & RECREATION ASSO	PLAYGROUND	REC/DUJARDIN ENROLLMENT	07/07/2009	40.00	100-55210-154
Total WI PARK & RECREATION ASSOC:					40.00	
WNOA						
5534	WNOA	HLMEMBERS	WNOA/CONFERENCE AND ME	07/07/2009	175.00	100-52120-154
Total WNOA:					175.00	
Grand Totals:					133,779.20	

Dated: July 1, 2009

Finance Director: *[Signature]*

Report Criteria:

- Detail report.
- Invoices with totals above \$0.00 included.
- Paid and unpaid invoices included.



MINUTES

Monday, June 1, 2009
4:30 PM - CDA Board of Directors
2nd Floor - Cravath Lake Front Conference Room
Whitewater Municipal Building
312 W. Whitewater Street
Whitewater, WI 53190

1. Call to order and roll call

Tom Miller called the meeting to order at 4:30PM.

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

Absent: None

Others: Mary Nimm, Doug Saubert, David Zepecki – Equity Real Estate, Keith Burich – Keller Construction

2. Approval of the Agenda

Al Marshall motioned to approve the agenda. Knight seconded.

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

Nays: None

The motion to approve the agenda passed unanimously on a voice vote.

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.*

No Citizen Comments

4. Approval of the April 27, 2009 CDA Minutes and May 11, 2009 Joint CDA & CC Minutes

Jim Stewart motioned to approve the April 27, 2009 CDA Minutes and the May 11, Joint CDA & CC Minutes. Marshall seconded.

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

Nays: None

The motion to approve the agenda passed unanimously on a voice vote.

5. April 2009 Financial Reports

Saubert noted that the CDA is collecting payments timely on loans through the 910 fund.

Stanek questioned the report and fund 900 as the report shows the fund having a negative fund balance.

Saubert commented that this shows the City's advance of money to the fund, City pays expenses for the CDA general fund and the two parties settle-up once or twice through year. Have not used any CDA funds in the 900 to date in 2009. No interest is charged to CDA.

6. TID Quarterly Report

Saubert noted that he created a package of information which will also go to City Council. The information is looking at TID 4 borrowings for projects in TID 4 – purpose and amount listed as well as what was done with the money.

Stewart – balance is lower than available funds available. When do we start to prioritize projects?

Saubert – we don't have enough \$\$\$ to do all the projects as listed if the bids come in at the totals listed. There is hope that some of the projects listed may be funded through grants that have been applied for. Increments to TID 4 = \$23m & \$53m, value above the base values. \$1.4 will be coming into TID 4 to make general debt payments. Resolution will go to CC tomorrow to close-out to TID 3.

Stewart – typo on page 2. Knight – value of TID's 1, 2 & 3 – final presentation on success to the community?

Nimm – there is a meeting on Friday with Brunner, Nimm, Saubert and the City Manger Intern to discuss the presentation on the value of the TID's to the community.

Saubert – cumulative expenses by large categories TID 4 2005 bond issue and 2008 by category with brief description on what \$ was spent on. \$6.4m spent on all projects listed. Next, cumulative through 3/2009.

\$14,000 grant through DTW. \$26,000 design engineering. Next quarter will have more spending.

Knight – Prairie Village?

City of Whitewater

TID #4 Expenditures

Related to 2005 Bond Issue/2005,2006 & 2008 STF loans/2008 Bond Issue

Commulative thru December 31,2008

	10/2005	2007	Commulative	2008	Commulative
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DESCRIPTION			<i>CA-B</i>		
	thru 12/2006	Expenses	thru 12/2007	Expenses	thru 12/2008
Wage/Benefits(115-155) Public Works employee-curb/gutter/ stamped concrete/downtown/ Fremont/Whitewater St./ Culvert work-Bluff Rd.	15,784	4,914	20,698	23,374	44,072
Legal(212) Harrison/McDonell-review development agreements/4th St. appraisals/Misc	15,064	19,346	34,410	17,040	51,450
Marketing/Professional Services(219) Audit Services/surveying/boundary amendments/appraisal-Kienbaum/ Applied Research/Retail Market Study	6,528	800	7,328	55,477	62,805
Assessments-due to Townships(223) Due for 5 years/T.Cold Springs/Whitewater	-	7,595	7,595	4,121	11,716
Administration Expenses(648) Reimbursement to General Fund for staff time spent on TID #4 issues/ Bond issue expenses	42,158	47,828	89,986	55,000	144,986
Reimburse CDA-Admin. Expenses(680)	-	58,635	58,635	-	58,635

City of Whitewater

TID #4 Expenditures

Related to 2005 Bond Issue/2005,2006 & 2008 STF loans/2008 Bond Issue

Commulative thru December 31,2008

DESCRIPTION	10/2005	2007	Commulative	2008	Commulative
	thru 12/2006	Expenses	thru 12/2007	Expenses	thru 12/2008
Grant Program(805) Downtown WW office/WW hotel/ operating grant-D-T WW/Topper's/ Kelly Law/Walton Dist/Triple J/ Generac/KJN Dev/Saalsaa/Liggett/ Hughes/Hantropp/	116,287	446,280	562,567	82,947	645,514

Land/Easement/Relocation(810-813) Main st/Reed/Krueger/Other	235,235	62,486	297,721	330,161	627,882
Capital Equipment(820) 1/2 of dozer	27,500	-	27,500	-	27,500
Design/Engineering/Construction(295,820,821) Prairie Village/Roundabout/Fremont St./ Main-Wisc-Milw intersection/Corporate Drive/ 4th St./Fremont-North St./James St. Parking/ WW St. Plaza/Business Park Grading/Stormwater Benches/Signage/Sidewalks/Culverts	1,081,295	2,163,421	3,244,716	1,392,656	4,637,372
Brownfield Redevelopment(825) Alpha Cast site	15,156	74,011	89,167	-	89,167

TOTAL	1,555,007	2,885,316	4,440,323	1,960,776	6,401,099
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City of Whitewater

TID #4 Expenditures

Related to 2005 Bond Issue/2005,2006 & 2008 STF loans/2008 Bond Issue

Commulative thru March 31,2009

DESCRIPTION	Commulative thru 12/2008	2009 Expenses	Commulative thru 3/2009
Wage/Benefits(115-155) Public Works employee-curb/gutter/ stamped concrete/downtown/ Fremont/Whitewater St./ Culvert work-Bluff Rd.	44,072	-	44,072
Legal(212) Harrison/McDonell-review development agreements/4th St. appraisels/Misc	51,450	-	51,450
Marketing/Professional Services(219) Audit Services/surveying/boundary	62,805	-	62,805

Assessments-due to Townships(223) Due for 5 years/T.Cold Springs/Whitewater	11,716	-	11,716
Administration Expenses(648) Reimbursement to General Fund for staff time spent on TID #4 issues/ Bond issue expenses	144,986	-	144,986
Reimburse CDA-Admin. Expenses(680)	58,635	-	58,635

City of Whitewater

TID #4 Expenditures

Related to 2005 Bond Issue/2005,2006 & 2008 STF loans/2008 Bond Issue

Commulative thru March 31,2009

DESCRIPTION	Commulative thru 12/2008	2009 Expenses	Commulative thru 3/09
Grant Program(805) Downtown WW office/WW hotel/ operating grant-D-T WW/Topper's/ Kelly Law/Walton Dist/Triple J/ Generac/KJN Dev/Saalsaa/Liggett/ Hughes/Hantropp/ 2009-Jim Gage	645,514	14,000	659,514
Land/Easement/Relocation(810-813) Main st/Reed/Krueger/Other	627,882	-	627,882
Capital Equipment(820) 1/2 of dozer	27,500	-	27,500
Design/Engineering/Construction (295,820,821,830,831,832,833,834,838) Prairie Village/Roundabout/Fremont St./ Main-Wisc-Milw intersection/Corporate Drive/ 4th St./Fremont-North St./James St. Parking/ WW St. Plaza/Business Park	4,637,372	26,817	4,664,189

Brownfield Redevelopment(825)

Alpha Cast site 89,167 - 89,167

TOTAL 6,401,099 40,817 6,441,916

7. Presentation, Discussion and Possible Action on Spec Building Concept by Keller Planners, Architects, & Builders

Keith Burich, project manager with Keller started by reporting that he met with Dave Zepecki and Kevin Brunner a few weeks ago.

Zepecki noted that several months ago, Keller contacted their office and Zepecki presented Keller with opportunities in Whitewater and suggested Whitewater may be a place to look for spec buildings. Proposal = if CDA might share some risk on a spec building. Keller has done projects in similar communities that could "work" in Whitewater. There is a lack of available lease space in Whitewater this equals a prolonged period of between 6-8 months for a business to locate and build new which is not quite the same as having space available if someone is out looking and ready to move now.

Burich - success that others communities have had = the reason that companies were looking to have space ready and communities having space open now. Other communities have lost businesses as they have not had space ready. The idea is that Keller makes spaces ready at lower costs. At construction, Keller will leave space details un-done until tenants are ready to move-in and modify at tenants needs. Flexibility in set-up. Want to partner in investors and developers. Keller, puts up \$, CDA would cover closing costs for a period of time, and costs would reduce as space is leased. Other investors will be involved. Company has been around for nearly 60 years. 20-year roof warranty. Keller also incorporates windows in roof, reducing costs for lighting. Will do site plan for marketing.

Burich - closing costs as well as costs of land to be paid back at end, real estate taxes deferred for term on contract, normal length is 18-24 months depending on investors, loan rate.

Zepecki - 18-24 months?

Burich = 18-24 is build to complete, approx 5-6 months.

Knight - rental rate?

Burich - depends on what "city" gets on current rents

Knight - is there a way the City can be made whole after the 24 months?

Stanek - if property goes longer than 24 months, how are the buildings appraised at partially built-out structure?

Knight - what happens to outside infrastructure after 24 months?

Burich - could be done at a cost however Keller is still working to attract businesses. Most of past projects are close to capacity. Keller does not target any other near-by communities for a similar building.

Stanek - what would the cost for a built-out per foot generally?

Burich - approx another \$10-\$20 per ft sq.

Knight - can we get copies of financial models based on a 40k ft sq building? In the \$165,000 does that include the cost of the land?

Burich - cost of land is re-paid at the end.

Knight - like concept, please submit proposal.

Zepecki - currently asking \$34,900 per acre in Whitewater Business Park, need for this building would be approx 5 acres = \$140-\$150k land price for total acreage.

Knight - requested Keller work on a long-term strategy to get \$\$\$ back at end. Would like deliverables that perform on behalf of CDA.

Stanek - what is the current market need for ft sq?

Burich - depends on company needs. Will do site plan for marketing.

Stanek - more discussion at next meeting on amount of sq footage to consider, economies of scale.

Knight - motion the city follow the concept on a 40k ft sq bldg and bring models back to the board at the June 22 meeting. Marshall second.

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

Nays: None

Undecided: Kienbaum

The motion to have Brunner and Nimm follow the concept on a 40k ft sq building passed on a 6-1 voice vote. CA-B

8. Discussion and Possible Action on Entering into Contract for Architectural Services for the University Technology Park Innovation Center

Knight the Tech Park Board received 10 proposals at the Request for Qualifications. Four of the proposals stood-out based on what was asked and qualifications and skill-sets and with experiences with tech parks and LEED certifications. Brunner, Gayhart, and Knight served as the interview committee. The committee narrowed down its selection to Eppstein Uhen. The committee took their recommendation to the Tech Park Board last week Friday, and the Tech Park Board makes a recommendation to the CDA that a contract with Eppstein Uhen is entered upon for Architectural Services for the University Tech Park Innovation Center. Expenditure authority will come from CDA 910 funds.

Stewart – fees?

Knight – fees are \$62,000. Eppstein Uhen will serve as the construction manager as well. Adopt the \$62k today for the Architectural piece. Fees are coming in at below industry standards.

Marshall – motioned to approve the \$62,200 for Eppstein Uhen arch fee. Knight seconded.

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

Nays: None

The motion to approve the contract with Eppstein Uhen at \$62,000 for Architectural Services for the University Technology Park Innovation Center passed unanimously on a roll-call vote.

9. CDA Coordinator

- a. **Web Site Update** Nimm reported the new site is live. She is working through, teaching herself how to edit.
- b. **Marketing Campaign Update** Nimm reported the first two postcards have been sent. The first went out on Tuesday, May 26th, the second was sent on June 1. She have been address labeling and stamping each of the cards by hand and has approved using the remainder of our intern budget to help finance the City Manager Intern for the remainder of the summer. Kayla and others in City Hall and at the Senior Center have been more than gracious in the offers to help. By the time we are finished, we will have labeled and stamped over 30,000 postcards.
- c. **Dark Fiber/Broadband Update** Nimm reported she is trying to coordinate a meeting to include representatives from the Eau Claire/Chippewa Falls area project. She is also working with the UW-W to watch for the Broadband grant opportunities

10. Adjourn to closed session at approximately 6:15PM to reconvene at approximately 6:30 PM Per Wisconsin Statute 19.85 (1)(e). Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session

- a. **Whitewater Tech Park Site Acquisition**
- b. **Downtown Eastgate Redevelopment**

11. Reconvene and Roll Call

Jim Stewart motioned to reconvene to open session at 6:18PM. Stanek seconded.

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

Absent: None Others: Mary Nimm, David Zepecki – Equity Real Estate

12. Discussion and Possible Action on Whitewater Tech Park Site Acquisition

No action taken.

13. Discussion and Possible Action on Downtown Eastgate Redevelopment

No action taken.

14. Confirm June Meeting Date of Monday, June 22 @ 4:30PM

15. Future Agenda Items

TID Presentation
Eastgate Redevelopment
Keller Construction

16. Adjourn

Knight motioned to adjourn at 6:21PM. Stewart seconded.

Respectfully Submitted,

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION FOR
FIREHOUSE CONSTRUCTION AIDS**

WHEREAS, the City of Whitewater has planned for several years the construction of an addition to the existing Fire Station to provide for additional vehicle and equipment storage, overnight sleeping quarters and to improve accessibility; and

WHEREAS, funds have become available through the federal A.R.R.A Assistance to Firefighters Fire Station Construction Grants administered by the U.S. Department of Homeland Security to fund such fire station construction projects; and

WHEREAS, the City and Whitewater Fire/EMS Department desires to apply for such funding (no local match required).

NOW THEREFORE, BE IT RESOLVED, that the City of Whitewater Common Council hereby authorizes Kevin Brunner, City Manager, to act on behalf of the City of Whitewater to submit an application to the Department of Homeland Security for any financial aid that may be available as well as to take any necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED, that the City of Whitewater will comply with State or Federal rules for this particular grant program and will obtain from the Department of Homeland Security, approval in writing before any change is made in the use of the project site.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by Council Member _____.

Approved this 7th day of July, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

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

City of Whitewater

Memo

To: Common Council
From: Kevin Brunner
Date: 07/02/2009
Re: Resolution in Support of Fire Station Construction Grant (U.S. Department of Homeland Security)

Attached is a resolution of support for the filing of a grant with the U.S. Department of Homeland Security improvements to the Whitewater Fire/EMS Station. This grant application needs to be filed with the federal government by July 12th and will cover 100% of the construction costs for approved projects.

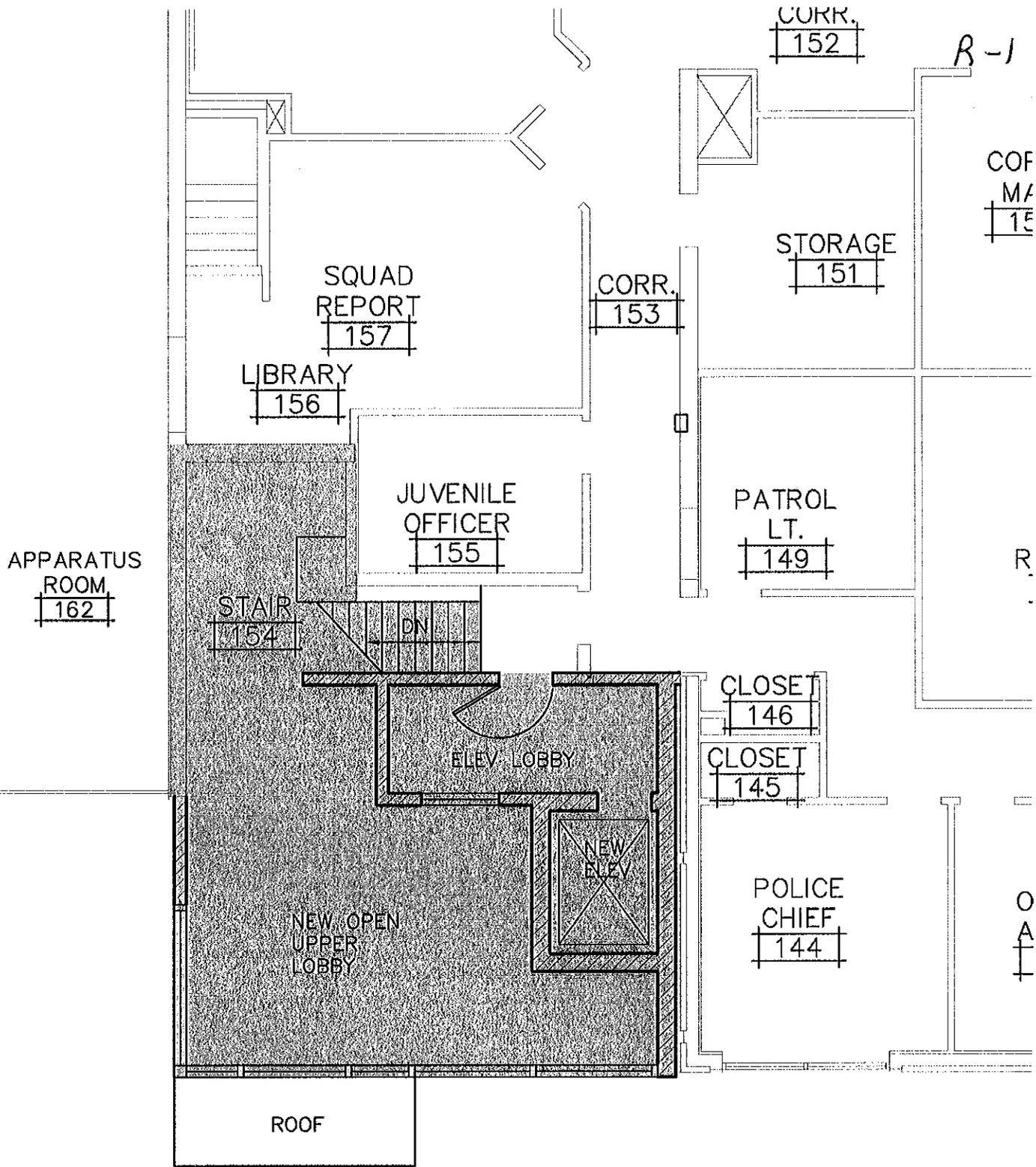
City staff and I have been working with Potter, Lawson Architects (who originally designed the Municipal Center addition in 1997) to produce schematic designs for this project as required by the grant application. I am attaching a site plan as well as a couple of detailed drawings that show the proposed building improvements. Essentially, we are proposing three components to this building expansion project: 1) addition of two bays to the west of the building to more adequately and efficiently house department vehicles and apparatus; 2) the addition of a small sleeping quarters area with above mezzanine area for additional departmental storage to the rear of the existing building (this is a critical requirement of the grant to address current and future overnight firefighter/EMS sleeping), and 3) the addition of a new front entry that includes a small elevator to provide both handicap accessible and secure access to the Fire/EMS portion of the Municipal Center.

While I don't currently have a final estimate for the costs of these additions, I will have them by next Tuesday's meeting. Again, there is no local match required of this particular grant so other than the costs of preparing the grant application (about \$2200 for Potter Lawson's work) there would be no City funds required to be committed to the project.

While this will be a highly competitive grant process, after reviewing all the funding criteria I believe that we have a good shot at getting funding for this project given the large service area that our Department serves as well as the significant increase in both fire and EMS calls that we have received in recent years. In addition by making the building more fully accessible to all as well as providing overnight sleeping quarters we meet some key grant criteria.

If any of you have any questions prior to next week's meeting, please contact me.

cc-Don Gregiore, Fire Chief



3
A101
1/8" = 1'-0"
MAIN FLOOR LOBBY ADDITION

19

	Consultants:	WHITEWATER FIRE DEPARTMENT ADDITIONS	9/28/08	CLIENT REVIEW	Drawing Title
	4TH STREET & WHITEWATER STREET	Date	Issuance/Revisions	Symbol	FRONT LOBBY ADDITION
					PU Project Number: 2000-22
					Drawing No. A101A
					Drawn by: MEX

ORDINANCE NO. _____

ORDINANCE PROHIBITING
HUNTING ON CITY-OWNED LAND

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

Section 1: Whitewater Municipal Code, Chapter 7.72, Subsection 7.72.045, is hereby created to read as follows:

7.72.045 Hunting is prohibited on all City of Whitewater owned land, unless the hunting is allowed under an established hunting program authorized and approved by the City Council.

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

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

DATED:

ORDINANCE NO. _____

ORDINANCE AMENDING
CHAPTER 11.44 SNOWMOBILES

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

Section 1: Whitewater Municipal Code, Chapter 11.44, Subsection 11.44.020, is hereby amended to read as follows:

11.44.020 Operation within city limited.

(a) Except as herein provided, no person, firm, or organization shall operate or cause to be operated any snowmobile within the city limits.

(b) The following shall be the exceptions. Snowmobiles may be operated:

(1) Upon the operator's private property;

(2) Upon the private property of another person, firm or organization from whom the operator has received prior consent from the owner;

(3) Upon such public or private property under the control of the city council as the council may from time to time designate as snowmobile areas. Snowmobiles are prohibited at all times from operation in any park in the City of Whitewater, except snowmobiles may operate on frozen lakes in the City of Whitewater. No snowmobile may operate on lakes when such operation is unsafe or dangerous to any person.

Section 2: Whitewater Municipal Code, Chapter 11.44, Subsection 11.44.030, is hereby amended to read as follows:

11.44.030 Authority to prohibit use of authorized areas.

The city manager or his duly authorized representatives may prohibit the use of designated public snowmobile operation areas and operation on frozen lakes at such times as he or she may see fit. The City Manager's failure to prohibit the use of said frozen lakes and designated public areas during such times as the same may be unsafe for snowmobile traffic shall not render the city, its manager or its duly authorized representatives liable for damages sustained as a result of the use of said areas during a time when the same are unsafe for travel; all travel in said areas on any ice-bound, inland waters within the jurisdiction of the city shall be at the risk of the traveler. This chapter shall not be construed so as to render the city, its manager or other duly authorized representatives liable for

damages to those engaged in permitted travel under this chapter, it being the intent of this chapter to preserve the immunities granted the city under Wisconsin Statutes and common law.

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

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

DATED:

ORDINANE NO. _____

ORDINANCE AMENDING
CHAPTER 11.48 MISCELLANEOUS PROVISIONS
CONCERNING VEHICLES

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

Section 1: Whitewater Municipal Code, Chapter 11.48, Subsection 11.48.110, is hereby amended to read as follows:

11.48.110 Recreational vehicles prohibited in city parks and on city lakes.

(a) It is unlawful for any person to operate a motorcycle, minibike, snowmobile, dune buggy, go cart, all-terrain vehicle or other recreational or motor vehicle in any park in the City of Whitewater. This section does not prohibit a person from legally operating a motor vehicle on public roads within parks; from parking on park property adjacent to public roads in the park, or from safely operating snowmobiles on frozen lakes in the City of Whitewater.

(b) It is unlawful for any person to operate a bicycle within Indian Mounds Park.

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

AYES:

NOES: _____
Kevin Brunner, City Manager

ABSENT: _____

DATED: _____
Michele R. Smith, City Clerk

copy presented at
last council meeting

0-3

06/11/09 - 12:00 noon

**CHAPTER 5.19
SIDEWALK CAFE PERMIT**

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

1. That there exists a need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food consumption.

2. That sidewalk cafes will permit enhanced use of the available public rights of way, will complement restaurants operating from fixed premises, and will promote economic activity in the area.

3. That the existence of sidewalk cafes encourages additional pedestrian traffic but their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of sidewalk cafes to ensure a safe environment.

4. That the establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote public health, safety, and welfare.

B. Definitions.

1. "Sidewalk cafe" shall mean an expansion of a full service restaurant creating an outdoor dining facility on part of the public right of way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the full service restaurant adjacent thereto. "Full service restaurant" shall mean an establishment requiring a State of Wisconsin restaurant license. ~~and whose food sales are greater than thirty percent (30%) of its gross receipts.~~

C. Permit required.

1. A full service restaurant may apply to the neighborhood services director or his or her designee for a permit to allow a restaurant to operate a sidewalk cafe. The neighborhood services director or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.

2. Before a permit may be issued, the application and site plan shall be reviewed for approval by the city fire department and city building inspector.

3. Each permit shall be effective for one year from July 1st until June 30.

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4. The permit issued may be transferred to a new owner only for the location and area listed in the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the city before the permit transfer.

D. Permit application. Application for a permit to operate a sidewalk cafe shall be submitted to the department of public works and shall include at least the following information:

1. Completed city application form.
2. Copy of a valid restaurant license issued by the State of Wisconsin.
3. Copy of a current certificate of commercial liability insurance in the amount of at least \$100,000 per occurrence.

4. A general layout drawing, drawn to scale, which accurately depicts the dimensions of the existing sidewalk area and adjacent private property, the proposed location of the sidewalk cafe, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on 8-1/2" x 11" paper, suitable for reproduction.

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

6. A non-refundable application fee.

E. Permit fees.

There shall be no application fee or renewal of permit fee for sidewalk café permits.

F. Sidewalk cafe standards. The following standards, criteria, conditions, and restrictions shall apply to all sidewalk cafes, provided, however, that the neighborhood services director or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the city of Whitewater code of ordinances, and all applicable state and federal laws.

1. Sidewalk cafes are restricted to the public right of way immediately adjacent to the licensed full service restaurant to which the permit is issued.

2. Tables, chairs, umbrellas or other fixtures in the sidewalk cafe:
 - a. Shall not be placed within five feet of fire hydrants, alleys, or bike racks. Shall not be placed within five feet of a pedestrian crosswalk or corner curb cut.
 - b. Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures.
 - c. Shall be readily removable and shall not be physically attached, chained or in any manner affixed to any structure, tree, signpost, light pole, or other fixture, curb, or sidewalk.
 - d. Shall be removed when the sidewalk cafe is not in operation.
 - e. Shall be maintained in a clean, sanitary and safe manner.
3. Sidewalk cafes shall be located in such a manner that a distance of not less than four feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, parking meters, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.
4. The sidewalk cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.
5. Plant tubs may be located in the sidewalk cafe with the approval of the neighborhood services director or designee. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.
6. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six feet eight inches above the sidewalk.
7. Signs to be used in the sidewalk cafe shall be in accordance with chapter 19.54 of the city code of ordinances. However, the neighborhood services director may allow temporary easel signs.
8. No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in the sidewalk cafe.
9. No amplified entertainment shall be allowed in the sidewalk cafe unless authorized as part of a special event.
10. A copy of the site plan, as approved in conjunction with the current sidewalk cafe permit, shall be maintained on the permittee's premise and shall be available for inspection by city personnel at all times.

11. The sidewalk cafe permit covers only the public right of way described in the permit. Tables and chairs on private property will be governed by other applicable regulations.

12. Sidewalk cafes shall not operate after 10:00 p.m. or before 7:00 a.m.

13. The use of a portion of the public right of way as a sidewalk cafe shall not be an exclusive use. All public improvements, including, but not limited to trees, light poles, traffic signals, pull boxes, or manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right of way at all times. The City Manager, Chief of Police, the neighborhood services director or their designees may temporarily order the removal of the sidewalk cafe for special events, including but not limited to, parades, sponsored runs or walks, or for public health and safety reasons.

14. If alcohol will be offered for consumption in the sidewalk café, the area encompassing the sidewalk café shall be roped off or otherwise enclosed by a freestanding barrier. The barrier shall be at least three feet high. The neighborhood services director shall approve the barrier to assure that it is safe and visually appealing. Any alcohol to be consumed in the sidewalk café area must be served to the patron by an employee of the establishment within the sidewalk café area. Alcohol may not be taken by patrons from the tavern to the sidewalk café area. Any patron consuming alcohol in the sidewalk cafe area must be seated.

15. The city, its officers and employees, shall not be responsible for sidewalk cafe fixtures that are relocated or damaged.

G. Alcohol licensing and service of alcohol beverages.

1. A permittee may sell and serve alcohol beverages in an outdoor cafe only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the sidewalk cafe is listed on the alcohol beverage license application as being an part of the licensed premises.

2. Alcohol may be served at sidewalk cafes under the following conditions:

a. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.

b. The retail alcohol beverage license premises description includes the sidewalk cafe in the description of the licensed premises as an extended area.

c. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the sidewalk cafe.

d. Alcohol beverages are sold and served by the licensee or licensee's employees

and sold or served only to patrons seated at tables in the sidewalk cafe.

e. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.

f. Alcohol beverages may only be served at the sidewalk cafe when food service is available through the licensed establishment.

g. The permittee shall be responsible for policing the sidewalk cafe area to prevent underage persons from entering or remaining in the sidewalk cafe, except when underage persons are allowed to be present on the licensed premises under applicable laws.

h. The permittee shall not allow patrons of the sidewalk cafe to bring alcohol beverages into the sidewalk cafe from another location, nor to carry open containers of alcohol beverages about in the sidewalk cafe area, nor to carry open containers of alcohol beverages served in the sidewalk cafe outside the sidewalk cafe area.

i. The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk cafe area.

j. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the sidewalk cafe area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the sidewalk cafe between 10:00 p.m. and 7:00 a.m.

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

1. The permittee shall maintain in full force and effect commercial liability insurance in the amount of at least \$100,000 per occurrence for bodily injury and property damage, with the city of Whitewater named as an additional insured, shall show that the coverage extends to the area used for the sidewalk cafe.

2. The permittee shall provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.

I. Revocation or suspension. The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be revoked or suspended by the neighborhood services director or designee where necessary based on a violation of this ordinance or to protect the public health, safety, or welfare, to prevent a nuisance from developing or

continuing, in emergency situations, or due to noncompliance with this section, the city code of ordinances, or applicable state or federal law.

J. Appeal. A revocation, suspension, or denial of a permit may be appealed by the permittee to the alcohol licensing committee. If the neighborhood services director's decision is appealed, the alcohol licensing committee shall hold a hearing and either grant, grant with conditions, or deny the permit. The permittee holder or applicant shall be notified of the alcohol licensing committee appeal meeting and shall have the right to be heard prior to a decision. The alcohol licensing committee's decision shall be final and shall not be appealable to the full council.

K. Penalty. The penalty for violation of this section shall be a forfeiture of not less than \$50 or more than \$200 per day for each violation, together with the costs of prosecution.

Draft Requested
by Councilmember
Olsen

0-3

Jim Olsen requested draft -
w/ changes shown in bold

ORDINANCE NO. _____
ORDINANCE AMENDING CHAPTER 5.19
SIDEWALK CAFE PERMIT

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

Section 1: Whitewater Municipal Code, Chapter 5.19 shall be amended to read as follows:

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

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

B. Definitions.

1. "Sidewalk cafe" shall mean an expansion of a full service restaurant creating an outdoor dining facility on part of the public right of way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the full service restaurant adjacent thereto. "Full service restaurant" shall mean an establishment requiring a State of Wisconsin restaurant license, **and whose food sales are greater than twenty-five (25) percent of its gross receipts.** ~~and whose food sales are greater than thirty percent (30%) of its gross receipts.~~

C. Permit required.

1. A full service restaurant may apply to the neighborhood services director or his or her designee for a permit to allow a restaurant to operate a sidewalk cafe. The neighborhood services director or designee may approve, approve with conditions or

Version B

restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.

2. Before a permit may be issued, the application and site plan shall be reviewed for approval by the city fire department and city building inspector.

3. Each permit shall be effective for one year from July 1st until June 30.

4. The permit issued may be transferred to a new owner only for the location and area listed in the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the city before the permit transfer.

D. Permit application. Application for a permit to operate a sidewalk cafe shall be submitted to the department of public works and shall include at least the following information:

1. Completed city application form.

2. Copy of a valid restaurant license issued by the State of Wisconsin.

3. Copy of a current certificate of commercial liability insurance in the amount of at least \$100,000 per occurrence.

4. A general layout drawing, ~~drawn to scale~~, which accurately depicts the dimensions of the existing sidewalk area and adjacent private property, the proposed location of the sidewalk cafe, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on 8-1/2" x 11" paper, suitable for reproduction.

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

6. ~~A non-refundable application fee.~~ **A copy of the menu showing food choices available in the sidewalk café.**

E. Permit fees.

There shall be no application fee or renewal of permit fee for sidewalk café permits.

F. Sidewalk cafe standards. The following standards, criteria, conditions, and

restrictions shall apply to all sidewalk cafes, provided, however, that the neighborhood services director or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the city of Whitewater code of ordinances, and all applicable state and federal laws.

1. Sidewalk cafes are restricted to the public right of way immediately adjacent to the licensed full service restaurant to which the permit is issued.

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a. Shall not be placed within five feet of fire hydrants, alleys, or bike racks. Shall not be placed within five feet of a pedestrian crosswalk or corner curb cut.

b. Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures.

c. Shall be readily removable and shall not be physically attached, chained or in any manner affixed to any structure, tree, signpost, light pole, or other fixture, curb, or sidewalk.

d. Shall be removed when the sidewalk cafe is not in operation.

e. Shall be maintained in a clean, sanitary and safe manner.

3. Sidewalk cafes shall be located in such a manner that a distance of not less than four feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, parking meters, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.

4. The sidewalk cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.

5. Plant tubs may be located in the sidewalk cafe with the approval of the neighborhood services director or designee. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.

6. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six feet eight inches above the sidewalk.

7. Signs to be used in the sidewalk cafe shall be in accordance with chapter 19.54 of the city code of ordinances. However, the neighborhood services director may allow temporary easel signs.

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9. No amplified entertainment shall be allowed in the sidewalk cafe unless authorized as part of a special event.

10. A copy of the site plan, as approved in conjunction with the current sidewalk cafe permit, shall be maintained on the permittee's premise and shall be available for inspection by city personnel at all times.

11. The sidewalk cafe permit covers only the public right of way described in the permit. Tables and chairs on private property will be governed by other applicable regulations.

12. Sidewalk cafes ~~shall not operate after 10:00 p.m. or before 7:00 a.m.~~ **may only operate from 7:00 a.m. to 10:00 p.m. Alcohol may only be served from 8:00 a.m. to 8:00 p.m.**

13. The use of a portion of the public right of way as a sidewalk cafe shall not be an exclusive use. All public improvements, including, but not limited to trees, light poles, traffic signals, pull boxes, or manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right of way at all times. The City Manager, Chief of Police, the neighborhood services director or their designees may temporarily order the removal of the sidewalk cafe for special events, including but not limited to, parades, sponsored runs or walks, or for public health and safety reasons.

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c. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the sidewalk cafe.

d. Alcohol beverages are sold and served by the licensee or licensee's employees and sold or served only to patrons seated at tables in the sidewalk cafe.

e. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.

f. Alcohol beverages may only be served at the sidewalk cafe when food service is available through the licensed establishment.

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h. The permittee shall not allow patrons of the sidewalk cafe to bring alcohol beverages into the sidewalk cafe from another location, nor to carry open containers of alcohol beverages about in the sidewalk cafe area, nor to carry open containers of alcohol beverages served in the sidewalk cafe outside the sidewalk cafe area.

i. The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk cafe area.

j. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the sidewalk cafe area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the sidewalk cafe between **8:00 p.m. and 8:00 a.m.**~~10:00 p.m. and 7:00 a.m.~~

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

1. The permittee shall maintain in full force and effect commercial liability insurance in the amount of at least \$100,000 per occurrence for bodily injury and

property damage, with the city of Whitewater named as an additional insured, shall show that the coverage extends to the area used for the sidewalk cafe.

2. The permittee shall provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.

I. Revocation or suspension. The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be revoked or suspended by the neighborhood services director or designee where necessary based on a violation of this ordinance or to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance with this section, the city code of ordinances, or applicable state or federal law.

J. Appeal. A revocation, suspension, or denial of a permit may be appealed by the permittee to the alcohol licensing committee. If the neighborhood services director's decision is appealed, the alcohol licensing committee shall hold a hearing and either grant, grant with conditions, or deny the permit. The permittee holder or applicant shall be notified of the alcohol licensing committee appeal meeting and shall have the right to be heard prior to a decision. The alcohol licensing committee's decision shall be final and shall not be appealable to the full council.

K. Penalty. The penalty for violation of this section shall be a forfeiture of not less than \$50 or more than \$200 per day for each violation, together with the costs of prosecution.

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

AYES:

Kevin Brunner, City Manager

NOES:

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

CITY OF WHITEWATER ALCOHOL LICENSING COMMITTEE MEETING

Tuesday, June 30, 2009 – 5:00 p.m.

City of Whitewater Municipal Building Community Room

312 W. Whitewater St., Whitewater, Wisconsin

(2009-10 Alcohol Licensing Committee Members: Binnie, Singer, Olsen)

- I. CALL TO ORDER
- II. ROLL CALL
- III. HEARING OF APPEAL OF GREGORY DOWDEN - Appealing denial of his Beverage Operator's License)
- IV. RECOMMENDATION TO CITY COUNCIL
- V. AODA (Alcohol and Other Drug Abuse Coalition) REQUEST THAT EACH NEW ALCOHOL ESTABLISHMENT BE PROVIDED WITH A TAVERN EMPLOYEE TRAINING DVD (produced by WW Police Department, UW-Whitewater and AODA) WITH THE UNDERSTANDING THAT IT BE SHOWN TO THEIR EMPLOYEES & POSSIBLE RECOMMENDATION TO COUNCIL REGARDING THE SAME.
- VI. DISCUSSION REGARDING COUNCILMEMBER OLSEN'S REQUEST THAT LICENSEES WHO RECEIVE TWO OR MORE CITATIONS WITHIN A SIX MONTH PERIOD MUST COME BEFORE THE ALCOHOL LICENSING COMMITTEE.
- VII. ADJOURNMENT

Please contact the City Clerk's Office (473-0500, Extension 202) at least 72 hours prior to the Hearing if Special Arrangments are needed.

NOTICE OF HEARING

Mr. Gregory Dowden
190A S. Bluff Ridge, Dr., Apt. 203
Whitewater, WI 53190

PLEASE TAKE NOTICE that the City of Whitewater Alcohol Licensing Review Committee will be conducting a hearing on the 30th day of June, 2009, at 5:00 p.m. in the Community Room of the Municipal Building, to consider whether or not your Beverage Operator's request should be granted or denied. The Police Chief's recommendation for denial is attached.

YOU ARE HEREBY notified that at the time of said hearing you have the right to be personally present and represented by counsel; you will have the right to confront witnesses who will be called to support the allegations, as well as have said witnesses cross-examined; you will have the chance to examine any documentary evidence that will be presented; you will have the right to present evidence on your behalf by witnesses whom you choose to produce; and you have the right to obtain a written transcript at your expense.

Dated this 18th day of June, 2009.

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Michele R. Smith</i>	
1. Article Addressed to: Gregory Dowden 190A S. Bluff Ridge Dr. #203 Whitewater, WI 53190	B. Received by (Printed Name) <i>Michele R. Smith</i>	C. Date of Delivery 6-20-09
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7001 2510 0007 5588 7608	

M E M O R A N D U M

TO: CITY CLERK MICHELE SMITH AND CITY COUNCIL
FROM: CHIEF JAMES R COAN
SUBJECT: DISAPPROVAL OF BARTENDER LICENSE APPLICATION FOR **GREGORY S. DOWDEN**
DATE: May 22, 2009

On May 19, 2009, Gregory Scott Dowden, 190A S. Bluff Ridge Dr Apt #203, Whitewater, applied for a bartender license to work, without supervision, at Coyote Grill, 132 W Center St, Whitewater. At that time the usual background investigation was conducted.

Effective May 22, 2009, the following information is being supplied on an official basis concerning the bartender license application of Gregory Scott Dowden. Pertinent records of the local and state agencies have been searched as of this date with the following results: (Only that information which would bear upon this application is recorded. Traffic violations are excluded.)

WHITEWATER POLICE DEPARTMENT

10/16/2008	Failure to Prevent Underage Alcohol Consumption	12/10/2008	Guilty, Fined
12/08/2006	Operate MV while Under the Influence	01/10/2007	Guilty, Fined
12/08/2006	Illegal Blood Alcohol Concentration .08 or more	01/10/2007	Guilty

An operator at an alcohol establishment has an obligation to reasonably deal with various rules and regulations regarding alcohol. These arrests show that Gregory Scott Dowden has displayed an inability to abide by these laws. We therefore do not believe that he/she has the appropriate ability to handle the responsibility that the license requires.

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(a) as affected by Chapter 79 and 391, Laws of '81 effective 1/1/82 which states in part: "Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who: 1. Do not have an arrest or conviction record, subject to s. 111.321, 111.322, and 111.335: . . ." Statute 111.335---Arrest or conviction record: Exceptions and special cases---reads in part: "(c) Notwithstanding s. 111.322 it is not employment discrimination because of conviction record to refuse to employ or license; or to bar or terminate from employment or licensing any individual who: 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; ..."

Based on the above information, I recommend that this applicant be denied his/her bartender license application. The offenses he/she has been arrested for DO substantially relate to the circumstances of the particular job or licensed activity as required under Chapter 125.

James R. Coan
Chief of Police

JRC/cas

May 30, 2009

Office of City Clerk
312 W. Whitewater St.
P.O. Box 178
Whitewater, WI 53190

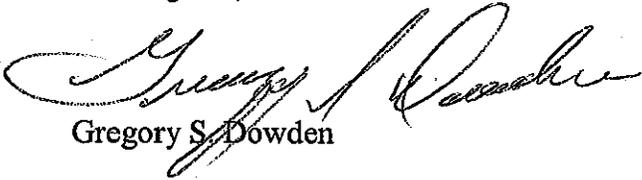
Dear Ms. Smith:

I would like to contest the denial of my Beverage Operator's License being recommended for denial by Chief of Police Coan. I work at Salvo's Coyote Grill, and depend on this job in order to stay in school. I wish to finish my degree this year, but without this job, it will be quite unmanageable.

Please notify me about any arrangements that can be made in order for me to appeal this decision. I believe that I should be approved, and would greatly appreciate any information that you can give me.

My mailing address is 190 A. South bluff Ridge Drive, Apt. #203, Whitewater, WI 53190. I am only in Whitewater on the weekends during the summer, so a better way of contacting me is either through email: dowdengs15@uww.edu; or on my phone: (715) 797-4922. Thank you.

Best regards,



Gregory S. Dowden

gone June 20 thru 27