

CITY OF WHITEWATER
COMMON COUNCIL AGENDA
Common Council Meeting

Amended agenda as of 2:30 p.m. 9/30/10 **REMOVING** Item C-1 – Award of bid for Irvin L. Young Memorial Library Roof.

Tuesday, October 5, 2010 – 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 Council Minutes 8/17/10; 8/31/10 and 9/7/10
CA-B	Approval of Payment of Invoices Processed through September 30, 2010.
CA-C	Acknowledgment of Receipt and Filing of: *Urban Forestry Minutes of 7/13/10 and 8/10/10. *Senior Forum Minutes of 6/7/10 and 8/2/2010. *Park & Recreation Minutes of 8/9/10.
CA-D	Expedited approval of the following items, per city staff recommendation: O-3

REPORTS:

DPW Director	Report on Sanitary Sewer Repair on Florence Street
Park & Recreation Director	Report on potential Treyton Kilar "Field of Dreams" softball diamond.

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.

PUBLIC HEARING:

PH-1 Public Hearing relating to Special Assessments for sidewalk installation (N. Tratt Street, [East Side] between Walton Drive and Foxglove Lane.

RESOLUTIONS:

R-1	Final Resolution authorizing special assessments for properties located on N. Tratt Street (East Side), between Walton Drive and Foxglove Lane. (DPW Director Request)
R-2	Authorizing Agreement between WIN (Wisconsin Independent Network LLC) for extension of dark fiber optic cable to Whitewater University Technology Park (City Manager Request)

ORDINANCES: First Reading

* O-1	Granting City Manager authority to approve waivers of "no wake" ordinance (eliminating requirement for Council approval). (Councilmember Binnie Request)
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ORDINANCES: Second Reading

O-2	Adopting Whitewater Transparency Enhancement Ordinance. (Councilmember Singer Request)
*O-3	Adopting Amendments to the Comprehensive Plan of the City of Whitewater, Walworth Co., Wisconsin (Plan Commission Request)

CONSIDERATIONS:

C-1	Item Removed.
*C-2	Authorization to dispose of City Property (Crossing Guard vests, etc.) (Police Chief Request)
C-3	Councilmember Requests for Future Agenda Items.
C-4	Adjourn.

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.

MEMORANDUM

TO: Common Council

FROM: Kevin Brunner, City Manager

DATE: September 30, 2010

RE: Comments on October 5, 2010 Agenda Items

The following are my comments regarding the agenda items for the September 7th Council meeting.

1. **Final Resolution authorizing special assessments for Tratt Street Sidewalk Project.**
There will be a public hearing on the proposed special assessments for this project prior to consideration of this resolution. The resolution contains the special assessment terms (68% city/32% property owner cost sharing and five repayment period) approved by the Council at its last meeting.
2. **Authorizing Agreement between WIN (Wisconsin Independent Network LLC) for extension of dark fiber optic cable to Whitewater University Technology Park.** I recommend approval of this agreement. See my memo accompanying the agreement for more details. I believe that we will be proposing a similar agreement for the extension of dark fiber from the Public Works Garage to the City Hall. However, that will be addressed in a subsequent amendment to this agreement.
3. **Granting City Manager authority to approve waivers of "no wake" ordinance.** This ordinance would eliminate the requirement for Council approval and is being presented at Councilmember Binnie's request. Recommend approval.
4. **Adopting Whitewater Transparency Enhancement Ordinance.** This ordinance has been amended as approved at the last Council meeting. Recommend approval.
5. **Adopting Amendments to the Comprehensive Plan of the City of Whitewater.**
Recommend approval.
6. **Award of Bid for Irvin L. Young Memorial Library Roof replacement.** We just opened bids for this project this afternoon at 2:00 p.m. and only received one bid for the project. The one bid received is consistently more than the budget (\$264,300) established for this project (\$175,000). Consequently, city staff will review the bid received with the roofing consultant and determine if re-bidding the project should occur.
7. **Authorization to dispose of City Property.** Recommend the Police Chief's request to properly dispose of Crossing Guard vests.

If any of you have questions regarding the above items before the next meeting please feel free to contact me.

9-30-10

2:40 p.m.

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

August 17, 2010

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Winship, Binnie, Singer, Stewart. MEMBERS ABSENT: Kienbaum. LEGAL COUNSEL PRESENT: No.

APPROVAL OF MINUTES. It was moved by Olsen and seconded by Binnie to acknowledge receipt and filing of the Landmarks Commission minutes of 7/7/10, Park and Recreation Board minutes of 7/12/10 and 8/2/10, Urban Forestry Commission Minutes of 5/11/10, Whitewater Effigy Mounds Preserve Task Force minutes of 4/6/10 and Irvin L. Young Memorial Library corrected minutes of 7/12/10. AYES: Olsen, Winship, Binnie, Singer, Stewart. NOES: None. ABSENT: Kienbaum.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Binnie to approve payment of city invoices in the total sum of \$172,259.86. AYES: Olsen, Winship, Binnie, Singer, Stewart. NOES: None. ABSENT: Kienbaum.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$5,100,000 GENERAL OBLIGATION REFUNDING BONDS. Robert W. Baird representative, Steve Kornetzke presented information regarding the financing bonds. The interest rate will be 2.18%.

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$5,000,000 GENERAL OBLIGATION REFUNDING BONDS**

WHEREAS, the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the outstanding General Obligation Refunding Bonds, dated January 1, 1999, the General Obligation Refunding Bonds, dated February 1, 2001, maturing in the years 2011 through 2015, and the outstanding General Obligation Refunding Bonds, dated April 1, 2001 (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, the City has directed its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell its General Obligation Refunding Bonds (the "Bonds");

WHEREAS, Baird, in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 17, 2010;

WHEREAS, the City Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. Baird has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the City and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed, pursuant to Section 67.04, Wisconsin Statutes, through the issuance of the Bonds, the sum of FIVE MILLION DOLLARS (\$5,000,000).

Section 1C. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation), plus accrued interest to the date of delivery, is hereby accepted. The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

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Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$5,000,000; shall be dated September 1, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. The Bonds of this issue which mature first are designated as being issued to refund the Refunded Obligations and the obligations refunded by the Refunded Obligations in the order in which the debts evidenced by said obligations were incurred so that the Bonds of the earliest maturities are considered to be issued to discharge the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 through 2019 for the payments due in the years 2011 through 2020 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$5,000,000 General Obligation Refunding Bonds, dated September 1, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all

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other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and their ownership, management and use will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the

Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the

Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 18. Redemption of the Refunded Obligations. The Refunded Obligations due on and after September 1, 2011 are hereby called for prior payment and redemption on September 1, 2010 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Baird to cause timely notice of redemption to be provided at the times, to the parties and in the manner required by the Refunded Obligations. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions

regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

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

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,215,000 WATERWORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH RESPECT TO THE BONDS. The interest rate on this transaction will be 1.49% for Waterworks System Revenue Refunding Bonds. City Manager Brunner stated that the savings of refinancing on a combined basis for both this and the previous issue will be almost \$700,000.

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,215,000 WATERWORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN, AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH RESPECT TO THE BONDS

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin ("City") now owns and operates and has for many years owned and operated its Waterworks System, a public utility (the Waterworks System and all properties of every nature in connection with such System now or hereafter owned by the City, including all improvements and extensions thereto, all real and personal property of every nature comprising part of and used or useful in connection therewith, and all appurtenances, contracts, leases, franchises and other intangibles, are hereinafter referred to collectively as the "System"); and

WHEREAS, under the provisions of Chapter 66, Wis. Stats., any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility or to refund obligations issued to finance extensions, additions and improvements from the proceeds of bonds, which bonds are to be payable only from the income and revenues derived from the operation of such utility and are to be secured by a pledge of the revenues of the utility; and

WHEREAS, pursuant to a resolution adopted on September 5, 2000, the City issued its Waterworks System Mortgage Revenue Bonds, Series 2000, dated September 15, 2000 (the "2000 Bonds"), which bonds are payable from the income and revenues of the System; and

WHEREAS, the City has determined that it is necessary and desirable to refund the outstanding 2000 Bonds; and

WHEREAS, it is desired to authorize and sell revenue bonds for such purpose payable solely from the revenues to be derived from the operation of the System, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wis. Stats.; and

WHEREAS, other than the 2000 Bonds being refunded, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, the City has directed its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell its Waterworks System Revenue Refunding Bonds, Series 2010 (the "Bonds"); and

WHEREAS, Baird, in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 17, 2010; and

WHEREAS, the City Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale; and

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. Baird has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference;

NOW, THEREFORE, the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do resolve that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the City and Baird in connection with the preparation and distribution of the Official Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of Bonds. For the purpose above stated, the City shall borrow on the credit of the income and revenue of the System the sum of \$1,215,000. Negotiable,

fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Waterworks System Revenue Refunding Bonds, Series 2010", shall be numbered from R-1 upward and shall be dated September 7, 2010. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on October 1 of each year, in the years and principal amounts set forth in the debt service schedule attached hereto as Exhibit D and incorporated herein by this reference (the "Schedule").

Interest on the Bonds shall be payable on April 1 and October 1 of each year, commencing April 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The Bonds shall not be subject to optional redemption.

The schedule of maturities is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The City Council hereby determines that the refunding of the 2000 Bonds is advantageous and necessary to the City.

The Bonds shall be signed by the manual or facsimile signatures of the City Manager and City Clerk of the City (provided that, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of such signatures shall be manual), and sealed with the corporate seal of the City.

The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund, and sufficient revenues are pledged to the Special Redemption Fund, and shall be used for no other purpose than to pay the principal of and interest on the Bonds and Parity Bonds as the same fall due.

Section 2. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 3. Definitions. In addition to the words defined elsewhere in this Resolution, the following words shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Annual Debt Service Requirement" means the total amount of principal and interest due in any Fiscal Year on the Bonds and Parity Bonds.

"Bond Year" means the one-year period ending on a principal payment date or mandatory redemption date for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

"DTC" means The Depository Trust Company, New York, New York, or any successor securities depository for the City with respect to the Bonds.

"Fiscal Year" means the fiscal year adopted by the City for the System, which is currently the calendar year.

"Net Revenues" means the Revenues minus all Operation and Maintenance Expenses of the System.

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but excluding depreciation, debt service, tax equivalents and capital expenditures.

"Parity Bonds" means additional bonds issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 9 of this Resolution.

"Reserve Requirement" means an amount equal to the least of (a) 10% of the proceeds of the Bonds, (b) maximum annual debt service on the outstanding Bonds in any Bond Year and (c) 125% of average annual debt service on the outstanding Bonds. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean the least of (a) the amount on deposit in the Reserve Account prior to the issuance of such Parity Bonds plus the amount permitted to be deposited therein from proceeds of the Parity Bonds pursuant to Section 148(d)(1) of the Code, (b) the maximum annual debt service requirement for outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued and (c) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued.

"Revenues" means all income and revenue derived from operation of the System, including the revenues received from the City for services rendered to it and all moneys received from any other source, including income derived from investments.

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the following separate and special funds, which were created and established by Ordinance No. 542 adopted on May 4, 1965 and are hereby continued and shall be used and applied as described below:

- Revenues in amounts sufficient to provide for the reasonable and proper operation and maintenance of the System through the payment of Operation and Maintenance Expenses shall be set aside into the Waterworks System Operation and Maintenance Fund (the "Operation and Maintenance Fund").

- Revenues in amounts sufficient to pay the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement shall be set aside into the Waterworks Revenue Bond and Interest Special Redemption Fund (the "Special Redemption Fund"), to be applied to the payment of the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Bonds and Parity Bonds.

- Revenues in amounts sufficient to provide a proper and adequate depreciation account for the System shall be set aside into the Waterworks Depreciation Fund (the "Depreciation Fund").

The Operation and Maintenance Fund and Depreciation Fund shall be deposited as received in public depositories to be selected by the City Council in the manner required by Chapter 34 of the Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wis. Stats.

Money in the Operation and Maintenance Fund shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used to accumulate a reserve in the Operation and Maintenance Fund equal to estimated Operation and Maintenance Expenses for one month. Any

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money then available and remaining in the Operation and Maintenance Fund may be transferred to the Surplus Fund, which fund is hereby continued.

Revenues shall be deposited in the Depreciation Fund each month until the sum of \$25,000 or such larger amount as the City Council may from time to time determine to constitute an adequate and reasonable depreciation account for the System (the "Depreciation Requirement") is accumulated therein. Money in the Depreciation Fund shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purpose, funds in the Depreciation Fund may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund in excess of the Depreciation Requirement which is not required during the current Fiscal Year for the purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

It is the express intent and determination of the City Council that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in any event be sufficient to pay principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement, and the City Treasurer shall each Fiscal Year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly all principal and interest falling due on the Bonds and Parity Bonds and to meet the Reserve Requirement.

The Revenues so set aside for payment of the principal of and interest on the Bonds and Parity Bonds shall be set apart and shall be paid into the Special Redemption Fund not later than the 10th day of each month. The amount deposited each month shall be not less than one-sixth of the interest next coming due, plus one-twelfth of the principal next maturing.

The minimum amounts to be so deposited for debt service on the Bonds are set forth on the Schedule.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the Bonds and Parity Bonds promptly as the same become due and payable or to pay redemption premiums. All money in the Special Redemption Fund shall be deposited in a special account and invested in legal investments subject to Section 66.0603(1m), Wis. Stats., and the monthly payments required to be made to the Special Redemption Fund shall be made directly to such account.

The Reserve Account previously established within the Special Redemption Fund (the "Reserve Account") shall be continued to secure the payment of principal of and interest on the Bonds. The City covenants and agrees that upon the issuance of the Bonds an amount equal to the Reserve Requirement shall be on deposit in the Reserve Account and shall be maintained therein. The amount on deposit in the Reserve Account shall be reduced from time to time to an amount equal to the Reserve Requirement at that time. Any amount withdrawn from the Reserve Account shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds.

The City covenants and agrees that at any time that the Reserve Account is drawn on and the amount in the Reserve Account shall be less than the Reserve Requirement, an amount equal to one-twelfth of the Reserve Requirement will be paid monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Surplus Fund which are in excess of the minimum amounts required

by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account at such times as the monies in the Reserve Account are equal to the highest remaining annual debt service requirement on the Bonds and Parity Bonds secured by the Reserve Account in any Bond Year. If at any time the amount on deposit in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Bonds or Parity Bonds secured by the Reserve Account, then all sums then held in the Reserve Account shall be used to pay the portion of interest or principal on such Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

Funds in the Special Redemption Fund in excess of the minimum amounts required to be paid therein plus reserve requirements may be transferred to the Surplus Fund.

Money in the Surplus Fund shall first be used when necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Special Redemption Fund including the Reserve Account, and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wis. Stats. Money thereafter remaining in the Surplus Fund may be transferred to any of the funds or accounts created by this section.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the revenues derived from the System, to wit: out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the amount of such reasonable cost and value shall be equal to the lesser of the maximum Annual Debt Service Requirement or such part thereof as may be necessary from year to year to pay the balance of an amount which, together with Revenues of the System, will produce Net Revenues equivalent to not less than 1.20 times the Annual Debt Service Requirement. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriation by the City Council, (b) approval of the Wisconsin Public Service Commission, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City or to make any subsequent payment over and above such reasonable cost and value.

Section 6. Operation of System; City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

It will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the

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System, and will segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

It will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions, extensions, or improvements that may be made part thereto, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the City to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

It will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or its Revenues or could impair the security of the Bonds;

It will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 120% of the Annual Debt Service Requirement, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Bonds and Parity Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes; and

It will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the Annual Debt Service Requirement for each corresponding Fiscal Year by the proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the aforementioned proportion of Net Revenues to the Annual Debt Service Requirement shall be accomplished as promptly as possible.

Section 7. Books and Accounts; Inspection. The City will keep proper books and accounts relative to the System separate from all other records of the City and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a balance sheet as of the end of such Fiscal Year; (3) the accountants' comment regarding the manner in which the City has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (4) the number of connections to the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and (6) the volume of water used.

The owners of any of the Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the City relating thereto.

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Section 8. Insurance. So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds: (a) adequate fire, lightning, vandalism, riot, strike, explosion, civil commotion, malicious damage, tornado and windstorm insurances on all portions of the System which are subject to loss through such casualties; (b) adequate insurance against loss of use and occupancy resulting from such casualties; (c) adequate public liability insurance and (d) insurance of the kinds and in the amounts normally carried by private companies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any of such casualty policies, except those specified in (b) above, shall be used in repairing the damage or in replacing the property destroyed provided that if the City Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money, including proceeds from insurance under (b) above, shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 9. Additional Bonds. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds. Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

a. The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been equal to at least 1.20 times the highest combined annual principal and interest requirements on all bonds outstanding payable from Revenues of the System and on the Bonds then to be issued in any Fiscal Year. Should an increase in permanent rates and charges, including those made to the City, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Revenues for purposes of such computation shall include such additional Revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

b. The payments required to be made into the funds enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.

c. The additional bonds must have principal maturing on October 1 of each year and interest falling due on April 1 and October 1 of each year.

d. If the Parity Bonds are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be increased to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.

e. The proceeds of the additional bonds must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 10. Sale of Bonds. The bid of the Purchaser for the purchase price set forth in the Proposal (as modified on the Bid Tabulation) be and it hereby is accepted and the City Manager and City Clerk are authorized and directed to execute an acceptance of the offer of said successful bidder on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 11. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. Such amount (if any) as is necessary to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount sufficient to provide for the payment of the 2000 Bonds shall be deposited in a special account for that purpose. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 12. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

a. The City may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and

b. This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 13. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption

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has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the City's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the City's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 14. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 11 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wis. Stats., until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations").

An officer of the City, charged with the responsibility for issuing the Bonds, shall, on the basis of the facts, estimates and circumstances in existence on the date of closing, make such certifications as are necessary to permit the conclusion that the Bonds are not "arbitrage bonds" under Section 148 of the Code or the Regulations.

Section 15. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 12, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, its governing body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 17. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity, and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 18. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the 2000 Bonds and their ownership, management and use will not cause the Bonds or the 2000 Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Bonds, until the date on which all of the Bonds have been paid in full.

Section 19. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" pursuant to Section 265 of the Code relating to

the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 20. Redemption of the 2000 Bonds. The 2000 Bonds maturing in the years 2011 through 2015 are hereby called for prior payment and redemption on October 1, 2010 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Baird to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 21. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and addenda to it or Final Official Statement are hereby ratified and approved. In connection with the closing for the Bonds, the appropriate City official shall certify the Preliminary Official Statement and addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and addenda or Final Official Statement to be distributed to the Purchaser of the Bonds.

Section 22. Undertaking to Provide Continuing Disclosure. The City covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the original purchaser(s) of the Bonds on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 23. Records. The City Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds.

Section 24. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate

reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 25. Closing. The City Manager and City Clerk are hereby authorized and directed to execute and deliver the Bonds to the Purchaser thereof upon receipt of the purchase price. The City Manager and City Clerk may execute the Bonds by manual or facsimile signature, but, unless the City has contracted with the Fiscal Agent to authenticate the Bonds, at least one of said officers shall sign the Bonds manually.

The officers of the City hereby are directed and authorized to take all necessary steps to close the bond issue as soon as practicable hereafter, in accordance with the terms of sale thereof, and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

Section 26. Conflicting Ordinances or Resolutions. All ordinances and resolutions or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Winship, Binnie, Singer, Stewart, NOES: None. ABSENT: Kienbaum. Adopted and approved August 17, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVING DEVELOPMENT AGREEMENT BETWEEN CITY OF WHITEWATER AND WAL-MART. Plan Commission has approved this development (with conditions concerning parking). The traffic analysis indicated that no street signalization is needed at this time and Walmart would pay a portion of costs in the future if this was needed.

RESOLUTION APPROVING DEVELOPMENT AGREEMENT FOR WAL-MART REDEVELOPMENT LOCATED AT 1362 WEST MAIN STREET, WHITEWATER, WISCONSIN

WHEREAS, Wal-Mart Real Estate Business Trust, hereinafter "Wal-Mart", proposes to expand its 70,655-square-foot department store located at 1362 West Main Street, Whitewater, Wisconsin 53190, into an approximately 99,039-square-foot Wal-Mart Supercenter with related parking and improvements; and

WHEREAS, Wal-Mart's plans for the project have been submitted to and reviewed by the City staff and on August 2, 2010, the City Plan and Architectural Review Commission approved a conditional use permit for the proposed building addition of more than 20,000 square feet, with a condition of approval being that the City of Whitewater and Wal-Mart enter into a valid Development Agreement concerning the project; and

WHEREAS, the City of Whitewater supports orderly development of the community in accordance with adopted City plans and policies and the efficient provision of municipal services to serve developments; and

WHEREAS, the City and Wal-Mart have negotiated a Development Agreement to establish responsibilities concerning the development; and

WHEREAS, the Common Council finds that the attached Development Agreement is consistent with the requirements of Title 19 and other City ordinances and the City's

Comprehensive Plan, and that the Development Agreement will promote the health, safety and general welfare of the City.

Now, therefore, **BE IT RESOLVED** that the Common Council of the City of Whitewater hereby authorizes and directs the City Manager and the City Clerk to execute the Development Agreement on behalf of the City of Whitewater.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Winship, Binnie, Singer, Stewart, NOES: None. ABSENT: Kienbaum. ADOPTED: August 17, 2010

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SUPPORTING THE ENFORCEMENT OF MUNICIPAL ORDINANCES 12.24.020 (APPROVED TREES), 12.24.030 (TREE TRIMMING AND REMOVAL BY CITY) AND 12.24.040 (DANGEROUS OR DISEASED TREES A NUISANCE).

Binnie stated that the more he has learned about this resolution the less comfortable he is about it as it is presented. Olsen indicated that there is a safety issue in large part concerning trimming trees and bushes in the City right-of-way. There was further discussion concerning whether this additional resolution is needed. Several residents spoke in favor of rescinding the Resolution and referring this matter to the Urban Forestry Commission. It was moved by Councilmember Binnie and seconded by Councilmember Winship moved to rescind the action taken at the August 3, 2010 meeting relating to enforcement of the ordinance related to trees, and to refer the issue to the Urban Forestry Commission for their recommendation. AYES: Olsen, Winship, Binnie, Singer, Stewart, NOES: None. ABSENT: Kienbaum.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING CHAPTER 1.12.010 "VOTING PLACES". Singer introduced the amendment by stating that the Municipal Code language does not include other polling places than the Armory and needs to be changed for the purpose of consistency.

**FIRST READING OF ORDINANCE AMENDING SECTION 1.12.010
VOTING PLACES**

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

Section 1. Whitewater Municipal Code Chapter 1.12, Section 1.12.010 is hereby amended to read as follows:

1.12.010 Voting places.

Electors in all wards shall vote in the city armory unless the Common Council designates

a different voting place by ordinance or resolution.

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum. FIRST READING APPROVED: August 17, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADOPTING WHITEWATER TRANSPARENCY ENHANCEMENT ORDINANCE.

Councilmember Singer stated that he had requests from several people who had ideas about making the government in the City more open and transparent to citizens. He presented the highlights of the proposed ordinance. Stewart suggested that this ordinance should be considered in conjunction with the budget, particularly for the audio and video recording of meetings. Cable Coordinator Luckett agreed, stating that in addition to staff time, another possible cost would be upgrading the website so that there is more room for these recordings. Initially, an Ordinance concerning Whitewater Government Transparency Enhancement was introduced by Councilmember Singer and Seconded by Councilmember Binnie. It was moved by Councilmember Winship to have the ordinance tabled until the second meeting in September. The motion was seconded by Councilmember Stewart. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

SECOND READING OF ORDINANCE CREATING CHAPTER 11.08.125 ENTITLED "SPEED LIMIT IN ALLEYS".

AN ORDINANCE CREATING WHITEWATER MUNICIPAL CODE
SECTION 11.08.125
ENTITLED SPEED LIMIT IN ALLEYS

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

SECTION 1: Whitewater Municipal Code Chapter 11.08, Section 11.08.125 Speed Limit in Alleys is hereby created to read as follows:

11.08.125 Speed Limit in Alleys.

The speed limit in all alleys in the City of Whitewater shall be ten (10) miles per hour effective upon the posting of signage to that effect in the alley.

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

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum. SECOND READING APPROVED: August 17, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

PRESENTATION OF 20-YEAR FINANCIAL TREND ANALYSIS AND FIVE-YEAR BUDGET PROJECTIONS & DISCUSSION. City Manager Intern, Steven Jansen, introduced the Financial Trend Analysis and gave a presentation on the main points of the document. Brunner gave a Power Point presentation of the Five-Year Budget Projection to Council. There will be a special council meeting on August 31st to discuss city budget.

DISCUSSION AND DIRECTION REGARDING PROPOSED 2010-2017 CITY CAPITAL IMPROVEMENT PLAN ("CIP") AND PROPOSED FINANCING PACKAGE. City Manager Brunner discussed the changes in the CIP since it was presented to Council the previous month. The road improvement schedule has changed. Brunner discussed the leveling of the City's debt and compensating for the decrease in money from LS Power over the next several years. Doug Saubert, Finance Director, gave further information on planned borrowing. The borrowing assumes that all projects in the CIP will be passed in the years for which they are planned. It was moved by Councilmember Binnie to proceed with planning for a \$2.120 million in borrowing of GO Bonds. The motion was seconded by Councilmember Olsen. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

AWARD OF BID TO BADGER METER COMPANY OF MILWAUKEE FOR PURCHASE AND INSTALLATION OF AN AUTOMATIC METER READING SYSTEM. Brunner stated that \$700,000 will need to be borrowed for an automatic meter reading system that will greatly reduce the amount of time (1,200 staff hours per year) staff members must go throughout the City to read meters. Water Superintendent Rick Lien stated that if approved, plans are to start on January 1, 2011. Two types of systems were considered, but Badger Meter was recommended based on price. In addition to saving staff time, the new system will allow the City to detect leaks much faster. It was moved by Councilmember Olsen to approve the Automatic Meter Reading system from Badger Meter Company. The motion was seconded by Councilmember Winship. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

APPOINTMENT OF CITIZEN MEMBER TO URBAN FORESTRY COMMITTEE. Councilmember Singer nominated Karen McCulloch for appointment as citizen member to the Urban Forestry Committee. The motion was seconded by Councilmember Olsen. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

APPROVAL OF CONTRACT WITH STRAND ASSOCIATES TO DEVELOP PLANS & SPECIFICATIONS FOR BIOGAS USE PROJECT. Tim Reel described the project as utilizing the biogas that is produced as part of the wastewater process. The department will also bring in more waste from outside the city in order to provide more gas for use at the plant. The \$750,000 cost may be decreased by the possibility of a Focus Grant of \$50,000, and a federal government grant which would cover 10% of cost. The Focus Grant has already been applied for and the federal grant needs to be applied for by November 1. Borrowing for this wastewater project would be through clean water fund. Savings will offset debt service over the span of six years. It was moved by Councilmember Winship to approve the contract with Strand Associates to develop plans and specifications for the biogas use project. The motion was seconded by

Councilmember Olsen. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

APPROVAL OF 2010 WATERFOWL HUNTING PROGRAM. Park & Recreation Director Amundson indicated that the Park and Recreation Board has recommended that the City continue to allow hunting of geese within the City as it desirable to decrease the goose population in several areas of the City. It was moved by Councilmember Olsen to approve the 2010 Waterfowl Hunting Program. The motion was seconded by Councilmember Stewart. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

STAFF DEVELOP/REPORT TO COUNCIL BY 11/1/11 ON INTERNET STREAMING VIDEO FOR COMMUNITY ROOM. It was moved by Councilmember Singer to direct staff to report to Council regarding the feasibility and cost of internet streaming video for the Community Room. The motion was seconded by Councilmember Binnie. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

STAFF DEVELOP/REPORT SOCIAL NETWORKING USAGE POLICY (FB/TWITTER/ETC.) BY DECEMBER 1, 2010. IT Superintendent Tim Nobling stated that there is currently no policy in place for social networking within the City. This not only includes Twitter and Facebook, but includes services that can be provided to citizens such as a community calendar, message boards or other web-based services. It was moved by Councilmember Singer to direct staff to develop and report on a social networking usage policy by December 1, 2010. The motion was seconded by Councilmember Olsen. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Singer requested a concept discussion looking at building permits and permitting structure, looking at possible bulk cost reduction for permits, a single price for permits for all building to take place in a given year, and the possibility of a permit holiday for a year in TIF #4. Olsen requested that there be a consideration of building sidewalks on the west side of the City from Indian Mound Parkway to the middle school and high school.

APPOINTMENT OF COUNCILMEMBER TO FILL VACANT ALDERMANIC DISTRICT 2 SEAT. Due to the resignation of Councilmember Max Taylor, letters of interest to serve (until next April election) were solicited from Aldermanic District 2 residents. Residents Christopher Nonn and Javonni Butler expressed interest. Both applicants were afforded an opportunity to speak. It was moved by Councilmember Stewart to appoint Javonni Butler to the vacant Aldermanic District 2 Councilmember seat. The motion was seconded by Councilmember Winship. AYES: Winship, Binnie, Singer, Stewart, Olsen. NOES: None. ABSENT: Kienbaum. After the vote Councilmember Butler was sworn in by City Clerk Michele Smith.

ADJOURN. It was moved by Olsen and seconded by Winship to adjourn the meeting. AYES: Olsen, Stewart, Winship, Binnie, Singer. NOES: None. ABSENT: Kienbaum. The meeting adjourned at 8:55 p.m.

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Respectfully Submitted,

Michele Smith
City Clerk

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

August 31, 2010.

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

REVIEW OF 2010 BUDGET. Brunner introduced the meeting as a general review of the budget with development of a timeline and direction from Council. No action was to be taken by Council at this meeting. Finance Director Doug Saubert presented the figures that affect the budget for the next year with comments from Brunner. Brunner indicated that in order to continue the level of services currently enjoyed by the citizens of Whitewater, there will need to be better ways found to fund local government. He added, as an example, that 40-50% of the budget is related to public safety and perhaps a fee for these services as opposed to a tax might eventually be one way to more effectively raise funds.

REVIEW OF REFUSE RECYCLING FINANCING ALTERNATIVES. Brunner reviewed the current program and indicated that the current contract with John's Disposal will expire at the end of the year. A three-year contract will be brought before the Council for approval as a part of the budget process. Brunner introduced alternatives to the property tax for financing, including "pay as you throw", trash pickup as a fee on the property tax bill, or as a charge to be billed and sent out along with the water and sewer bill. An additional fee for bulky items could also be considered. A discussion by Council ensued. More information on these options will be presented at a future meeting.

GENERAL DISCUSSION REGARDING 2011 BUDGET PROCESS AND REQUEST FOR DIRECTION FROM COUNCIL REGARDING UPCOMING BUDGET. Brunner's first question was concerning service levels. Council suggested that janitorial costs for City buildings could be lowered, or job-sharing with other governmental agencies could occur (ie. University, Townships). It was suggested that Neighborhood Services could look for efficiencies in how their services are provided. Brunner then asked Council for their opinions on fees, charges and special assessments. This was followed by a question concerning what percentage amount Council feels should be kept in the General Reserve. He then asked if the Contingency Fund, kept at 1% of budget, is at the correct level. He asked for the Council's feelings concerning possibly raising the levy limit. There were suggestions ranging from 0% to 2%, most feeling that it would be desirable to have no increase in levy limit. Brunner then asked if Councilmembers had any suggestions for what services could be cut. Reduction in Parks and Recreation funding or sharing with the School District was suggested. It was suggested that Police Administration and Investigation funds could be reduced. The possibility of contracting out for Wastewater, Water or other Public Works services was suggested. Brunner's last question was concerning non-represented employees and possible raises for next year. As previously agreed, those employees will be getting a 2.5% increase effective 12/31/10. City Manager Brunner mentioned the possibility of furloughs. The passing on of additional health insurance

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costs to employees was also mentioned. Brunner indicated that a budget will be submitted to Council on October 12th.

ADJOURNMENT. It was moved by Olsen and seconded by Stewart to adjourn the meeting at 8:05 pm. AYES: Olsen, Butler, Stewart, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Winship.

Respectfully Submitted,

Michele Smith, City Clerk

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

September 7, 2010

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Winship, Binnie, Singer, Kienbaum, Stewart, Olsen (arrived at 6:33 p.m.) MEMBERS ABSENT: Butler. LEGAL COUNSEL PRESENT: McDonell.

CONSENT AGENDA. It was moved by Winship and seconded by Stewart to acknowledge receipt and filing of the CDA minutes of July 26, 2010. AYES: Winship, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler, Olsen (absent for this Motion).

APPROVAL OF PAYMENT OF INVOICES. It was moved by Winship and seconded by Stewart to approve payment of city invoices in the total sum of \$196,760.74. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Butler, Olsen.

REPORTS. City Manager Kevin Brunner read the proclamation of **Designating September as Ovarian Cancer Awareness Month** with Councilmember Winship presenting a proclamation to Dr. Kathleen Bremmer. Brunner stated as part of the Technology Park, it's very critical that **dark fiber** be extended to the park, around the University. A memorandum of understanding will need to be done. The city will actually own the dark fiber and be responsible for it. This will need to be worked out between the city and university so that will be coming at the next meeting. Downtown Director Tami Brodnicki was ill so there was no **Quarterly Report**.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. None.

**RESOLUTION AUTHORIZING REPRESENTATIVE TO FILE APPLICATIONS FOR
FINANCIAL ASSISTANCE FROM STATE OF WISCONSIN ENVIRONMENTAL
IMPROVEMENT FUND.**

**RESOLUTION AUTHORIZING REPRESENTATIVE TO FILE APPLICATIONS FOR
FINANCIAL ASSISTANCE FROM STATE OF WISCONSIN ENVIRONMENTAL
IMPROVEMENT FUND.**

WHEREAS, it is the desire of the City of Whitewater, Wisconsin, a municipal corporation, to file several applications for state financial assistance for its Upgrade WWTP Biogas Treatment & Utilization Equipment under the Wisconsin Environmental Improvement Fund (ss. 281.58, 281.59, 281.60, and 281.61 Wis Stats.); and

WHEREAS, it is necessary to designate a representative for filing said applications;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the City Manager is hereby appointed as the authorized representative for the City and for the purpose of filing these applications, and that the representative is further authorized and empowered to do all things necessary in connection with said application.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Stewart. AYES: Binnie, Winship, Stewart, Kienbaum, Singer, Olsen. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION REGARDING CLEAN WATER FUND.

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS ANTICIPATED BORROWING AND/OR GRANTS FOR UPGRADE WWTP BIOGAS TREATMENT & UTILITIZATION EQUIPMENT PROJECT.

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") plans to undertake the replacement of wastewater treatment facility equipment; and

WHEREAS, the City expects to finance the Project with a combination of Clean Water Fund grants and loans, administered through the Wisconsin Department of Natural Resources (the "Financing Funds"); and

WHEREAS, because the Financing Funds are not expected to be issued prior to February 1, 2011, the City must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Financing Funds; and

WHEREAS, it is necessary, desirable and in the best interests of the City to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, that:

Section 1. Expenditure of Funds. The City shall make expenditures as needed from its Wastewater Capital Equipment Replacement funds on hand to pay the costs of the Project until Financing Fund proceeds become available.

Section 2. Declaration of Official Intent. The City hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Financing Funds, the principal amount of which is not expected to exceed \$1,200,000 dollars.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Financing Funds are, or are reasonably expected to be, reserved, allocated

on a long term basis, or otherwise set aside by the City pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City Clerk's office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II or Chapter 19, and shall remain available for public inspection until the Financing Funds are issued.

Section 5. Effective Date. This resolution shall be effective upon its adoption and approval.

Resolution introduced by Councilmember Olsen who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Winship, Olsen, Kienbaum, Stewart, Singer, Binnie NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION EXEMPTING CITY FROM PAYMENT OF JEFFERSON COUNTY LIBRARY TAX.

RESOLUTION REQUESTING EXEMPTION FROM COUNTY LIBRARY TAX

WHEREAS the Jefferson County Board has established a county library service and levies a county library tax as authorized under Section 43.57 (3) of the Wisconsin Statutes, and

WHEREAS section 43.64 (2) (b) of the Wisconsin Statutes provides that a village or city is exempt from the county library tax if it levies a tax for public library service and appropriates and expends for a library fund as defined by s. 43.52 (1) during the year for which the county tax levy is made a sum at least equal to the county library tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year, and

WHEREAS the City of Whitewater will, in 2011, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED that the City of Whitewater hereby requests of the Jefferson County Board of Supervisors that the City of Whitewater be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64 (2).

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the city clerk to the following parties:

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
102 E. Milwaukee Ave.

COUNTY CLERK
320 S. Main Street, Room 109
Jefferson, WI 53549

Fort Atkinson, WI 53538

Fiscal Note:

Estimated Municipal 2011 Library Appropriation \$580,001

Resolution introduced by Councilmember Winship who moved its adoption. Seconded by Councilmember Stewart.

AYES: Winship, Olsen, Kienbaum, Stewart, Singer, Binnie.

NOES: None.

ABSENT: Butler.

ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

INITIAL RESOLUTION AUTHORIZING \$250,000 GENERAL OBLIGATION BONDS ("GOB") FOR STREET LIGHTING PROJECTS.

Steve Kornetzke of Robert W. Baird and Co. explained the financing plan and the tax-exempt Build America bonds. He noted that the City is looking at borrowing \$2,110,000. He noted that the borrowing will fund capital improvement plan projects.

INITIAL RESOLUTION AUTHORIZING \$250,000 GENERAL OBLIGATION BONDS FOR STREET LIGHTING PROJECTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$250,000 by issuing its general obligation bonds for the public purpose of financing street lighting projects.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

INITIAL RESOLUTION AUTHORIZING \$150,000 GENERAL OBLIGATION BONDS FOR FIRE/POLICE SAFETY BUILDING IMPROVEMENTS.

INITIAL RESOLUTION AUTHORIZING \$150,000 GENERAL OBLIGATION BONDS FOR FIRE/POLICE SAFETY BUILDING IMPROVEMENTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$150,000 by issuing its general obligation bonds for the public purpose of financing the construction of improvements to the combined fire and police safety building.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

INITIAL RESOLUTION AUTHORIZING \$175,000 GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS.

INITIAL RESOLUTION AUTHORIZING \$175,000 GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$175,000 by issuing its general obligation bonds for the public purpose of financing library improvements.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

INITIAL RESOLUTION AUTHORIZING \$285,000 GENERAL OBLIGATION BONDS FOR FIRE DEPARTMENT EQUIPMENT.

INITIAL RESOLUTION AUTHORIZING \$285,000 GENERAL OBLIGATION BONDS FOR FIRE DEPARTMENT EQUIPMENT

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$285,000 by issuing its general obligation bonds for the public purpose of financing equipment for the fire department.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

INITIAL RESOLUTION AUTHORIZING \$1,250,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS.

INITIAL RESOLUTION AUTHORIZING \$1,250,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS.

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$1,250,000 by issuing its general obligation bonds for the public

purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental District No. 4 and No. 6.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS.

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS

WHEREAS initial resolutions authorizing general obligation bonds have been adopted by the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Resolution moved by Winship who moved its adoption. Seconded by Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF WHITEWATER, WISCONSIN

NOTICE IS HEREBY GIVEN that the following initial resolutions have been adopted at the meeting of the City Council of the City of Whitewater held September 7, 2010:

INITIAL RESOLUTION AUTHORIZING \$250,000 GENERAL OBLIGATION BONDS FOR STREET LIGHTING PROJECTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$250,000 by issuing its general obligation bonds for the public purpose of financing street lighting projects.

INITIAL RESOLUTION AUTHORIZING \$150,000 GENERAL OBLIGATION BONDS FOR FIRE/POLICE SAFETY BUILDING IMPROVEMENTS

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RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$150,000 by issuing its general obligation bonds for the public purpose of financing the construction of improvements to the combined fire and police safety building.

INITIAL RESOLUTION AUTHORIZING \$175,000 GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$175,000 by issuing its general obligation bonds for the public purpose of financing library improvements.

INITIAL RESOLUTION AUTHORIZING \$285,000 GENERAL OBLIGATION BONDS FOR FIRE DEPARTMENT EQUIPMENT

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$285,000 by issuing its general obligation bonds for the public purpose of financing equipment for the fire department.

INITIAL RESOLUTION AUTHORIZING \$1,250,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS

RESOLVED that the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, borrow an amount not to exceed \$1,250,000 by issuing its general obligation bonds for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts No. 4 and No. 6.

The Wisconsin Statutes (s. 67.05 (7) (b)) provide that the initial resolutions need not be submitted to the electors unless within 30 days after adoption of the initial resolutions a petition is filed in the City Clerk's office requesting a referendum. This petition must be signed by electors numbering at least 10% of the votes cast for governor in the City at the last general election. A petition may be filed with respect to any one or more of the initial resolutions.

Dated September 7, 2010.

By the order of the City Council
Michele R. Smith, City Clerk

RESOLUTION PROVIDING FOR THE SALE OF \$2,110,000 TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS (BUILD AMERICA BONDS - DIRECT PAYMENT).

RESOLUTION PROVIDING FOR THE SALE OF \$2,110,000 TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS (BUILD AMERICA BONDS - DIRECT PAYMENT)

CA-A

WHEREAS the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") has adopted initial resolutions authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

\$250,000 to finance street lighting projects;

\$150,000 to finance improvements to the combined fire and police safety building;

\$175,000 to finance library improvements;

\$285,000 to finance equipment for the fire department; and

\$1,250,000 to finance community development projects in Tax Incremental Districts No. 4 and No. 6

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Combination of Issues. The issues referred to in the preamble hereof are hereby combined into one issue of bonds designated "Taxable General Obligation Corporate Purpose Bonds (Build America Bonds – Direct Payment)" (the "Bonds"), and the City shall issue the Bonds in an amount not to exceed \$2,110,000 for the purposes above specified.

Section 2. Sale of Bonds. The City Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the City Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Robert W. Baird & Co. Incorporated. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2 12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Resolution introduced by Councilmember Winship who moved its adoption. Seconded by Councilmember Olsen. AYES: Winship, Olsen, Binnie, Stewart, Kienbaum, Singer. NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AMENDING CHAPTER 1.12.010 "VOTING PLACES"SECOND READING OF ORDINANCE AMENDING SECTION 1.12.010 VOTING PLACES

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

Section 1. Whitewater Municipal Code Chapter 1.12, Section 1.12.010 is hereby amended to read as follows:

1.12.010 Voting Places

Electors in all wards shall vote in the city armory unless the Common Council designates a different voting place by ordinance or resolution.

Ordinance introduced by Councilmember Winship who moved its adoption. Seconded by Councilmember Stewart. AYES: Winship, Olsen, Kienbaum, Stewart, Singer, Binnie NOES: None. ABSENT: Butler. ADOPTED: September 7, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

DISCUSSION AND POSSIBLE DIRECTION REGARDING BUILDING PERMIT FEE REDUCTIONS. Council President presented a recommendation that the City Council consider reducing building and other zoning permit fees. Singer indicated that this is in part in response to the poor economic conditions and to encourage development. Singer suggested that if more than one permit is requested, each permit after the first would get a discounted price. The more permits taken out, the more of a discount. There are several issues that would need to be worked out if the Council would like to go in this direction. It will have an effect on the budget but we should be able to see the benefits of improved properties around the City. City Manager Brunner requested an opportunity to survey some of the City's Developers and ask them whether lowering the permit cost would encourage development. Brunner stated he could survey a statewide network for statistics. Further information will be forthcoming.

DISCUSSION REGARDING PROVIDING OF SIDEWALKS ON WEST SIDE OF CITY, NEAR SCHOOLS. Councilmember Olsen indicated that the issue of not having sidewalk use became apparent when the seal coating project arose and some people were upset that they could not walk in the Streets. Olsen indicated that sidewalks provide a safe passage way. He noted that the area from Mound View to the three schools should have sidewalks. Sidewalk Administrator Parker presented a map with some suggested sidewalk installations. Councilmember Binnie stated that the map does not reflect other areas in the City that have no sidewalks. Several residents have informed him they are opposed to adding sidewalks. Several people who did speak with Binnie do have children in school and they were not concerned about the lack of sidewalks. Councilmember Binnie checked with the Police Department, who informed him that there are no reports of vehicle/pedestrian accidents in this area. It was noted that many trees would be lost if sidewalks were installed. It was noted that with the current

economy it would be best to leave things as they are. Neighborhood Services Director Parker indicated that this subject has been brought up several times over the years.

APPROVAL OF CONTRACT WITH F.J.A. CHRISTIANSEN ROOFING CO., INC. FOR RE-ROOFING OF PUBLIC SAFETY BUILDING PORTION OF MUNICIPAL BUILDING. Olsen moved and Winship seconded the approval of contract with F.J.A. Christiansen of Milwaukee, Wisconsin, for re-roofing of public safety building portion of municipal building in the sum of \$160,118. AYES: Olsen, Winship, Kienbaum, Singer, Stewart, Binnie. NOES: None. ABSENT: Butler.

APPOINTMENT OF CITY AND CITIZEN REPRESENTATIVE TO WHITEWATER TID #4 JOINT REVIEW BOARD. It was moved by Olsen and seconded by Stewart to appoint Dean Fischer as city staff member representative and recommend Jeff Knight as a citizen member representative to the TID #4 Joint Review Board. AYES: Kienbaum, Singer, Binnie, Stewart, Olsen, Winship. NOES: None. ABSENT: Butler.

AWARD OF BID TO BOS DESIGN BUILDERS (Cleary Building Corp.) FOR CONSTRUCTION OF CITY GARAGE BUILDING. Olsen moved and Winship seconded of award to bid to BOS Design Builders (Cleary Building Corp.) of Verona, Wisconsin in the sum of \$52,400 for construction of city garage building. AYES: Kienbaum, Stewart, Singer, Binnie, Winship, Olsen. NOES: None. ABSENT: Butler.

AWARD OF CONTRACT FOR TRATT ST. PATH AND SIDEWALK. DPW Director Dean Fischer commented that there will be an assessment resolution coming to council at the next meeting regarding the sidewalk portion. It was moved by Olsen and seconded by Winship to award a contract for the Tratt St. path and sidewalk to RR Walton and Company LTD of Whitewater, Wisconsin, in the sum of \$96,718.00, for construction of the Tratt Street path and sidewalk. AYES: Olsen, Kienbaum, Singer, Winship, Stewart, Binnie. NOES: None. ABSENT: Butler.

APPROVAL OF CONTRACT FOR INSPECTION SERVICES WITH CITY OF JANESVILLE. City Manager Brunner presented a contract with the City of Janesville to provide inspection services on the Starin Road project. Councilmember Binnie was concerned about workman's compensation not being mentioned in the contract. City Attorney McDonell stated there shouldn't be a problem and they can add it in. DPW Director Fischer requested that the Council approve the concept and let staff work out the details with the City Attorney and the City of Janesville. Olsen moved and Winship seconded the approval of the concept of the contract for inspection services with the City of Janesville. AYES: Binnie, Winship, Stewart, Singer, Olsen, Kienbaum. NOES: None. ABSENT: Butler.

APPROVAL OF DOWNTOWN WHITEWATER'S REQUEST TO CLOSE FIRST STREET, BETWEEN MAIN & NORTH, ON 10/30/10 FROM 2-9 P.M. It was moved by Winship and seconded by Stewart to approve Downtown Whitewater's request to close First Street, between Main and North Streets, on 10/30/10 from 2:00 p.m. – 9:00 p.m. AYES: Winship, Olsen, Kienbaum, Stewart, Singer, Binnie. NOES: None. ABSENT: Butler.

AUTHORIZATION TO PURCHASE WINTER ROAD SALE FOR 2010-2011 SEASON.

It was moved by Winship and seconded by Stewart to approve the purchase of winter road salt from Cargill Salt Co. of North Olmstead, Ohio, at the quoted rate of \$62.55 per ton (delivered cost). AYES: Winship, Olsen, Kienbaum, Stewart, Singer, Binnie NOES: None. ABSENT: Butler.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

Kienbaum stated in the past, job descriptions were requested for non-representative employees and she hasn't seen anything. Brunner stated they will get those out to the council.

ADJOURNMENT: At 7:21 p.m., it was moved by Singer and seconded by Olsen to adjourn the meeting. AYES: Kienbaum, Olsen, Binnie, Winship, Stewart, Singer. NOES: None. ABSENT: Butler.

Respectfully Submitted,

Michele R. Smith
City Clerk

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
ABENDROTH WATER COND						
502	ABENDROTH WATER COND	122527	WASTEWATER/LAB SUPPLIES	10/06/2010	449.72	620-62870-340
502	ABENDROTH WATER COND	122553	WASTEWATER/LAB SUPPLIES	10/06/2010	567.14	620-62870-340
502	ABENDROTH WATER COND	502-100610	WASTEWATER/OPERATING SU	10/06/2010	73.22	620-62840-340
Total ABENDROTH WATER COND:					1,090.08	
ADVANTAGE SAFETY PLUS						
4998	ADVANTAGE SAFETY PLUS	2423	GEN BLDG/OPERATING SUPPLI	10/06/2010	33.26	100-51600-340
4998	ADVANTAGE SAFETY PLUS	2432	GEN BLDG/OPERATING SUPPLI	10/06/2010	172.56	100-51600-340
4998	ADVANTAGE SAFETY PLUS	2432	LIBRARY/BLDG MAINTENANCE	10/06/2010	57.52	100-55111-355
Total ADVANTAGE SAFETY PLUS:					263.34	
AIRGAS NORTH CENTRAL						
4760	AIRGAS NORTH CENTRAL	105177193	WASTEWATER/REPAIRS AND S	10/06/2010	41.48	620-62840-340
Total AIRGAS NORTH CENTRAL:					41.48	
ALL PEST CONTROL						
4613	ALL PEST CONTROL	2010-1168	COMMUNITY BLDG/ PEST CON	10/06/2010	57.00	100-51600-246
Total ALL PEST CONTROL:					57.00	
ALLEN INC, L W						
166	ALLEN INC, L W	88743	WASTEWATER/EQUIPMENT FU	10/06/2010	2,750.60	620-62810-822
Total ALLEN INC, L W:					2,750.60	
APPLIED INDUSTRIAL TECHNOLOGY						
3501	APPLIED INDUSTRIAL TECHNO	30298946	WASTEWATER/REPAIRS AND S	10/06/2010	791.14	620-62850-357
Total APPLIED INDUSTRIAL TECHNOLOGY:					791.14	
ARGUS-HAZCO						
5848	ARGUS-HAZCO	4022981	WASTEWATER/OPERATING SU	10/06/2010	420.00	620-62840-340
Total ARGUS-HAZCO:					420.00	
AROPA DESIGNS						
880	AROPA DESIGNS	30706	COACHES SHIRTS/FLAG FB	10/06/2010	126.00	100-55210-790
Total AROPA DESIGNS:					126.00	
AT&T LONG DISTANCE						
4746	AT&T LONG DISTANCE	4746-1006201	SAFETY BLDG/LONG DISTANC	10/06/2010	94.51	100-51600-225
4746	AT&T LONG DISTANCE	4746-1006201	CABLE/LONG DISTANCE	10/06/2010	5.31	200-55110-225
Total AT&T LONG DISTANCE:					99.82	
BROWN CAB SERVICE						
47	BROWN CAB SERVICE	AUG10	CAB SVC/AUG	10/06/2010	10,588.17	235-51350-295

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total BROWN CAB SERVICE:					10,588.17	
CAMERA CORNER INC						
3909	CAMERA CORNER INC	0397579-IN	CABLE/CAPITAL EQUIPMENT	10/06/2010	586.99	200-55110-810
Total CAMERA CORNER INC:					586.99	
CHARTER COMMUNICATIONS						
1571	CHARTER COMMUNICATIONS	1571-100610	LIBRARY/AUTOMATION SUPPO	10/06/2010	64.99	220-55110-218
1571	CHARTER COMMUNICATIONS	1571-100610	CABLE/INTERNET SVC	10/06/2010	136.98	200-55110-225
1571	CHARTER COMMUNICATIONS	1571-100610	CITY/COURT CONNECTION	10/06/2010	136.98	100-51600-225
Total CHARTER COMMUNICATIONS:					338.95	
COACH S LOCKER, THE						
495	COACH S LOCKER, THE	296278	FOOTBALL SUPPLIES	10/06/2010	49.00	100-55300-341
495	COACH S LOCKER, THE	789663	ADULT SOFTALLS/FOOTBALL S	10/06/2010	340.20	100-55300-341
Total COACH S LOCKER, THE:					389.20	
CONNORS SUPPLY INC						
5651	CONNORS SUPPLY INC	58871	GEN BLDG/BLDG REPAIR & MAI	10/06/2010	162.89	100-51600-355
Total CONNORS SUPPLY INC:					162.89	
DALEE WATER CONDITIONING						
208	DALEE WATER CONDITIONING	208-100610	CABLE/OPERATING SUPPLIES	10/03/2010	20.45	200-55110-340
208	DALEE WATER CONDITIONING	208-10062010	FIRE/OPERATING SUPPLIES	10/06/2010	11.50	100-52200-340
Total DALEE WATER CONDITIONING:					31.95	
DAN'S MEAT MARKET						
4580	DAN'S MEAT MARKET	565826	RESCUE/OPERATING SUPPLIE	10/06/2010	105.54	100-52300-340
Total DAN'S MEAT MARKET:					105.54	
DEPT OF NATURAL RESOURCES						
293	DEPT OF NATURAL RESOURCE	34407	EMPLOYEE TRAINING EXPENS	10/06/2010	25.00	620-62820-154
293	DEPT OF NATURAL RESOURCE	34537	EMPLOYEE TRAINING EXPENS	10/06/2010	50.00	620-62820-154
Total DEPT OF NATURAL RESOURCES:					75.00	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	116549	FINANCE/SEPT SVC	10/06/2010	365.32	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					365.32	
DIVERSIFIED BUILDING MTN						
1809	DIVERSIFIED BUILDING MTN	124984	LIBRARY/SEPT SVC	10/06/2010	1,638.00	100-55111-246
1809	DIVERSIFIED BUILDING MTN	124984	CITY HALL/SEPT SVC	10/06/2010	3,965.00	100-51600-246
1809	DIVERSIFIED BUILDING MTN	124984	ARMORY/SEPT SVC	10/06/2010	897.60	100-51600-246
1809	DIVERSIFIED BUILDING MTN	124984	CRAVATH LAKEFRONT/SEPT S	10/06/2010	1,108.80	100-51600-246
1809	DIVERSIFIED BUILDING MTN	124984	COMM BLDG/SEPT SVC	10/06/2010	1,455.72	100-51600-246
Total DIVERSIFIED BUILDING MTN:					9,065.12	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
EMERGENCY MEDICAL PRODUCTS						
115	EMERGENCY MEDICAL PRODU	1307392	RESCUE/OPERATING SUPPLIE	10/06/2010	109.76	100-52300-340
Total EMERGENCY MEDICAL PRODUCTS:					109.76	
FERO'S AUTO & TOWING SERVICE						
243	FERO'S AUTO & TOWING SERV	703281	FIRE/VEHICHL E MAINTENANCE	10/06/2010	619.10	100-52200-241
Total FERO'S AUTO & TOWING SERVICE:					619.10	
FIRE-RESCUE SUPPLY LLC						
3886	FIRE-RESCUE SUPPLY LLC	2988	CRASH CREW/CAPITAL EQUIP	10/06/2010	7,830.00	100-52210-810
Total FIRE-RESCUE SUPPLY LLC:					7,830.00	
FIRST SUPPLY						
205	FIRST SUPPLY	8515134-00	WASTEWATER/SEWER MAINT E	10/06/2010	370.00	620-62830-354
Total FIRST SUPPLY:					370.00	
FORT HEALTHCARE						
151	FORT HEALTHCARE	09/05/10	RESCUE/OPERATING SUPPLIE	10/06/2010	204.00	100-52300-340
4034	FORT HEALTHCARE	119	RESCUE/OPERATING SUPPLIE	10/06/2010	200.00	100-52300-340
Total FORT HEALTHCARE:					404.00	
FORT HEALTHCARE-BUSINESS HEALT						
801	FORT HEALTHCARE-BUSINESS	33064	WATER/RANDOM DRUG TEST	10/06/2010	62.00	610-61927-154
801	FORT HEALTHCARE-BUSINESS	33064	DPW/RANDOM DRUG TEST	10/06/2010	84.00	100-53300-154
Total FORT HEALTHCARE-BUSINESS HEALT:					136.00	
GEN COMMUNICATIONS INC						
119	GEN COMMUNICATIONS INC	619272	RESCUE/PAGER REPAIR	10/06/2010	80.00	100-52300-242
Total GEN COMMUNICATIONS INC:					80.00	
GREAT LAKES TV SEAL INC						
4752	GREAT LAKES TV SEAL INC	14127	WASTEWATER/CONTRACTUAL	10/06/2010	3,991.58	620-62830-295
Total GREAT LAKES TV SEAL INC:					3,991.58	
HOMETOWN NEWS LIMITED PTNRSHIP						
1879	HOMETOWN NEWS LIMITED PT	024875	FOR RENT ADVERTISEMENT	10/06/2010	39.60	100-51600-250
Total HOMETOWN NEWS LIMITED PTNRSHIP:					39.60	
HYDRITE CHEMICAL CO						
186	HYDRITE CHEMICAL CO	1321283	WASTEWATER/CHEMICALS	10/06/2010	302.33	620-62840-341
Total HYDRITE CHEMICAL CO:					302.33	
JIM'S KEY SHOP						
4833	JIM'S KEY SHOP	1895	GEN BLDG/ARMORY MAINTEN	10/06/2010	102.50	100-51600-355
Total JIM'S KEY SHOP:					102.50	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
LAKELAND BIOLOGISTS						
5922	LAKELAND BIOLOGISTS	2506	STORMWATER/POSTMAPPING	10/06/2010	600.00	630-63610-291
Total LAKELAND BIOLOGISTS:					600.00	
LAND-MARK SURVEYING						
3800	LAND-MARK SURVEYING	2179	TROST SURVEY	10/06/2010	465.00	240-56110-820
Total LAND-MARK SURVEYING:					465.00	
LAWSON PRODUCTS INC						
289	LAWSON PRODUCTS INC	9551888	REPAIRS/SUPPLIES	10/06/2010	377.99	620-62850-357
Total LAWSON PRODUCTS INC:					377.99	
MAILFINANCE INC						
4196	MAILFINANCE INC	293462	POLICE ADMN/PROPERTY TAX	10/06/2010	12.99	100-52100-310
4196	MAILFINANCE INC	293462	COUNCIL/PROPERTY TAX	10/06/2010	12.99	100-51100-310
4196	MAILFINANCE INC	293462	GEN ADMN/PROPERTY TAX	10/06/2010	12.99	100-51400-340
4196	MAILFINANCE INC	293462	PLANNING/PROPERTY TAX	10/06/2010	12.99	100-56300-310
4196	MAILFINANCE INC	293462	COURT/PROPERTY TAX	10/06/2010	4.33	100-51200-340
4196	MAILFINANCE INC	293462	FINANCE/PROPERTY TAX	10/06/2010	8.66	100-51500-310
4196	MAILFINANCE INC	293462	WATER/PROPERTY TAX	10/06/2010	8.66	610-61921-310
4196	MAILFINANCE INC	293462	WASTEWATER/PROPERTY TAX	10/06/2010	8.66	620-62820-310
4196	MAILFINANCE INC	293462	CDA/PROPERTY TAX	10/06/2010	4.33	900-56500-311
4196	MAILFINANCE INC	H664761-2	POLICE ADMN/PROPERTY TAX	10/06/2010	21.34	100-52100-310
4196	MAILFINANCE INC	H664761-2	COUNCIL/PROPERTY TAX	10/06/2010	21.34	100-51100-310
4196	MAILFINANCE INC	H664761-2	GEN ADMN/PROPERTY TAX	10/06/2010	21.34	100-51400-340
4196	MAILFINANCE INC	H664761-2	PLANNING/PROPERTY TAX	10/06/2010	21.34	100-56300-310
4196	MAILFINANCE INC	H664761-2	COURT/PROPERTY TAX	10/06/2010	7.11	100-51200-340
4196	MAILFINANCE INC	H664761-2	FINANCE/PROPERTY TAX	10/06/2010	14.23	100-51500-310
4196	MAILFINANCE INC	H664761-2	WATER/PROPERTY TAX	10/06/2010	14.23	610-61921-310
4196	MAILFINANCE INC	H664761-2	WASTEWATER/PROPERTY TAX	10/06/2010	14.23	620-62820-310
4196	MAILFINANCE INC	H664761-2	CDA/PROPERTY TAX	10/06/2010	7.11	900-56500-311
Total MAILFINANCE INC:					228.87	
MORGAN BIRGE & ASSOCIATES INC						
4591	MORGAN BIRGE & ASSOCIATE	MC0027964	TELEPHONE EXPENSE	10/06/2010	75.00	620-62820-225
Total MORGAN BIRGE & ASSOCIATES INC:					75.00	
MUNICIPAL CODE CORPORATION						
5550	MUNICIPAL CODE CORPORATI	127222	DATA INTEGRATED WITH ADO	10/06/2010	150.00	100-51100-295
Total MUNICIPAL CODE CORPORATION:					150.00	
NORTH WOODS SUPERIOR CHEMICAL						
1947	NORTH WOODS SUPERIOR CH	37198	OPERATING SUPPLIES	10/06/2010	131.52	620-62840-340
Total NORTH WOODS SUPERIOR CHEMICAL:					131.52	
PARKER COATINGS INC						
3481	PARKER COATINGS INC	253642	CONTINGENCIES/ARMORY STE	10/06/2010	6,473.00	100-51110-910
Total PARKER COATINGS INC:					6,473.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
PER MAR SECURITY SERVICES						
260	PER MAR SECURITY SERVICES	552942	WHITE BLDG/BLDG REPAIRS	10/06/2010	175.50	100-51600-355
Total PER MAR SECURITY SERVICES:					175.50	
PMI						
5492	PMI	0248506	RESCUE/OPERATING SUPPLIE	10/06/2010	770.14	100-52300-340
5492	PMI	0250128	RESCUE/OPERATING SUPPLIE	10/06/2010	259.01	100-52300-340
Total PMI:					1,029.15	
QUILL CORPORATION						
445	QUILL CORPORATION	7653843	GEN ADMN/OFFICE SUPPLIES	10/06/2010	13.38	100-51400-310
445	QUILL CORPORATION	7653843	DPW/OFFICE SUPPLIES	10/06/2010	13.38	100-53100-310
445	QUILL CORPORATION	7653843	REC/OFFICE SUPPLIES	10/06/2010	11.47	100-55210-310
445	QUILL CORPORATION	7653843	REC/COLORED PAPER	10/06/2010	158.20	100-55210-310
445	QUILL CORPORATION	7814218	NEIGHBORHOOD SVC/PAPER	10/06/2010	8.86	100-52400-310
445	QUILL CORPORATION	7814218	GEN ADMN/PAPER	10/06/2010	44.30	100-51400-310
445	QUILL CORPORATION	7814218	COUNCIL/PAPER	10/06/2010	44.30	100-51100-310
445	QUILL CORPORATION	7814218	PLANNING/PAPER	10/06/2010	44.30	100-56300-310
445	QUILL CORPORATION	7814218	REC/PAPER	10/06/2010	8.86	100-55210-310
445	QUILL CORPORATION	7814218	DPW/PAPER	10/06/2010	8.86	100-53100-310
445	QUILL CORPORATION	7814218	CDA/PAPER	10/06/2010	8.86	900-56500-310
445	QUILL CORPORATION	7814218	SENIORS/PAPER	10/06/2010	8.86	100-55310-340
445	QUILL CORPORATION	7814218	GEN ADMN/OFFICE SUPPLIES	10/06/2010	6.77	100-51400-310
445	QUILL CORPORATION	7814218	DPW/OFFICE SUPPLIES	10/06/2010	6.77	100-53100-310
445	QUILL CORPORATION	7814218	REC/OFFICE SUPPLIES	10/06/2010	5.80	100-55210-310
445	QUILL CORPORATION	7830229	COUNCIL/MESSAGE DATE STA	10/06/2010	97.18	100-51100-310
445	QUILL CORPORATION	8123990	WASTEWATER/OFFICE SUPPLI	10/06/2010	61.93	620-62820-310
Total QUILL CORPORATION:					552.08	
RICOH AMERICAS CORP						
90	RICOH AMERICAS CORP	12032017	RESCUE/COPIER	10/06/2010	60.61	100-52300-310
90	RICOH AMERICAS CORP	12032018	FIRE/COPIER	10/06/2010	27.39	100-52200-310
90	RICOH AMERICAS CORP	12055959	WATER/COPIER	10/06/2010	25.91	610-61903-310
Total RICOH AMERICAS CORP:					113.91	
SAM'S CLUB						
1592	SAM'S CLUB	1592-100610	REC/CUPS	10/06/2010	29.68	100-55300-341
Total SAM'S CLUB:					29.68	
SASSY SHIRTS						
131	SASSY SHIRTS	32531	JAVONNIT BULTER'S NAMEPLA	10/06/2010	12.50	100-51400-340
131	SASSY SHIRTS	32554	4K/5K FOOTBALL SHIRTS	10/06/2010	100.00	100-55300-341
131	SASSY SHIRTS	32642	GEN BLDG/OPERATING SUPPLI	10/06/2010	35.00	100-51600-340
131	SASSY SHIRTS	32644	PLANNING/OFFICE SUPPLIES	10/06/2010	12.50	100-56300-310
Total SASSY SHIRTS:					160.00	
STRAND ASSOCIATES INC						
358	STRAND ASSOCIATES INC	0080862	WASTEWATER/IMPROVEMENT	10/06/2010	25,506.33	620-62810-820
358	STRAND ASSOCIATES INC	0080863	TECH PARK/BASIC SVC	10/06/2010	6,586.44	440-57663-841
358	STRAND ASSOCIATES INC	0080864	STARIN RD/BASIC SVC	10/06/2010	6,246.31	440-57663-840
358	STRAND ASSOCIATES INC	0080865	WASTEWATER/GAS BOILER	10/06/2010	1,827.97	620-62810-820
358	STRAND ASSOCIATES INC	0080866	PLANNING/PRINCE ST APT RE	10/06/2010	777.02	100-56300-219

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
358	STRAND ASSOCIATES INC	0080866	STREET REPAIRS/WAGE RATE	10/06/2010	293.00	280-57500-820
358	STRAND ASSOCIATES INC	0080866	PLANNING/JANESVILLE ST HW	10/06/2010	159.71	100-56300-219
358	STRAND ASSOCIATES INC	0080866	TRATT ST/WALK & PATH	10/06/2010	9,299.06	494-57500-821
358	STRAND ASSOCIATES INC	0080866	PLANNING/WALMART EXPANSI	10/06/2010	209.29	100-56300-219
358	STRAND ASSOCIATES INC	0080866	PLANNING/GALLOWAY RIDGE	10/06/2010	261.98	100-56300-219
358	STRAND ASSOCIATES INC	0080932	TECH PARK/BASIC SVC	10/06/2010	4,478.34	440-57663-841
358	STRAND ASSOCIATES INC	0080933	STARIN RD/BASIC SVC	10/06/2010	4,197.09	440-57663-840
Total STRAND ASSOCIATES INC:					59,842.54	
UNDERWRITERS LABS INC						
1290	UNDERWRITERS LABS INC	710150562394	FIRE/VEHICLE REPAIRS	10/06/2010	1,250.00	100-52200-241
Total UNDERWRITERS LABS INC:					1,250.00	
UNITED PARCEL SERVICE						
19	UNITED PARCEL SERVICE	00000X36X838	WATER/STATE LAB	10/06/2010	45.67	610-61630-340
Total UNITED PARCEL SERVICE:					45.67	
WHITEWATER FIRE DEPT						
284	WHITEWATER FIRE DEPT	284-100610	FIRE/OFFICE SUPPLIES	10/06/2010	158.24	100-52200-310
284	WHITEWATER FIRE DEPT	284-100610	FIRE/CAPITAL EQUIPMENT	10/06/2010	73.90	100-52200-810
284	WHITEWATER FIRE DEPT	284-100610	FIRE/OPERATING SUPPLIES	10/06/2010	72.62	100-52200-340
284	WHITEWATER FIRE DEPT	284-100610	CRASH CREW/OPERATING SU	10/06/2010	32.00	100-52210-340
284	WHITEWATER FIRE DEPT	284-100610	FRIE/TOM'S WELDING	10/06/2010	198.00	100-52200-241
Total WHITEWATER FIRE DEPT:					534.76	
Grand Totals:					113,568.13	

Dated: 9/30/10

Finance Director: *C. Ann M. DeLorenzo*

Report Criteria:
 Detail report.
 Invoices with totals above \$0.00 included.
 Paid and unpaid invoices included.

CITY OF WHITEWATER
 5th URBAN FORESTRY COMMISSION MEETING
 Tuesday, July 13, 2010 - 4:00 p.m.
 Cravath lakefront room - 2nd floor, city municipal building
 312 W. Whitewater St., Whitewater, WI

~~APPROVED DRAFT~~ MINUTES

1. CALL TO ORDER / ROLL CALL. Meeting called to order by chair - Tiliu Gray-Fow. Members present - Richard Ehrenberg, Tiliu Gray-Fow, Prudence Negley, Beverly Stone. Members absent - Tom Miller, Wyatt Welter. Staff present - Chuck Nass. Peter Disley has resigned. A quorum of four members is still required to conduct business. An audio recording was made of the meeting with everyone's agreement.
 2. APPROVAL OF AGENDA by consensus.
 3. MINUTES FROM THE LAST MEETING will be reviewed at the next meeting since the secretary did not distribute the draft copy prior to this meeting.
 4. CITIZEN COMMENTS. None.
 5. PLAN AND ARCHITECTURAL REVIEW BOARD REPORT. None.
 6. PARK AND RECREATION BOARD REPORT. Negley reported to the P&RB what had been accomplished at the first work session on establishing policies for urban forestry and residential landscaping. The P&RB expressed hope that these policies would be completed by the end of summer. The P&RB has acquired two acres of woodland near Starin Park which will be kept natural and used for storm water collection.
 7. WORK SESSION REPORT. Gray-Fow reported that the first work session held on July 6, 2010 was very productive, where 2/3 of the time was spent on landscape policy and 1/3 was spent on urban forestry policy. Those present were Ehrenberg, Gray-Fow, Nass, Negley and Parker. Gray-Fow read a "summary of Goals" which is being used for the work sessions. (see attached).
 8. LANDSCAPE ORDINANCE. It is agreed that the 50% rule will determine whether a property owner needs to have a landscape plan reviewed, whereby a simple, not-to-scale plan be reviewed by a panel of 3 to 5 people. A review would be done to address concerns related to drainage, traffic visibility, and maintenance. It is the feeling of the commission that we should not tell people what kind of landscaping they must have on their own property. The policies from the work session were reviewed with no one in opposition.
 9. URBAN FORESTRY MANAGEMENT PLAN. Tree planting policies from the working session were reviewed and finalized. Nass will find out if the policies we review shall be submitted to our city attorney prior to submission to the Park and Recreation Board.
 10. STAFF REPORT. None.
 11. ADJOURNED MEETING at 5:45 p.m. with a motion by Stone and a second by ?.
- Next mtg. is August 10, 2010. Next work session is August 3, 2010.

secretary - Richard Ehrenberg

CITY OF WHITEWATER
6th URBAN FORESTRY COMMISSION MEETING
Tuesday, August 10, 2010 - 4:00 p.m.
Cravath lakefront room - 2nd floor, city municipal building
312 W. Whitewater St. Whitewater, WI 53190

APPROVED DRAFT - MINUTES

1. **CALL TO ORDER / ROLL CALL:** Meeting called to order by chair - Tiu Gray-Fow. Members present - Richard Ehrenberg, Tiu Gray-Fow, Prudence Negley, Beverly Stone. Members absent - Tom Miller, Wyatt Welter. Staff present - Chuck Nass. A quorum of four members are needed to conduct business.
2. **APPROVAL OF AGENDA:** Motion by Negley with second by Stone to approve the agenda. AYES - unanimous.
3. **MINUTES OF PAST MEETINGS:** MOTION by Negley and second by Ehrenberg to approve minutes of June 8, 2010. AYES - unanimous. A change was requested for the July 13, 2010, minutes which will be reviewed at the next meeting.
4. **CITIZEN COMMENTS:** None.
5. **PLANNING AND ARCHITECTURAL BOARD REPORT:** None.
6. **PARKS AND RECREATION BOARD REPORT** Negley spoke of the 'lakes study report' to the board. We discussed the pros and cons of our involvement with the lakes since we have responsibility for environmental issues related to vegetation.
7. **WORK SESSION REPORT:** Those present at the last work session of August 3, 2010, were Richard Ehrenberg, Tiu Gray-Fow, Chuck Nass, Prudence Negley, Beverly Stone and Bruce Parker. The "Yard Management Ordinance" was substantially completed with a final review to be done today.
8. **YARD MANAGEMENT ORDINANCE:** Final changes and corrections were made on the draft from the work session. Gray-Fow and Negley will meet with Kevin Brunner to request the ordinance be "legalized" by the city attorney, after which we shall have another review of the document before it is presented the Parks and Recreation Board by Negley and Nass.
9. **STAFF REPORT:** A plan for addressing the problem of Emerald Ash Bore is in process. Ash trees on city property have been marked with small red tags.
10. **ADJOURNED MTG.** with a MOTION by Stone and second by Negley. AYES - unanimous.

NEXT MEETING: to be on September 21, 2010. This is a change from the regular 2nd Tuesday of the month. The UFC work session to address the tree and shrub ordinance will be on September 16, 2010, 9:00 to 11:00 a.m.

Secretary - Richard Ehrenberg

City of Whitewater
Annual Senior Forum
Monday June 7, 2010 12:00
Community Building West Room
504 W. Starin Rd. Whitewater WI 53190

Meeting Minutes

Attendance and Introductions—Doris Wutke, Dorothy Poehler, Jean Nielsen, Sharron McCarthy, Marion Malo, and Anita Bishop.

A. Approval of minutes of 5/3/2010

Poehler moved to accept the minutes. Second by Malo. Ayes – all. Noes – none. Abstain – none

B. Review and discussion of current and potential trips, programs and activities—Weberpal

- *Weberpal reviewed the current newsletter programming and potential programming for fall.*
- *Discussion on possibly moving Bingo to another day and the implications to accommodate the Zumba or Tai chi class. Consensus of the group is to try not to move Bingo.*

C. Cable TV show “The Park Bench” – Information and updates

Weberpal explained the concept of digital storytelling and how it will enhance the TV show and benefit seniors who participate. A class will be offered in July.

D. Financial Report - Weberpal

1. Fundraising
No change

E. Facility

1. Coffee System Purchase
System was purchased with funds from the Offset account.
2. Comments and/or recommendations

- *Rose bushes need to be sprayed as they have bugs.*
- *Weberpal commented a replacement bush has been requested to replace the one that died by the entrance.*

F. Review of Goals– Weberpal

Goals were reviewed with no changes. Each person attending received a folder with the goals. Weberpal will bring the folders to each meeting for the participants.

G. Volunteers

Weberpal thanked Poehler and Wutke for volunteering at Senior Day Out.

H. Other comment, suggestions, input

Poehler requested a sheet about recycling items in the city.

I. Items to add to next agenda

One Stop Shop

J. Adjourn

Next meeting will be August 2 at noon

City of Whitewater
Annual Senior Forum
Monday August 2, 2010 12:00
Community Building West Room
504 W. Starin Rd. Whitewater WI 53190

Meeting Minutes

Attendance and Introductions—Doris Wutke, Dorothy Poehler, Jean Nielsen, and David Veith.

A. Approval of minutes of 6/7/2010

Wutke moved to accept the minutes. Second by Poehler. Ayes – all. Noes – none. Abstain – none

B. Review and discussion of current and potential trips, programs and activities—Weberpal

- *Weberpal reviewed the current newsletter programming and potential programming for fall.*
- *No comments or discussion*

C. Citizen Input

None

D. Financial Report - Weberpal

1. Fundraising

No change

2. One Stop Shop

The initial email was sent out to vendors from previous years.

E. Facility

1. Refrigerator

A new one was purchased as the old one "died".

2. Comments and/or recommendations

- o *None*

F. Review of Goals— Weberpal

Goals were reviewed with no changes. Reviewed need for marketing assistance. Many of the facility goals are long range as there is no money.

G. Volunteers

Help is needed taping the Park Bench TV show once a month.

H. Other comment, suggestions, input

Veith questioned if the Alzheimer's program had been scheduled. Weberpal said it would probably be in November.

I. Items to add to next agenda

J. Adjourn

Next meeting will be October 4 at noon

City of Whitewater
Parks and Recreation Board Agenda
Monday, August 9, 2010 – 4:00 pm
Community Room – 1st Floor City Municipal Building
312 Whitewater St, Whitewater WI 53190
Minutes

Call to Order

Stone called the meeting to order at 4:03 pm. Present: Dalzin, Olsen, Daniels, Kaina, and Stone.
Excused: Negley and Knedler. Absent: none. Guests: Rick Fassl, Zack Kumbier, and Josh Mishleau.

Consent Agenda

Stone requested that the approval of Park Board minutes from August 9, 2010 be removed from the consent agenda.

Motion by Olsen to approve the consent agenda, which includes the Indian Mounds Park Task Force minutes of April 6, 2010 and the Urban Forestry Commission minutes of May 11, 2010. Second by Daniels. Ayes: Dalzin, Daniels, Stone, Olsen. Noes: None. Abstain: Kaina. Absent: Negley, Knedler

Approval of August 2, 2010 Parks and Recreation Board Minutes

Olson moved to approve the August 2 minutes as printed with the change: C-1 waterfowl hunting motion did not pass. Second by Dalzin. Ayes: Dalzin, Daniels, Stone, Olsen. Noes: None. Abstain: Kaina. Absent: Negley, Knedler

Hearing of 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.

There were no public comments.

Discussion and possible action on annual waterfowl hunting program

Amundson referred to memo in packet. If the hunting program is approved, it will go to the Common Council on Tuesday, August 16th. An informal survey of last year's participants indicated a total harvest of 96 geese.

Zack Kumbier, a past participant in the hunting program commented that hunters are conservationists. They are passionate about form of control. Parks and Recreation and the city have control over distribution of permits. He is a member of Ducks Unlimited and the hunters help take care of what could become a problem, stating that they self-police issues or problems.

Rick Fassl was involved in the initial proposal several years ago and assisted in drafting the original hunting program. Hunting was allowed in the city at the time of original proposal. The City Attorneys, a police officer, Fassl and city staff put together the original program. Fassl polled property owners as to who was concerned with hunting or would allow hunting. Eight owners approved and they own most of the property on lake. Now only waterfowl hunting is allowed in the city. The hunting program was revamped in 1996 and the hunting maps were changed because of increased development around the lakes. As a property owner, Fassl is in favor of waterfowl hunting program. Applicants pay fee so costs

are covered. He checks in with property owners occasionally. He uses those hunting on his property as watchdogs for those who may not go by the rules. Duck hunters are serious and it is not an easy sport in addition to being expensive. It is one of the safest field hunting sports there is.

David Stone commented on another community pulled a shooting range permit (rifle). Fassel commented that with steel pellets a hunter needs to be within 40 yards to shoot the geese. Hunters are at the waters edge or are in a boat and shoot over water. Current hunting zones do not allow shooting at homes or near homes. No chance for family/kids to be in the area between the hunter and the geese. Hunters are in fixed position and over the water.

Stone questioned hunting in Moraine View Park with increase in population there. Amundson commented the proposed season would be weekends only Nov 13 – Dec 16. Jen Kaina asked if there is signage for hunting at Moraine View? Jim Olsen questioned if hunting is allowed in the cemeteries. No hunting is allowed in cemetery now. He would like to potentially see a spring hunt. Amundson indicated that he will be looking at egg oiling and the permit process in the future. It was stated that flooding last year took care of nesting and that there are more geese this year. Amundson indicated that one goose produces two to four pounds of feces per day and it takes seven minutes to turn grass into feces. Amundson commented that he and Bruce Parker updated the hunting maps in 2009 because of new development. Amundson reported that Moraine View Park will attract birds and that there is the potential for problems on the soccer fields. Staff and the board may have to look at different options for this area. Kaina inquired as to the negatives of the program. Fassel commented there are occasional trespassers on to private property and occasional reports of neighbors not knowing of hunting legality. Hunters in the program help self=police with trespassers informing them of rules, etc. The police department is supportive of the hunt.

Motion by Olsen to approve the waterfowl hunting program with the Moraine View Park permit area to be approved by the CDA as well. Second by Kaina. Ayes: Kaina, Dalzin, Daniels, Stone, Olson. Noes: None. Abstain: None. Absent: Negley, Knedler.

Youth Sports Policy

Amundson referred to the memo. The policy creates expectations for coaches and parents and gives criteria to handle situations. Need identified policy to do this. Currently the policy will only address Parks and Recreation programs. Kaina questioned the training requirements and questioned do we need to state what training is acceptable. Amundson indicated that we currently use an in-house training program and that there are several options available for a formal training program. These programs require a fee and would have to be addressed in the budget process. Stone requested to add a thank you to coaches on policy sign off sheet.

Motion by Olsen to adopt the Youth Sports Policy as presented. Second by Dalzin. Ayes: Dalzin, Daniels, Stone, Kaina, and Olsen. Noes: None. Abstain: None. Absent: Negley, Knedler

Park Development Fund Projects

Amundson referred to memo and reviewed income and expenses in the fund. Discussed potential projects for 2011 – 2012. This was discussed as an educational item and will be reviewed again at budget time and the board will be asked to prioritize items at that time.

Kaina asked about the Bark Park fees. Amundson indicated that due to previous Board action, the department will cease charging for bark park use beginning January 1, 2011. This was done due to the

wetland status of the current site and that the City is limited in what can be done to alleviate water concerns. The future of the Bark Park will need to be a further discussion by the board on whether to relocate in the future.

Starin Park Ball Diamond Improvements

Amundson referred to the packet. The map shows the addition of a 4th diamond (youth/adult) on the parcel purchased in addition to a storm water detention pond. Potentially talk to UW-Whitewater about using the parking lot to the north for overflow parking during summer recreation programs. Also potentially looking at a "green" lot (unpaved) in the northeast corner of Starin Park.

(Knedler arrived at 5:30)

Amundson referred to memo with sponsorship opportunities in addition to potentially receiving income from the detention pond in a "rental" agreement. The Board discussed options and suggested adding a premier sponsor which would have lifetime rights. Amundson will meet with some current recreation sponsors to discuss proposed sponsorships and what are they willing to consider. The project will allow phased payments over the life of the sponsorship. Most of the park improvements will be phased in over a number of years.

Approve meeting date and time for September Board Meeting

The next meeting will be September 20 at 4:00 pm

Request for future agenda items

2011 Budget

Lakes Management plan

Staff Reports

Amundson noted that 3 soccer fields at Moraine View park will be used this fall. Back 4 soccer fields potentially ready in a year. Amundson and Nass attended the Summer Park tour in New Richmond. Same size as Whitewater and also have lakes in the community, included a tour of Target field. There have been some changes in legislation as to what a contractual provider is. Assistant to the City Manager is assisting with how this will impact our contractual programs, the belief is that it will impact our department and how we deliver these programs.

Stone moved to adjourn at 5:56. Second by Daniels. Unanimous voice vote.

Respectfully submitted,



Debra Weberpal

**FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND
LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY**

**Portion of N. Tratt Street (East Side), between
Walton Drive and Foxglove Lane.**

WHEREAS, the governing body of THE CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, held a public hearing in the Community Room of the City of Whitewater Municipal Building on October 5, 2010 at 6:30 p.m. for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Director of Public Works on the proposed public improvements consisting of installation of sidewalk on a Portion of N. Tratt Street (East Side), between Walton Drive and Foxglove Lane and preliminary assessments against benefitted property, and heard all persons who desired to speak at the hearing:

NOW THEREFORE, BE IT RESOLVED, the governing body of The City of Whitewater, Walworth and Jefferson Counties, Wisconsin, determines as follows:

1. The report of the Director of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.
2. The Director of Public Works has obtained bids and will supervise construction of the improvements in accordance with the report hereby adopted.
3. Payment for the improvements shall be made by assessing _____% of the cost to the property benefitted as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.
6. Assessments shall be due within 45 days of billing date. Assessments may be paid in cash or in up to _____ annual installments to the City Treasurer. Installments shall be placed on the next tax roll after

the due date for collection and shall bear interest at the rate of _____% per annum on the unpaid balance from due date.

7. Assessments against Town of Cold Spring properties will be deferred without interest until the property is annexed into the City of Whitewater, where upon the full assessment shall be paid.

8. The municipal clerk shall publish this resolution as a class 1 notice under Ch. 985 Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

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

REPORT OF 2010 NEW SIDEWALK
INSTALLATION
AND SPECIAL ASSESSMENTS FOR
SIDEWALKS

Preliminary Resolution: 9/21/2010
Common Council Public Hearing: 10/5/2010
Final Resolution: 10/5/2010
Report Prepared: 9/12/2010

Report Prepared By:
Dean Fischer, Director of Public Works
City of Whitewater
312 W. Whitewater St., Whitewater, WI 53190

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL
ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO
SECTION 66.60, WISCONSIN STATUTES.

(North Tratt Street {East side} between Walton Drive and Foxglove Lane)

RESOLVED, by the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin:

The governing body hereby declares its intention to exercise its police power under Section 66.60, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements: Installation of sidewalk, 5' width, on the *East Side of N. Tratt Street (starting at Walton Drive, thence North to Foxglove Lane)*

The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT:

Portion of N. Tratt Street (East Side), between
Walton Drive and Foxglove Lane.

1. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
2. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
3. The Director of Public Works has prepared a report which consists of:
 - a. Final plans and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed sidewalk improvements.
 - c. Schedule of proposed assessments.
4. The Director of Public Works has filed a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.
5. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the

general boundary lines of the proposed Assessment District, (including a small map thereof), the time and place at which the report may be inspected, preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats. and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

6. The hearing shall be held in the City of Whitewater Municipal Building, Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin on October 5, 2010 at 6:30 p.m.
7. The assessment against any parcel may be paid in cash or in annual installments, the number of which shall be determined at the public hearing on the proposed assessments.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship.

AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart.

NOES: None

ABSENT: None

ADOPTED: September 21, 2010

Kevin M. Brunner, City Manager

Attest:

Michele R. Smith, City Clerk

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS IN CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.

Portion of N. Tratt Street (East Side), between
Walton Drive and Foxglove Lane.

PLEASE TAKE NOTICE that the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, has declared its intention to exercise its police power in accordance with Section 66.60 Stats., to levy special assessments upon property within the following described assessment district for benefits conferred upon the property by the improvement of the following streets and the installation of sidewalk thereon:

ASSESSMENT DISTRICT

Portion of N. Tratt Street (East Side), between
Walton Drive and Foxglove Lane.

A report showing plans and specifications, estimated cost of improvements and proposed assessments is on file in the municipal clerk's office and may be inspected there during any business day between the hours of 8:00 a.m. and 5:00 p.m.

You are further notified that the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, will hear all interested persons, or their agent or attorneys, concerning matters contained in the preliminary resolution authorizing the assessments and in the above-described report at 6:30 p.m. on the 5th day of October, 2010, at the following location: City of Whitewater Municipal Building, Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin 53190. All objections will be considered at this hearing and thereafter the amount of the assessments will be finally determined.

Date published: 9/23/2010

Signed: Michele R. Smith, Municipal Clerk

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND
LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY

Portion of N. Tratt Street (East Side), between
Walton Drive and Foxglove Lane.

WHEREAS, the governing body of THE CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, held a public hearing in the Community Room of the City of Whitewater Municipal Building on October 5, 2010 at 6:30 p.m. for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Director of Public Works on the proposed public improvements consisting of installation of sidewalk on a Portion of N. Tratt Street (East Side), between Walton Drive and Foxglove Lane and preliminary assessments against benefited property, and heard all persons who desired to speak at the hearing:

NOW THEREFORE, BE IT RESOLVED, the governing body of The City of Whitewater, Walworth and Jefferson Counties, Wisconsin, determines as follows:

1. The report of the Director of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.
2. The Director of Public Works has obtained bids and will supervise construction of the improvements in accordance with the report hereby adopted.
3. Payment for the improvements shall be made by assessing 3% of the cost to the property benefited as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.
6. Assessments shall be due within 45 days of billing date. Assessments may be paid in cash or in up to 5 annual installments to the City Treasurer. Installments shall be placed on the next tax roll after

4.5%
for 5
years //

the due date for collection and shall bear interest at the rate of 4.5% per annum on the unpaid balance from due date.

- 7. Assessments against Town of Cold Spring properties will be deferred without interest until the property is annexed into the City of Whitewater, where upon the full assessment shall be paid.

- 8. The municipal clerk shall publish this resolution as a class 1 notice under Ch. 985 Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

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

assessment deferred.



Trait Street Sidewalk Extension

WALTON DR

FOXGLOVE DR

TRAIT ST

Cold Spring Parcels

City of Whitewater Parcels

Sidewalk



R-2

**AGREEMENT BETWEEN
WISCONSIN INDEPENDENT NETWORKS, LLC (WIN)
AND THE CITY OF WHITEWATER (CITY)**

This Agreement is made and entered into by and between Wisconsin Independent Networks, LLC, hereinafter at times referred to as WIN, with its office located at Building D02, Suite 219, Mailbox 107, 800 Wisconsin Street, Eau Claire, WI 54703-3612; and the City of Whitewater, hereinafter at times referred to as City, with its main office located at 312 W. Whitewater Street, Whitewater, WI 53190.

WITNESSETH:

WHEREAS, the parties to this Agreement desire to provide for extension of a fiber optic cable to additional areas in the City of Whitewater,

NOW, THEREFORE, in consideration of the recital set forth and good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, WIN and the City hereby agree as follows:

1. WIN shall place 24 count single-mode fiber from the UW-Whitewater campus to the Innovation Center building in the City of Whitewater Technology Park and will provide, at no charge, four fibers for the exclusive use of the City and other municipal users. These fibers will appear in UW-Whitewater's computer room in McGraw Hall and in the mechanical room at the Whitewater Innovation Center. (See attachment A.) This fiber will be 100% owned by WIN and shall be maintained by WIN. WIN shall be responsible for the full cost of providing the fiber and constructing the fiber extension. This fiber segment shall be installed by WIN no later than January 1, 2011. WIN shall restore any surfaces disturbed by any construction or maintenance of any fiber within the easement areas to its condition before the disturbance.

2. The City agrees to grant WIN all easements and permits that it has the legal right to grant for the installation of said fiber. The City shall obtain the approval of the UW-Whitewater for the permission necessary for the installation of fiber optic cable on UW-Whitewater property.

4. The City shall provide 110VAC-30A power and 20 RU's of rack space in the Whitewater Innovation Center mechanical room for WIN to terminate the fibers and for edge equipment.

5. In exchange for the City easements, power, and rack space at the Whitewater Innovation Center, WIN will not charge the City for any of the fiber costs or necessary splicing for the fiber extension outlined above.

6. Any future fiber additions/changes in the City will be subject to amendment of this Agreement.

9-30-10
2:40 PM

R-2

30

7. The term of this agreement shall be ~~twenty (20) years. After twenty (20) years,~~
~~the City shall have the right to continue the use of the fiber, but may be charged the prevailing~~
~~fair market rate for the use of said fiber.~~

8. The parties to this Agreement will use their best efforts and good faith to resolve any disputes that may arise during this Agreement. Written notice of any dispute shall be provided to the other party at their respective addresses listed above. In the event the parties are unable to resolve the disputes by negotiation and settlement, the parties agree to settle the matter by arbitration. An arbitration panel shall be formed consisting of one person appointed by each party and a mutually agreed upon third person. The panel shall hear the dispute and the decision shall be final and binding with respect to all matters submitted to arbitration and shall be enforceable in accordance with the provisions of the Wisconsin Arbitration Act.

9. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

10. This Agreement sets forth the entire understanding of the parties and may not be changed except by written document executed and acknowledged by all parties to this Agreement. The persons signing this Agreement represent that such person has the full authority and consent to sign this document and bind his or her respective company/municipality to the terms of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the date first above written.

Dated _____, 2010

CITY OF WHITEWATER, WISCONSIN

By _____ (SEAL)
Kevin M. Brunner, City Manager

Attest

Michele R. Smith, City Clerk

9-30-10
2:40 p.m.

R-2

Dated _____, 2010

WISCONSIN INDEPENDENT
NETWORKS, LLC

By _____ (SEAL)
Title

9-30-10
2:40 P.M.

R-2

RESOLUTION AUTHORIZING THE EXECUTION
OF AN AGREEMENT PROVIDING FOR
THE EXTENSION OF FIBER OPTIC CABLE

WHEREAS, the City recognizes the growing importance of access to broadband services to economic development and quality of life, and

WHEREAS, the City is committed to facilitating the expansion of broadband communications, services, and infrastructure in the City, and

WHEREAS, the City desires to strengthen cooperation between public and private entities to collaboration in broadband initiatives based upon the principal of mutual benefit,

WHEREAS, the City of Whitewater desires to extend fiber optic cable to additional areas of the City, and

Now, therefore, **BE IT RESOLVED** as follows:

1. The City Council hereby authorizes the City Manager and the City Clerk to enter into the attached Agreement between Wisconsin Independent Networks, LLC and the City of Whitewater providing for the construction of fiber optic cable in the City of Whitewater.

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

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

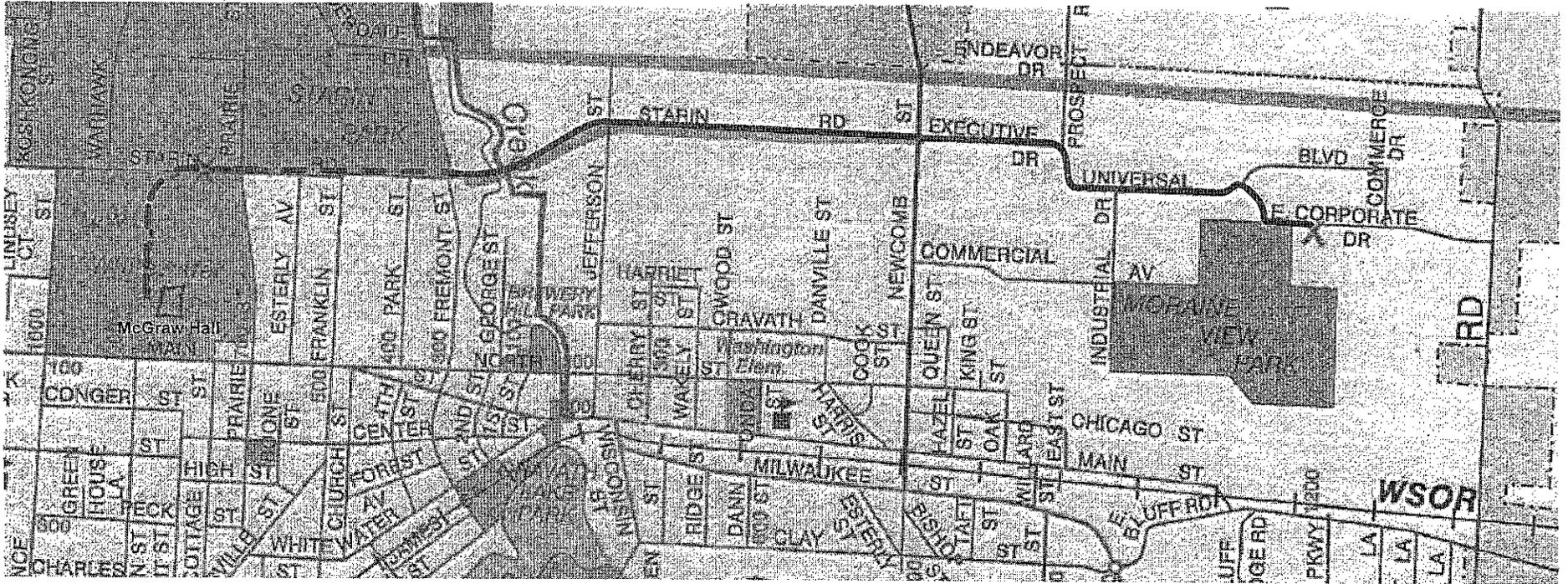
ADOPTED:

9-30-10
2:40 p.m.

UW Whitewater to Whitewater Technology Park
 Proposed Fiber Optic Route

8/17/2010

9-30-10
 3:55 p.m.

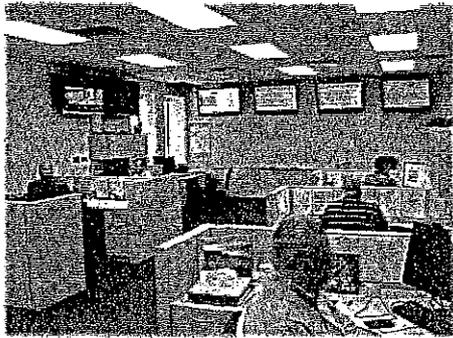


-  Fiber placed by directional boring in 2" conduit, one additional 2" conduit installed
-  Fiber placed by trenching in 2" conduit, one additional 2" conduit installed
-  Fiber placed by directional boring and direct bury – no conduit
-  Fiber runs through existing conduit

R-2



the win story



WIN has a wide range of customers trusting their traffic on our robust network, including wireless carriers, ISPs, national/international telecom providers, IPTV providers, government and educational entities, and large enterprise customers.

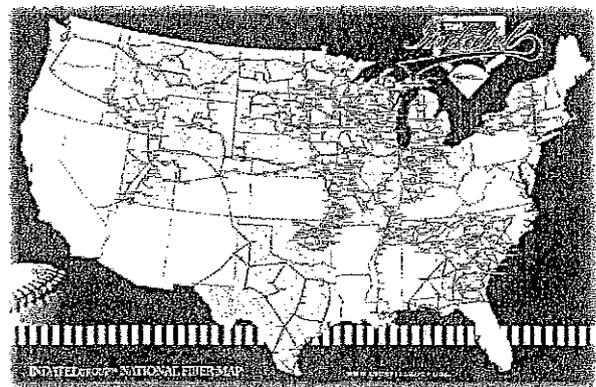
We know that service reliability is vitally important for our clients. The majority of our network POP sites are located in environmentally controlled telecom central offices. Our fully redundant SONET rings provide the highest level of service reliability.

WIN has over 100 highly trained technicians from member independent telephone companies taking care of its network. These same technicians provide their own communities in Wisconsin and Minnesota with some of the best local telephone service available anywhere. The technicians at our Network Management Center in Eau Claire are highly trained and responsive to your needs.

WIN operates a state-of-the-art Data Center in Eau Claire, Wisconsin. It is a great complement to the WIN transport network, offering data storage and back-up, Managed IT, and production/disaster recovery services.

WIN is a founding and charter member of the Independent Alliances Telecom Group (INDATEL) trade association. This effort, with twenty-one other statewide networks, holds tremendous potential for our firm.

INDATEL's initial focus was a national joint marketing effort, but is now evolving into interconnectivity of the individual statewide networks. See INDATEL's web site at www.indatelogroup.org for additional information.



we can get you there™

2010 - Wisconsin Independent Network, LLC

64

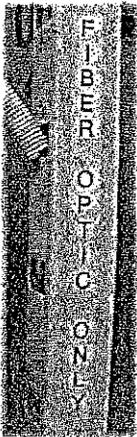
800 Wisconsin St., Bldg. D2, Suite 219
Eau Claire, WI 54703-3612
877-946-6300

info@wins.net - www.wins.net



network overview

▪ **Wisconsin Independent Network, LLC (WIN)** is a full service provider of wholesale transport solutions and next generation IP solutions. Started in 1999, WIN is a privately-held company owned by 31 independent local telephone companies.



▪ WIN owns and operates the largest Wisconsin-based fiber optic transport network.

▪ WIN has become the premier network provider in Wisconsin, Eastern Minnesota, and Northern Illinois by providing responsive customer service supporting the most reliable, dense, and redundant transport system in the Upper Midwest region.

▪ WIN operates over 3,000 miles of fiber network, connecting cities in 4 states through more than 70 Points of Presence, from large metro areas to smaller rural communities, on its reliable transport system.

▪ WIN's network utilizes a combination of DWDM, SONET and Ethernet technologies to deliver bandwidth on 100% fiber optic facilities using primarily Cisco, Cyan, and Net Insight optics and electronics.

▪ WIN provides:

- Private line: DS1, DS3, OCn
- Ethernet: 5 Mbps to 10 Gbps
- Wavelength: 2.5Gbps and 10Gbps
- Ability to coordinate and bill local loops
- Next generation network solutions
- Custom builds/interconnections
- Engineering and technical services
- Data Center services

▪ WIN's network availability: **99.999%**. We will meet your network latency requirements and standards.

▪ WIN's wide range of customers trust their traffic to our state-of-the-art network. Many are telecommunication providers themselves, including a large number of wireless service providers, regional and national carriers, independent telephone companies, IP-TV video signal providers, government and education network providers, and major CLECS.

▪ WIN has:

- Dedicated/Experienced teams: Provisioning, Account Support, Operations, Engineering
- Proactive network monitoring and management from our 24x7x365 Network Management Center.
- Over 100 highly trained technicians from member-owner independent telephone companies taking care of your valued services.

▪ WIN's staff takes pride in offering reliable and dependable customer solutions and is focused on our "we can get you there" approach in achieving a high level of customer satisfaction.

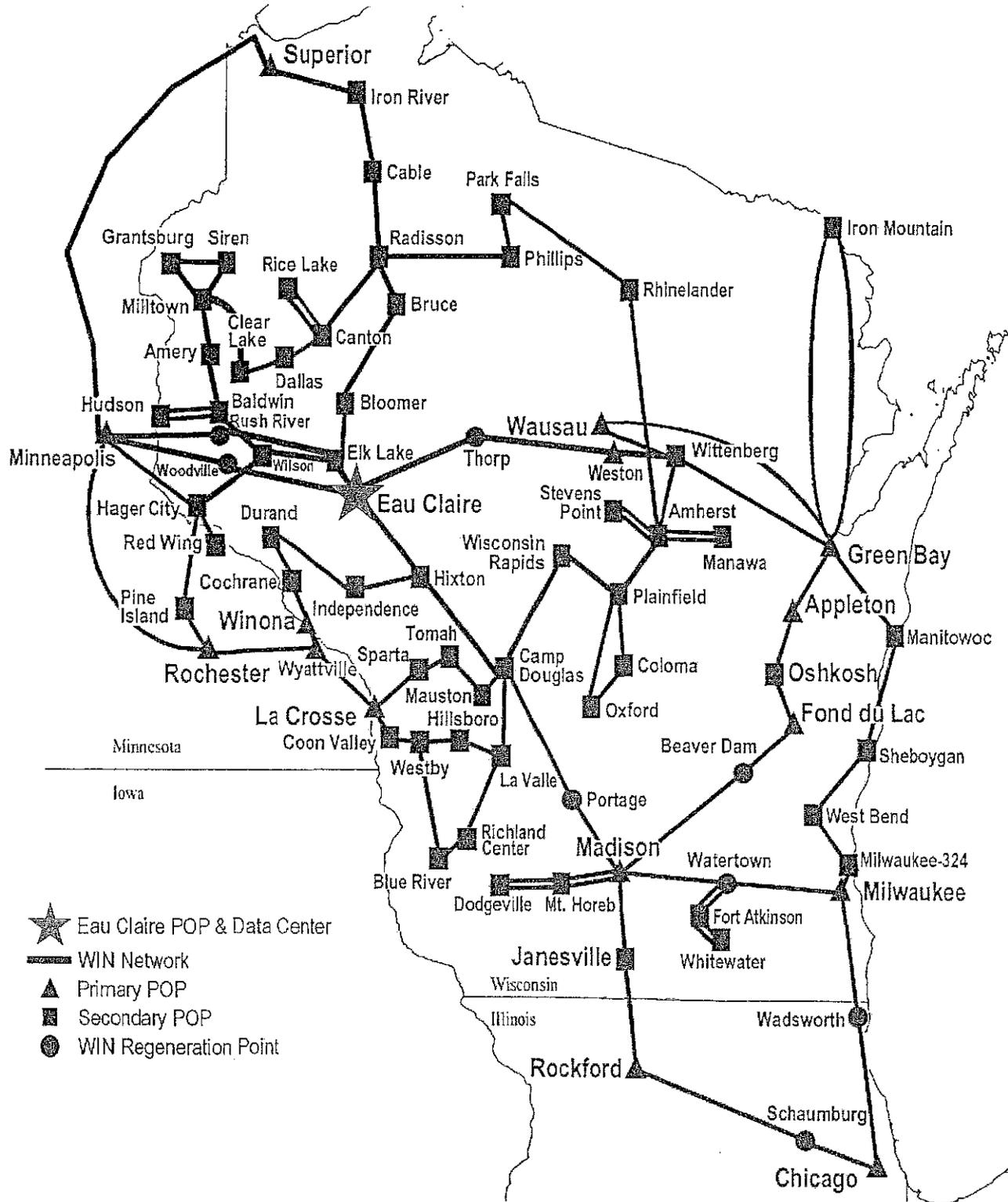
▪ WIN's customers will attest: WIN will meet and often exceed your expectations for service delivery, provisioning, and reliability.



we can get you there™



network map



we can get you there™

2010 - Wisconsin Independent Network, LLC

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 Eau Claire, WI 54703-3612
 877-946-6300
 info@wins.net – www.wins.net

ORDINANCE NO. _____
ORDINANCE REGARDING NO WAKE PROHIBITION

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

SECTION 1: Whitewater Municipal Code, Chapter 7.38, subsection 7.38.025 is hereby amended by adding subsection (i) to read as follows:

- (i) The City Manager, or his or her designee, may in writing temporarily waive the "Slow No Wake" prohibition set forth herein for a limited purpose that is consistent with the public's best interests.

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

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

WHITEWATER TRANSPARENCY
ENHANCEMENT ORDINANCE

09-30-10 – 8:15 a.m.

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

Section 1. Whitewater Municipal Code, Chapter 2.62, Whitewater Transparency Enhancement Ordinance, is hereby created to read as follows:

2.62.010 Purpose.

(a) The purpose of this ordinance is to maximize public awareness and participation in City of Whitewater government.

2.62.020 Posting Requirements.

(a) Agenda notices for all council, committee, commission and board meetings, requiring legal notice, shall be posted 72 hours in advance. If an agenda item is added between 24 and 72 hours prior to the meeting, it shall require an affirmative vote of a majority of the members voting to take up the matter.

(b) All council, committee, commission and board agendas shall be posted online on the City website 72 hours in advance of the meeting.

(c) All council, committee, commission and board packet materials, that can be reasonably scanned, shall be posted online 24 hours in advance of the meeting. The City shall provide an electronic notification feed alert, indicating that new information is available regarding an upcoming council, committee, commission or board meeting; to any party that has subscribed to the feed (requested notice from the City of the updated information).

(d) All requests for proposals and requests for bids shall be posted online as soon as is practicable.

(e) The council and all committee, commission and board meeting minutes shall be posted online within 30 days of the meeting. If the body does not meet within 30 days of the meeting, the minutes shall be posted within 14 days of the next meeting.

2.62.030 Information Technology Requirements.

(a) Beginning December 1, 2010, City Council, Community Development Authority, Plan Commission and Police Commission meetings shall be videotaped, and the video shall be posted online.

2.62.040 Meeting Procedures.

(a) All council, committee, commission and board meetings shall have a public input agenda item to allow citizens to make statements on matters that are not on the agenda.

(b) All council, committee, commission and boards shall allow the public an opportunity to comment on substantive items on the meeting agenda. The council, committee, commission or board shall have the discretion to impose time limits and other reasonable procedural rules concerning the public comment.

(c) If the agenda for a council, committee, commission or board meeting includes staff reports or other reports, a specific description of the item to be reported on shall be listed on the agenda and said report(s) shall be limited to the specific items listed in the agenda.

2.62.050 Failure to Abide by Chapter Provisions Does Not Cause Actions to be Invalid.

(a) The failure by any council, committee, commission or board to adhere to the provisions of this chapter shall not cause any action by said council, committee, commission or board to be invalid.

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

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

ORDINANCE NO. _____

ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN

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

SECTION 1. The City of Whitewater is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of Wisconsin Statutes.

On February 2, 2010, the City Council of Whitewater adopted the *City of Whitewater Comprehensive Plan* (hereinafter "*Plan*") as the City's comprehensive plan under Section 66.1001(4), Wisconsin Statutes, with said *Plan* including procedures for regular consideration of amendments to it.

Section 66.1001(4), Wisconsin Statutes, establishes the required procedure for a local government to amend a comprehensive plan once it has been initially adopted.

The City Council of the City of Whitewater has adopted and followed written procedures designed to foster public participation in every stage of the preparation of and amendments to the *Comprehensive Plan*, as required by section 66.1001(4)(a) of Wisconsin Statutes.

The Plan and Architectural Review Commission of the City of Whitewater, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending that the City Council adopt an ordinance to constitute official City approval of a new amendment to the *Plan*.

The City of Whitewater has held a public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes.

To better reflect the City's desired future land use pattern, the City hereby amends Map 5: Future Land Use to change the future land use category for the property located at 234 N. Prince Street from "Institutional" to "Higher Density Residential."

SECTION 2. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication as required by law.

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

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith

Michele Smith

From: James Coan
Sent: Tuesday, September 28, 2010 1:22 PM
To: Michele Smith
Subject: FW: List of Obsolete Crossing Guard Supplies

Michele,

Here is the list of items to be disposed of (refer below). I can format it anyway that you would like. Thanks!

Jim

From: Kathy Boyd
Sent: Tuesday, September 28, 2010 11:32 AM
To: James Coan
Subject: FW: List of Obsolete Crossing Guard Supplies

Chief,

Here is the last email I got from you concerning the CG supplies.

Kathy

From: James Coan
Sent: Tuesday, August 10, 2010 9:06 AM
To: Kathy Boyd
Subject: RE: List of Obsolete Crossing Guard Supplies

Kathy,

I asked Michele Smith to add this to the next City Council agenda.

JC

From: Kathy Boyd
Sent: Tuesday, August 10, 2010 8:14 AM
To: James Coan
Cc: Michele Martin
Subject: List of Obsolete Crossing Guard Supplies

Chief,

Here is the list of crossing guard supplies that need to be thrown away:

- 4 handheld stop signs -- broken and worn
- 1 caution flag - faded and worn
- 6 safety vests -- worn, ripped, lacking enough reflective material

I will keep the items in my office until the Common Council approves their disposal.