

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

June 1, 2010

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: Winship. It was moved by Olsen and seconded by Taylor to acknowledge receipt and filing of the CDA minutes of 4/19/10 and the Police and Fire Commission minutes of 2/10/10. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Taylor to approve payment of city invoices in the total sum of \$194,247.44. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**STAFF REPORTS:** Assistant City Manager Clapper updated Council on the **merging of the Wisconsin Alliance of Cities and the League of Wisconsin Municipalities**. He also updated council on pending discussions regarding the Economic Development Incentive, P.I.L.O.T. programs, levy limits and Public Safety Protection.

**CITIZEN COMMENTS:** Landmarks Chairperson Mariann Scott indicated that the Mounds have been marked with flags by the State Archaeologist. Landlord Randy Aschebrenner requested that Council review the possibility of licensing rental properties on North Prairie Street, with the hope that the number of occupants in those properties be allowed to increase from current limit of three to five.

**COMMON COUNCIL REPORTS:** None.

**RESOLUTION WAIVING NO WAKE ORDINANCE.** The 4<sup>th</sup> of July Committee will be hosting water ski shows at Cravath Lake Park, and it is necessary to waive the no-wake ordinance for the event.

**RESOLUTION TEMPORARILY WAIVING THE “NO WAKE” PROHIBITION**

WHEREAS, there is presently in effect Whitewater Ordinance 7.38.025 which prohibits boats from causing wakes on Cravath Lake; and

WHEREAS, the 4<sup>th</sup> of July celebration for the City of Whitewater will be held from July 1<sup>st</sup> through July 4<sup>th</sup>, 2010 at Cravath Lake Park; and

WHEREAS, there are water ski shows scheduled for the public’s entertainment on Cravath Lake during said period; and

WHEREAS, it is in the public’s best interest to have the opportunity to watch said shows; and

WHEREAS, it is necessary to waive the no wake prohibition on a limited basis for the shows’ purposes; and

WHEREAS, a limited waiver of the no wake prohibition will not cause any significant damage to the lake bed; and

WHEREAS, it is in the public's best interest to waive the no wake prohibition for the limited purpose of the water ski shows during the 4<sup>th</sup> of July celebration.

NOW THEREFORE, BE IT RESOLVED, that the prohibition against causing wakes in Cravath Lake Park provided for in Whitewater Ordinance 7.38.025 shall be temporarily waived for the period of July 1 through July 4<sup>th</sup>, 2010, for the limited purpose of allowing water crafts involved in the water ski shows during said period to travel at speeds which will cause wakes.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. Adopted: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE ADOPTING STATEWIDE SMOKING BAN STATUTE.**  
Adoption of a local ordinance adopting the statewide smoking ban was presented to Council for approval.

### **ORDINANCE ADOPTING THE STATEWIDE SMOKING BAN**

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

SECTION 1: Whitewater Municipal Code Chapter 5.18 is hereby created to read as follows:

5.18.010 - Adoption of Wisconsin Statute §101.123 – Statewide Smoking Ban.

The provisions of Section 101.123 of the Wisconsin Statutes, and all acts amendatory thereof, are adopted as a portion of this chapter.

5.18.020 – Definition of Enclosed Area.

In addition to the definition of “enclosed indoor area” set forth in Section 101.123, an enclosed indoor area for the purposes of this ordinance shall include all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

5.18.030 – Penalty.

The penalty for violation of this section shall be a forfeiture of not less than \$50.00 nor more than \$150.00 for a first offense, and not less than \$100.00 nor more than \$200.00 for a second offense, and not less than \$150.00 nor more than \$300.00 for any third or subsequent offense.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: Taylor. ABSENT: Winship. FIRST READING APPROVED: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING SECTION 1.21.010, SCHEDULE OF DEPOSITS.** Penalties for violating the smoking ban were presented for approval.

**AN ORDINANCE AMENDING SECTION 1.21.010  
SCHEDULE OF DEPOSITS**

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
5.18	Violation of Smoking Ban Ordinance	1 <sup>st</sup> offense - \$100.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> offense - \$150.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  3 <sup>rd</sup> and subsequent offense – \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

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: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: Taylor. ABSENT: Winship. FIRST READING APPROVED: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE CREATING R-O FAMILY RESIDENTIAL OVERLAY DISTRICT.**

**AN ORDINANCE CREATING CHAPTER 19.25  
R-O NON-FAMILY RESIDENTIAL  
OVERLAY DISTRICT**

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

**SECTION 1:** Whitewater Municipal Code, Chapter 19.25, R-O Non-family Residential Overlay District, is hereby created to read as follows:

**19.25.010 – Purpose and Intent.**

The purpose and intent of the Non-Family Residential Overlay District is to stabilize and protect property values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low density single family residential areas, in particular, areas where due to economic factors and housing pressure in the immediate area, there is the potential for the reduction of family occupied residences, and therefore the loss of the single family character of the neighborhood which will potentially lead to overcrowding, undue population concentration and lower property values.

**19.25.020 - Overlay District Application.** The restrictions set forth herein are in addition to the restrictions and requirements of the basic district applicable to a particular site. To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply. No party other than the owner of the property may initiate an action for the imposition of R-O non-family residential zoning on any particular property if such a petition has been made within the previous 12 months.

**19.25.030 – Non-Family Residential Overlay District Additional Restrictions.** In all Non-Family Residential Overlay Districts, the non-family household limitation set forth in Whitewater Municipal Ordinance 19.09.520 is reduced from 3 to 2. Therefore, in any Non-Family Residential Overlay District a non-family household shall be limited to 2 unrelated persons.

**19.25.040 – Exceptions.** This limitation shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and, in particular, those allowed under Wisconsin Statute §62.23.

**19.25.050 – Non-Conforming Use and Registration.** In order to assist the enforcement of this zoning classification, the owner of any property claiming non-conforming use status regarding the unrelated persons limitation imposed by R-O zoning shall register with the City Clerk on a form provided by the Clerk within ninety (90) days of the imposition of the zoning on the property. The information required on the registration form shall include the history of the property that supports its designation as a non-conforming use which shall include the three letter initials and dates of residency of current tenants (or most recent tenants if not currently occupied), and the three letter initials and dates of residency of all tenants who resided at the premises for the last 120 days. The party claiming the non-conforming use status shall also have a continuing requirement to update the registration information to provide the initials of current tenants. Failure to register within ninety (90) days of the imposition of the R-O zoning classification shall cause the non-conforming use status to terminate. The City shall mail a notice of this requirement to the address on the property's real estate tax statement within fifteen (15) days of the imposition of the zoning on the property. The non-conforming use status of any property under this chapter will be subject to the provisions contained in City of Whitewater Ordinance 19.60.010 Existing Non-conforming Uses.

**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 Stewart. AYES: Olsen, Taylor, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT; Winship. ADOPTED: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING CHAPTER 2.44, EQUAL OPPORTUNITIES COMMISSION.**

**AN ORDINANCE AMENDING CHAPTER 2.44  
EQUAL OPPORTUNITIES COMMISSION  
(Revised Draft – 06-01-10 – 2:00 p.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 2.44 Equal Opportunities Commission is hereby amended to read as follows:

**2.44.010 Declaration of policy.**

It is the policy of the City pursuant to the United States and Wisconsin Constitutions and also the City's power to protect the public health, safety, and general welfare that all persons, regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, or military service are entitled to fair and equal access to City services and facilities, and to that end the city hereby enacts this chapter which prohibits the City from discriminating against properly qualified persons by impairing to any degree, access to any City services and facilities.

**2.44.020 Equal Opportunities Commission.**

(a) The purposes and provisions of this chapter shall be implemented by:

- (1) The Whitewater Equal Opportunities Commission whose five members shall be appointed by the City Manager and Common Council President within 10 days of the date a grievance is filed unless the City Manager has a conflict of interest, in which case the Council President shall make the appointments. The appointees shall serve until all pending grievance proceedings are completed, or 3 years, whichever is less.

**2.44.030 Commission--Powers and duties.**

(a) It shall be a prohibited discriminatory practice for the City of Whitewater, or its officers or employees to do any of the following:

- (1) To refuse to furnish services or facilities, whether ordinarily provided pursuant to legal duty or local custom, when such refusal is based to any degree on consideration of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, or military service.
- (2) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, or military service while directly providing City of Whitewater services or facility use opportunities.

**2.44.040 Grievance procedures.**

(a) Grievance alleging discrimination by the City, its officers, employees or departments, prohibited by this chapter shall be in writing. Such grievance may be initiated by the individual who may dictate it to an agent of the individual or an agent of the commission, or it may be initiated by any member of the Commission on his or her own initiative. It shall contain:

- (1) Name and address of the aggrieved;
  - (2) Name and address of the individual, or department against whom the grievance is alleged;
  - (3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;
  - (4) A request for an action that can be taken to solve the grievance, and various solutions that may be suggested for the Commission to review.
- (b) Grievances shall be filed with the City Clerk who shall forward a copy of the grievance to the City Manager, and the chairperson of the Commission. The City Manager shall

designate a staff person who shall attempt to resolve the matter with the aggrieved person. In the event that a solution cannot be agreed upon between the aggrieved and the staff, the matter shall be placed on the agenda of a meeting of the Commission to be scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date which will be scheduled at a time convenient to the aggrieved and the Commission. At the meeting the Commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to properly present their position at the hearing.

- (c) The grievance may be withdrawn by the complainant at any time and, subject to the approval of the Commission, may be amended under such terms as the Commission shall direct. Notice of amendment or withdrawal shall be given to all parties.
- (d) Hearing. The aggrieved and/or an agent designated by the aggrieved person, and ~~the~~ a staff person assigned by the City Manager to represent the City's position, shall both present oral and/or written information under oath at the hearing. After the parties have been given the opportunity to present all information, the Commission shall make written findings of fact and conclusions and, if no violation is found, the Commission shall dismiss the grievance. If a violation is found, the Commission shall issue a proposed order and forward it to the City of Whitewater Common Council for consideration. The Council may affirm, modify, or reverse the order.

**2.44.050 Disqualification of commissioners.**

No commissioner who files a grievance on his or her own initiative shall participate in any subsequent hearing or proceeding except as a witness, and shall not participate in the deliberations of the Commission in such case.

**2.44.060 Liberal construction - - Severability.**

The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein. The provisions are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such shall not affect or impair any of the remaining provisions.

Ordinance introduced by Councilmember Binnie. Seconded by Councilmember Olsen, who moved its adoption. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. ADOPTED: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING CHAPTER 2.46, HANDICAPPED DISCRIMINATION COMMITTEE, RENAMING IT TO THE DISABILITY RIGHTS COMMISSION.**

**AN ORDINANCE AMENDING CHAPTER 2.46 HANDICAPPED DISCRIMINATION COMMISSION RENAMING IT THE DISABILITY RIGHTS COMMISSION**

**(Revised Draft – 05-26-10 – 10:45 a.m.)**

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

**SECTION 1.** Whitewater Municipal Code, Chapter 2.46, is hereby amended to read as follows:  
**Chapter 2.46 DISABILITY RIGHTS COMMISSION**

**2.46.010 Declaration of policy.**

**2.46.020 Definitions.**

**2.46.030 Commission - - Formation.**

**2.46.040 Commission - - Powers and duties.**

**2.46.050 General prohibitions.**

**2.46.070 Grievance procedures.**

**2.46.080 Disqualification of commissioners.**

**2.46.090 Liberal construction - - Severability.**

**2.46.010 Declaration of policy.**

It is the policy of the city, pursuant to the United States and State of Wisconsin Constitutions and Regulations, and also the city's power to protect the public health, safety and general welfare, that all persons with disabilities are entitled to fair and equal access to City of Whitewater services, programs and benefits afforded to all persons; and to that end the city hereby enacts this chapter to prohibit discrimination against any person with a disability; and creates a disability rights commission with the power and duty to hear grievances of any person with a disability, concerning City actions or inaction.

**2.46.020 Definitions.**

(a) "A person with disabilities" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(b) "Is regarded as having an impairment" means 1) a physical or mental impairment that does not substantially limit major life activities, but that is treated as constituting such a limitation, or 2) a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or 3) has none of the impairments, but is treated by others as having such impairment.

(c) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**2.46.030 Commission – Formation.**

(a) The purposes and provisions of this chapter shall be implemented by:

(1) The Whitewater Disability Rights Commission whose five members shall be appointed by the City Manager and Common Council President within 10 days of the date a grievance is filed unless the City Manager has a conflict of interest, in which case the Council President shall make the appointments. The appointees shall serve until all pending grievance proceedings are completed, or 3 years, whichever is less.

~~(2) The City Attorney.~~

**2.46.040 Commission - - Powers and duties.**

The commission shall have the following powers and duties:

(a) To adopt, amend, publish and rescind rules for governing its meetings and hearings;

(b) To request assistance from city staff to promote the purposes of this chapter, subject to the approval of the City Manager, and to describe their duties;

(c) To receive and investigate all grievances alleging any discriminatory practice prohibited by this chapter;

- (d) To recommend to the City Manager, for Common Council consideration, any budget and/or legislation necessary to further promote the purposes of this chapter and to file annual written reports of its work with the City Clerk.

**2.46.050 General prohibitions.**

(a) It shall be a prohibited discriminatory practice for the City of Whitewater, or its officers or employees, to do any of the following:

(1) To exclude a qualified person with disabilities from participation in programs or activities open to the general public, regardless of the availability of permissibly separate or different programs or activities designed especially for persons with disabilities;

(2) To provide a different or separate aid, benefit or service to qualified persons with disabilities or to any class of qualified persons with disabilities than is provided to others, unless such action is necessary to provide such individuals with aid, benefits or services that are as effective as those provided to others;

(3) To aid or perpetuate discrimination against such individuals by funding an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the City of Whitewater program or activity;

**2.46.070 Grievance procedures.**

(a) Grievance alleging discrimination by the City, its officers, employees or departments, prohibited by this chapter shall be in writing. Such grievance may be initiated by the individual who may dictate it to an agent of the individual or an agent of the commission, or it may be initiated by any member of the Commission on his or her own initiative. It shall contain:

(1) Name and address of the aggrieved;

(2) Name and address of the individual, or department against whom the grievance is alleged;

(3) A statement setting forth the particulars of the alleged discrimination or discriminatory practice;

(4) A request for an action that can be taken to solve the grievance, and various solutions that may be suggested for the Commission to review.

(b) Grievances shall be filed with the City Clerk who shall forward a copy of the grievance to the City Manager, and the chairperson of the Commission. The City Manager shall designate a staff person who shall attempt to resolve the matter with the aggrieved person. In the event that a solution cannot be agreed upon between the aggrieved and the staff, the matter shall be placed on the agenda of a meeting of the Commission to be scheduled at an accessible site within thirty days of receipt of the grievance. Notice of the meeting shall be given to the aggrieved party at least ten days before the meeting date which will be scheduled at a time convenient to the aggrieved and the commission. At the meeting the Commission shall schedule the matter for hearing on a future date and make any other procedural orders necessary to allow the parties to properly present their position at the hearing.

(c) The grievance may be withdrawn by the complainant at any time and, subject to the approval of the commission, may be amended under such terms as the commission shall direct. Notice of amendment or withdrawal shall be given to all parties.

(d) Hearing. The aggrieved and/or an agent designated by the aggrieved person, and ~~the~~ a staff person assigned by the City Manager to represent the City's position, shall both present oral and/or written information under oath at the hearing. After the parties have been given the opportunity to present all information, the Commission shall make written findings of fact and conclusions and, if no violation is found, the Commission shall dismiss the grievance. If a violation is found, ~~shall~~ the Commission shall issue a proposed order and forward it to the City of Whitewater Common Council for consideration. ~~order any necessary action to be taken to remedy the violation. If the order includes the expenditure of city funds, The order shall be transmitted to the City Council for final action. The Commission's decision may be appealed to the Common Council by either the aggrieved person or the City Manager within twenty days of the decision of the commission.~~ The Council may affirm, modify, or reverse the decision order. ~~under appeal procedures it establishes.~~

**2.46.080 Disqualification of commissioners.**



No commissioner who files a grievance on his or her own initiative shall participate in any subsequent hearing or proceeding except as a witness, and shall not participate in the deliberations of the Commission in such case.

**2.46.090 Liberal construction - - Severability.**

The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein. The provisions are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such shall not affect or impair any of the remaining provisions.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. ADOPTED: June 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**LIQUOR LICENSE RENEWALS.** Annual Beer and Liquor License Applications were presented for renewal by the Council. Because Troemel's Lakeside Banquets had indicated that they had no set hours, and minimum hours are required to maintain a license, it was moved by Binnie and seconded by Olsen to refer renewal of the Troemel's Lakeside Banquet License (American Legion Building) to the Alcohol Licensing Committee. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

It was moved by Olsen and seconded by Taylor to approve renewal of the following licenses: **CLASS A BEER:** 1) Campus Quick Shop, Inc., Jason McArdle, Agent; 2) Frawley Oil Co., Inc., (Eastsider) Michael Frawley, Agent; 3) C.A. Pope, Inc. Five Points BP, C.A. Pope, Agent; 4) Wish Enterprises, LLC, Pankaj Kaira, Agent; 5) SBL Petro, Inc., The Station, Amar Nath, Agent. **CLASS A BEER AND LIQUOR:** 1) Hartmann's Acorn Beverages, Inc., Richard Hartmann, Agent; 2) Daniels of Whitewater LLC, Dennis Riley, Agent; 3) Wal-Mart, Joseph Marx, Agent; 4) Frawley Oil Co., Inc., Westsider Liquor, Michael Frawley, Agent. **CLASS B BEER:** 1) Cordio, Inc., Beer Here, John Cordio, Agent; 2) George Christon, Gus' Pizza Palace, George Christon, Agent; 3) LaPreferida, Luis Martinez Islas, Agent; 4) PH Green Bay, LLC, Pizza Hut, Ronald Klimeck, Agent; 5) TRH Whitewater Restaurant, Inc., Rocky Rococo's, Kenneth Dahnert, Agent; 6) San Jose Mexican Store, Jose Barajas, Agent. **CLASS B BEER AND LIQUOR:** 1) R & B Brass Rail Corp., David Bergman & Dale Pellmann; 2) College Pub, Kirk Rassmussen, Agent; 3) Salvo's Coyote Grill, LLC, Dennis Salverson, Agent; 4) Cozumel, Miguel Lopez, Agent; 5) Denny K's, Dennis Knopp, Agent; 6) Downstairs Sports Bar & Grill, Robert Sweet, Agent; 7) WMED, LLC., Fat Jack's Roadhouse, Mark Wokasch, Agent; 8) Hammer's Hometown Tap, Barbara Hamilton, Agent; 9) DLK Enterprises, Inc., Michael Kachel, Agent – Hawk Bowl; 10) Hawk's Nest Bar & Grill, Patrick Dufer, Agent; 11) Karina's Mexican Restaurant; Clara Rocha, Agent; 12) Mad Boar Pub LLC, Nicholas Marietta, Agent; 13) GAC Enterprises, LLC, Greg Condos, Agent; 14) G. Christon, Inc., George Christon, Agent, Novak's Restaurant (and once sale from George to Christ is consummated, to be issued to C. Christon LLC, Christ Christon, Agent); 15) Fun Hunters, LLC, Kristina Cruse, Agent; 16) Rick's Eastside Pub and Grill, Richard Hartmann, Agent; 17) DLK Enterprises, Inc., Michael Kachel, Agent – Split Decision; 18) MBCK LLC, Victoria Fiedler, Agent, Sugar Bay; 19) LLP, LLC, The Sweet Spot, Lacey Reichwald, Agent; 20) Tokyo Restaurant, En Zheng, Agent. **CLASS C WINE LICENSE** 1) Crazy Leuca Chicks, LLC, The Guild on the Triangle. **WHOLESALE BEER LICENSE:** Randy's Fun Hunter's Brewery, Inc. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**AMENDMENT OF LICENSED PREMISES AREA FOR FAT JACK'S ROADHOUSE, 146 W. MAIN STREET.** Mark Wokasch of Fat Jack's has requested extension of his licensed premises to his new sidewalk café area, south of his building. It was moved by Olsen and seconded by Taylor to approve

the extension of the liquor license for WMED, LLC to cover the sidewalk café area. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**AMENDMENT OF LICENSED PREMISES FOR CLASS C WINE LICENSE FOR THE GUILD ON THE TRIANGLE.** Crazy Leuca Chicks LLC has requested extension of its licensed premises to allow for wine to be served in their sidewalk café area, south of their building. It was moved by Olsen and seconded by Taylor to approve the extension of the Class C Wine license to cover the outside café. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**APPROVAL OF TRANSFER OF “CLASS B” BEER AND LIQUOR LICENSE TO C CHRISTON LLC.** Christ Christon is purchasing the restaurant business at 111 Whitewater Street from his Father, George Christon. It was moved by Binnie and seconded by Olsen to approve transfer of the license to Chris, contingent upon consummation of the sale of the business. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**AWARD OF QUOTE TO WATER WELL SOLUTIONS.** Problems with the motor control center for the water utility have occurred and it is necessary to replace obsolete and undersized components so that the boosters are dependable. It was moved by Olsen and seconded by Taylor to approve repairs at a cost of \$13,226 from Water Well Solutions. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**APPROVAL OF LEASE WITH WHITEWATER ARTS ALLIANCE FOR WHITE MEMORIAL BUILDING.** City Manager Brunner has negotiated renewal of the lease on the White Memorial Building. Rent will be \$800 per month for the initial year of the lease, the rate will remain discounted for the duration of this agreement as long as certain organizational performance objectives are met by the lessee. The City pays utilities and maintains the sidewalk and parking lot. The use of the building must be in compliance with the Walworth County Circuit Court mandate wherein it is required that the building be used for public purposes with an emphasis on public access uses. A 90 day notice of intention to terminate this lease is required. It was moved by Olsen and seconded by Stewart to approve the lease with Whitewater Arts Alliance for rental of the White Memorial Building. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**STARIN ROAD EXTENSION WETLAND BANK CREDITS.** DPW Director Fischer indicated that the Starin Road extension will require construction through some wetland. The DNR permits this construction, with the understanding that the wetlands either be mitigated, or the City can purchase “wetland credits” from an established wetland bank. Fischer indicated that the impacted wetlands were minimized as much as possible by changing the route of Starin Road and narrowing the terrace and multi-use path. The City would need to purchase 1.12 acres. It was moved by Olsen and seconded by Taylor to recommend the purchase of 1.12 wetland credits from Northland Wetland Mitigation Bank, at a cost of \$46,320. (Action is contingent upon the consummation of the Kligora sale of real estate to the City) AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**APPOINTMENT OF CITIZEN MEMBER TO ETHICS COMMITTEE.** It was moved by Olsen and seconded by Taylor to appoint Greg Torres to the open position on the Ethics Committee. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**CLOSURE OF PARKING LOTS AND STREETS FOR JULY 4<sup>TH</sup> CELEBRATION.** It was moved by Olsen and seconded by Taylor to approve closure of Whitewater Street, between Fremont & Second, commencing June 30<sup>th</sup> at 7:00 a.m., and to close Whitewater Street from Fremont to the M.E. and my Pets store beginning at 3:00 p.m. on Thursday, July 1<sup>st</sup>. The parking lot west of the depot and the James Street parking area will be closed on July 4<sup>th</sup> and S. Fremont Street between Whitewater and Ann Streets will be

closed beginning June 27<sup>th</sup>. The parking lot next to Cravath Lake (Parking Lot B) will also be closed starting the 27<sup>th</sup> of June. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** None.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Olsen to adjourn to closed session, TO RECONVENE 10 minutes from time of entering into closed session, pursuant to Wisconsin Statutes Chapter 19.85(1)(e) “Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Item to be Discussed: Negotiation of Purchase of Real Estate from Kligora (for purposes of extending Starin Rd.)

At 7:15 p.m., it was moved by Taylor and seconded by Olsen to reconvene into open session. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**RESOLUTION AUTHORIZING THE PURCHASE OF LANDS FOR STARIN ROAD RIGHT OF WAY.** Council was presented with a Resolution authorizing the purchase of approximately 4.23 acres at a total cost of \$210,000.

**RESOLUTION AUTHORIZING THE PURCHASE OF LANDS FOR THE RIGHT OF WAY  
NECESSARY TO EXTEND STARIN ROAD.**

WHEREAS, the City of Whitewater has decided to extend Starin Road from its intersection with Fremont Street to a planned intersection with Highway 59; and

WHEREAS, in order to complete said improvement, the City will need to acquire real estate; and

WHEREAS, it is in the City of Whitewater and the general public’s best interest to acquire said property in order to extend Starin Road.

NOW THEREFORE BE IT RESOLVED that the City Manager and the City Clerk are hereby authorized to sign any and all documents necessary to purchase the property as set forth in the attached Kligora Offer to Purchase on the terms and conditions, including the price, as set forth therein.

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

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ADJOURNMENT.** It was moved by Olsen and seconded by Taylor to adjourn the meeting. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. The meeting adjourned at 7:28 p.m.

Respectfully submitted,

Michele R. Smith,  
City Clerk