

**CITY OF WHITEWATER**  
**COMMON COUNCIL AGENDA**  
 Common Council Meeting  
**Tuesday, July 19, 2011 – 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 of 6/21/2011.
CA-B	Approval of Payment of Invoices Processed through 7/14/2011.
CA-C	Acknowledgment of Receipt and Filing of the Following: *CDA Minutes of May 18, 2011 *Park & Recreation Board Minutes 6/20/11 *Tech Park Board Minutes of 6/15/11
CA-D	Expedited approval of the following items, per city staff recommendation: R-1, C-4

**REPORTS:**

City Manager	1) State Budget Update; 2) Zoning Code Rewrite Project; 3) Update on former Alpha Cast Property site (N. Jefferson Street)
Park & Recreation	1) Bicycle and Pedestrian Master Plan

**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 three 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.

**RESOLUTIONS:**

*R-1	Amendment No. 2 to 2011 Salary Resolution (to reflect increase in hourly rate for Neighborhood Services Officer & incorporation of 2 <sup>nd</sup> Community Service Officer into Salary Resolution) [Assistant to the City Manager Request]
R-2	Resolution authorizing the Issuance and Sale of up to \$633,078 Sewer System Revenue Bonds, Series 2011, and Providing for other details and covenants with respect thereto, and approval of related \$703,420 Financial Assistance Agreement. (City Manager Request) {Clean Water Fund Program – WWTP Biogas Treatment & Utilization Equipment)}; (City Manager Request)

**ORDINANCES: First Reading**

O-1	Amending Election Ward Boundaries per 2010 Census (City Clerk Request)
O-2	Amending Election Aldermanic District Boundaries per 2010 Census (City Clerk Request)
O-3	Amending Ch. 1.21.010, Schedule of Deposits, relating to Animal Control Violations (City Attorney Request)

**ORDINANCES: Second Reading - NONE**

**CONSIDERATIONS:**

C-1	Discussion and Possible Direction regarding Financing of North Street Bridges Project (City Manager Request).
C-2	Award of bid for North Street Bridges Reconstruction Project. (DPW Director Request).
C-3	Discussion and possible direction regarding carry and conceal law and its affect on city property and buildings. (Park & Recreation Director Request)
*C-4	Approval of Request from Whitewater Fire Department to close Whitewater Street (from Fourth Street to Fremont Street) for two hours on July 23, 2011 (Fire Chief Request).

C-5	Review of Employee Residency Policy for non-union staff, and possible direction regarding the policy. (Councilmember Olsen request)
C-6	Discussion and possible direction regarding City fines and penalties. (Councilmember Kienbaum request).
C-7	Councilmember Requests for Future Agenda Items.
C-8	<b>EXECUTIVE SESSION:</b> Adjourn to Executive Session, <b>not to reconvene</b> , per Wisconsin Statutes 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Item to be Discussed: 1) Discussing strategy for negotiations with Walworth County concerning Elkhorn Road Venture LLC Payment in Lieu of Taxes Payment / Special Charge Settlement

**Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 24 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:** July 14, 2011

**RE:** **Comments on July 19, 2011 Agenda Items**

1. **Amendment No. 2 to 2011 Salary Resolution.** I recommend approval of an increase in hourly rate for the Neighborhood Services Officer and also a change in the title to Neighborhood Services/GIS Technician to reflect the increased responsibilities of this position since Bruce Parker has retired. There is also the incorporation of a second Community Service Officer in this resolution. We have two CSO's currently working and in checking the salary resolution we only have authorization for one. However, when Linda McVeigh left her position last year we did discuss with the Council the need for two Community Service Officers so this is in keeping with previous discussions and direction from Council.
2. **Resolution authorizing the Issuance and Sale of up to \$633,078 Sewer System Revenue Bonds.** The City has received a Clean Water Fund loan to finance the wastewater treatment plant biogas project. This resolution is required by the Clean Water Fund and will provide the necessary financing for this project, the construction of which was previously awarded by the Council in May.
3. **Amending Election Ward Boundaries and Election Aldermanic District Boundaries per 2010 Census.** City Clerk Smith has worked very hard at putting together the new election ward boundaries and election aldermanic district boundaries based on the 2010 Census data. I recommend approval of both.
4. **Discussion and Possible Direction regarding Financing of North Street Bridges Project.** Please see my memo on this. I recommend the necessary borrowing for the CIP and stormwater portions of this project.
5. **Award of bid for North Street Bridges Reconstruction Project.** I recommend approval.
6. **Discussion and possible direction regarding carry and conceal law and its affect on City property and buildings.** Many communities around the state are exempting certain city properties and buildings from the new State concealed carry law which will go into effect later this year. It certainly makes sense to me that the entire Municipal Center (which includes the Police Department which under State law is already exempt) as well as other potential city facilities be exempted by local ordinance from the new State law. I know that our Parks and Recreation Director Matt Amundson has some concerns about allowing concealed carry in some park facilities and I'm sure he will be discussing those concerns

with you.

7. **Approval of Request from Whitewater Fire Department to close Whitewater Street on July 23, 2011.** Recommend approval.
8. **Discussion and possible direction regarding City fines and penalties.** While I have not spoken to Councilmember Kienbaum directly on this issue I understand that she is concerned about the fines and forfeitures paid through Municipal Court. While I would be very interested in discussing this issue with the City Council, I do recall that when this issue was last discussed about four years ago that our fines and forfeitures at the time were comparable to, if not somewhat lower, than surrounding communities. I also want to point out that the exact amount of fines and forfeitures assessed is at the discretion of the Municipal Judge. During Judge Kelly's tenure our actual revenues from fines and forfeitures assessed by the Court has decreased. For example, between 2009 and 2010 fines, forfeitures and penalties actually decreased from \$443,250 to \$405,004.

If you have any questions regarding any of these agenda items please feel free to contact me.

## **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 21, 2011

The regular 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. MEMBERS ABSENT: Stewart, Winship. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Olsen and seconded by Binnie to approve the Council minutes of June 7, 2011 and to acknowledge receipt and filing of the: following: Report of Manually-Produced Checks for May, 2011; Financial Reports for May, 2011; Irvin L. Young Memorial Library Board Minutes of May 9, 2011; Technology Park Board Minutes of May 11, 2011; and Plan Commission Minutes of May 9, 2011. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Binnie to approve payment of invoices in the total sum of \$279,328.14. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**REPORTS.** City Manager Brunner gave a **state budget update**. Brunner presented a **Proclamation designating “Bruce Parker Day”** in recognition of Bruce’s 37 years of employment with the City of Whitewater. Park and Recreation Director Amundson presented the **“Golden Shoe”** award to the City – city employees competed with the School District and University employees and won the walking contest award. Amundson also updated Council on the status of **the Treyton Kilar Field of Dreams**.

**CITIZEN COMMENTS:** None.

**APPROVAL OF COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE WASTEWATER UTILITY.**

### **CITY OF WHITEWATER**

#### **Wisconsin Department of Natural Resources Compliance Maintenance Annual Report Resolution 2010**

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

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the CMAR;

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

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2010 CMAR was reviewed and this resolution was voted on as follows:

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Kienbaum, Singer, Olsen, Binnie, Butler. NOES: None. ABSENT: Stewart, Winship. ADOPTED: June 21, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AUTHORIZING DISCONTINUANCE OF PORTION OF MORAINÉ VIEW PARK PARKWAY.** A Public Hearing was held on the discontinuance of a portion of Moraine View Park Parkway. No one from the public spoke either for or against the discontinuance.

### **RESOLUTION DISCONTINUING A PORTION OF MORAINÉ VIEW PARKWAY**

**WHEREAS**, the City of Whitewater has recently constructed an Innovation Center in the City of Whitewater, and

**WHEREAS**, there is currently a platted street stub for Moraine View Parkway that is located near said Innovation Center, and

**WHEREAS**, the Moraine View Parkway stub is not needed for current development plans for the area and may be an impediment to the development of the City of Whitewater Technology Park, and

**WHEREAS**, the public interest requires it.

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

1. Moraine View Parkway from its intersection with Innovation Drive southerly to the point described on the attached legal description, and shown on the attached and map, is hereby discontinued.
2. The official map of the City of Whitewater is hereby amended to show the discontinuance of this portion of Moraine View Parkway.

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

AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship. ADOPTED: June 21, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

## LEGAL DESCRIPTION OF PORTION OF MORAINE VIEW PARKWAY TO BE DISCONTINUED:

Vacating Moraine View Parkway as dedicated on C.S.M. 3050, being a part of the SE ¼ and SW ¼ of the NE ¼ of Section 3, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin:

Commencing at the East ¼ corner of said Section 3;  
Thence North 0° 14' 18" West a distance of 1,248.84 feet along the East line of the NE ¼ of said Section 3;

Thence South 88° 40' 08" West a distance of 33.01 feet to the intersection the Westerly right-of-way line of Howard Road and the Southerly right-of-way line of Corporate Drive;

Thence South 88° 40' 08" West a distance of 1,177.73 feet along said Southerly right-of-way line to the point of beginning;

Thence South 83° 41' 51" West a distance of 94.54 feet;

Thence South 0° 14' 18" East a distance of 122.47 feet;

Thence South 89° 45' 42" West a distance of 70.00 feet;

Thence North 0° 14' 18" West a distance of 34.01 feet;

Thence North 16° 25' 34" West a distance of 98.71 feet to the Southerly right-of-way line of Corporate Drive;

Thence North 88° 40' 11" East a distance of 191.56 feet to the P.O. B.

Containing 0.25 acres, more or less.

**AUTHORIZING DISCONTINUANCE OF PORTION OF SUMMIT STREET.** A Public Hearing was held on the discontinuance of a portion of Summit Street. No one from the public spoke either for or against the discontinuance.

### **RESOLUTION DISCONTINUING A PORTION OF SUMMIT STREET**

**WHEREAS**, the City of Whitewater has realigned Summit Street in the City of Whitewater at its intersection with Janesville Street, and

**WHEREAS**, after the realignment of Summit Street, portions of the Summit Street right-of-way are no longer needed for street purposes, and

**WHEREAS**, the public interest requires it.

Now, therefore, **BE IT RESOLVED** that:

1. The portion of Summit Street described on the attached legal description and shown on the attached map is hereby discontinued.
2. A public sidewalk easement for the purpose of the public use and for the purpose of installing, laying, repairing, and maintaining sidewalks or pedestrian pathways is retained by the City of Whitewater on and over said property.
3. The official map of the City of Whitewater is hereby amended to show the discontinuance of this portion of the street.

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Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Butler. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Winship, Stewart. ADOPTED: June 21, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF AN ORDINANCE CREATING CHAPTER 7.27; POSSESSION, SALE AND USE OF SYNTHETIC CANNABINOID SUBSTANCES PROHIBITED (ASSIGNS PENALTIES FOR VIOLATION OF THE SYNTHETIC CANNABINOID ORDINANCE).**

**ORDINANCE NO. 1820A - AN ORDINANCE CREATING CHAPTER 7.27  
POSSESSION, SALE AND USE OF SYNTHETIC  
CANNABINOID SUBSTANCES PROHIBITED**

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

**SECTION I.** Whitewater Municipal Code Chapter 7.27 is hereby created to read as follows:

Chapter 7.27

Possession, Sale, and Use of Synthetic Cannabinoid Substances Prohibited

Sections:

7.27.010	Introduction, Purpose and Findings
7.27.020	Definitions
7.27.030	Synthetic Chemical Cannabinoid Possession, Use and Sale Prohibited
7.27.040	Exceptions
7.27.050	Penalties

7.27.010 Introduction, Purpose and Findings.

A. The Common Council of the City of Whitewater has determined that herbal preparations powdered or sprayed with a synthetic chemical cannabinoid or other similar substances that claim to or do produce intoxicating effects similar to THC are or may become available for sale within the City of Whitewater; and

B. Synthetic cannabinoid substances are often marketed as incense or benign and legal alternatives to marijuana; and

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C. Cannabinoid substances are potentially dangerous to users and have been reported to produce severe adverse health conditions such as heart palpitations, hallucinations, paranoia, seizures, panic attacks, increased agitation, vomiting;

D. Some states have already included one or more of these synthetic cannabinoid substances on their schedule of controlled substances, but none of the chemicals are currently listed on the State of Wisconsin's schedule of controlled substances;

E. Many municipalities have taken action to prohibit these substances due to the negative health conditions that may be caused by using these substances; and

F. Although the long term health effects of using synthetic cannabinoid substances are not yet known, the Common Council of the City of Whitewater has determined to address the growing threat of synthetic cannabinoids to the health, safety and welfare of its citizens.

## 7.27.020 Definitions.

A. "Deliver" has the same meaning given in Section 961.01(6) Wis. Stats. with respect to a controlled substance or controlled substance analog.

B. "Distribute" has the same meaning given in Section 961.01(9) Wis. Stats. with respect to a controlled substance or controlled substance analog.

## 7.27.030 Synthetic Chemical Cannabinoid Possession, Use and Sale Prohibited.

A. It shall be illegal for any person to possess, sell, publicly display for sale or attempt to sell, give, deliver, distribute, or barter any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "Blaze", "Red X Dawn", "Zohia", "Spike Diamond", "Route 69", "Smoke XXXX", "Citron", "XXX", "Purple Magic", "Lazy Cakes", "fake", or "new" marijuana, or by any other name, label or description:

1. (6aR, 1 OaR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol- some trade or other names: HU-210;

2. 1-Pentyl-3-(1-naphthoyl) indole - some trade or other names: JWH-018\spice

3. 1-Butyl-3-(1naphthoyl) indole - some trade or other names: JWH-073;

4. 1-(3 {trifluoromethylphenyl}) piperazine - some trade or other names: TFMPP;

5. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol- some trade or other names:

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6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole - some trade or other names: JWH-200;
7. 1-hexyl-3-(1-naphthoyl)indole - some trade or other names: JWH-019;
8. 1-pentyl-3-(2-methoxyphenylacetyl)indole - some trade or other names: JWH-250;
9. 1-pentyl-3-(4-chloro-1-naphthoyl)indole - some trade or other names: JWH-398;
10. (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone - or some trade or other names: JWH -015;
11. Dexanabinol, (6aS, 1 OaS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol- or some trade or other names: HU-211;
12. or any similar structural analogs.

## 7.27.040 Exception.

The prohibitions set forth herein do not apply to any person who commits an act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act.

## 7.27.045 Presumption

- A. It shall be presumed that any product labeled with a trade name listed in 7.27.030 is a product prohibited by 7.27.030.
- B. It shall be presumed that any product stating on its label or packaging that it contains the chemical compounds listed in 7.27.030 is a product that is prohibited by 7.27.030.

## 7.27.050 Penalties.

- A. Any person who shall sell, publicly display for sale or attempt to sell, give, deliver, distribute, or barter any one or more of the chemicals as prohibited in Section 7.27.030 above shall upon conviction be subject to a forfeiture of not less than five hundred dollars (\$500.00) and not more than nine hundred dollars (\$900.00) together with the cost of prosecution, including but not limited to the testing of a substance or a person, experts, witness fees and reports, etc. for each violation. Each day a violation continues shall constitute a separate offense. The City may also seek equitable relief to gain compliance.
- B. Any person who shall possess any one or more of the chemicals as prohibited in Section 7.27.030 above shall upon conviction be subject to a forfeiture of not less than three hundred (\$300.00) and not more than seven hundred dollars (\$700.00) together with the cost of prosecution, including but not limited to the testing of a substance or a person, experts, witness

fees and reports, etc. for each violation.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum. NOES: Butler. ABSENT: Winship, Stewart. ADOPTED: June 21, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF AN ORDINANCE AMENDING CH. 1.21.010, SCHEDULE OF DEPOSITS.**

ORDINANCE NO. 1821A - AN ORDINANCE AMENDING SECTION 1.21.010  
SCHEDULE OF DEPOSITS

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

**SECTION 1.** Whitewater Municipal Code Section 1.21.010 is hereby amended by adding the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
7.27.030 A.  assessment,	Violation of synthetic cannabinoid ordinance - sale or delivery	1 <sup>st</sup> offense - \$700 plus statutory penalty assessment, jail  court costs and crime lab assessment  2 <sup>nd</sup> offense or more – \$800, plus statutory penalty assessment, jail assessment, court costs and crime lab assessment
7.27.030 B.	Violation of synthetic cannabinoid ordinance - possession or use	1 <sup>st</sup> offense - \$400 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> offense or more- \$500, plus plus statutory penalty assessment, jail assessment, court costs and crime lab

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assessment

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum. NOES: Butler. ABSENT: Winship, Stewart. ADOPTED: June 21, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AUTHORIZATION TO CLOSE PORTIONS OF WHITEWATER STREET AND CERTAIN PARKING LOTS FOR 4<sup>TH</sup> OF JULY CELEBRATION.** The 4<sup>th</sup> of July Committee presented their annual request to close various parking lots and Whitewater Street for various dates and times during the 4<sup>th</sup> of July celebration. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**APPROVAL OF RENEWAL OF CLASS B BEER LICENSE FOR ROARING FORK (QDOBA) AND JESSICA'S (INCLUDES NEWLY-EXPANDED RESTURANT AREA) AND RANDY'S FUN HUNTERS BREWERY WHOLESALE BEER LICENSE.** It was moved by Olsen and seconded by Binnie to approve the renewal of the Class "B" Beer License for Qdoba (Roaring Ford LLC), Jessica's Family Restaurant and the Wholesale Beer License for Randy's Brewery. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**AUTHORIZATION TO PURCHASE JET MACHINE FROM SEWER EQUIPMENT OF AMERICA, WATERLOO, WISCONSIN, IN THE AMOUNT OF \$154,893.** It was moved by Olsen and seconded by Binnie to authorize purchase of a Model 800-HPRTV jet machine body from Sewer Equipment of America of Glenview, Illinois, in the sum of \$154,893. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**APPROVAL OF CERTIFIED SURVEY MAP FOR CATCON WHITEWATER, LLC ("THE ELEMENT" PROJECT LOCATED NEAR PRINCE STREET AND FLORENCE STREET INTERSECTION).** City Manager Brunner reported that Plan Commission has recommended the approval of the certified survey map for Catcon Whitewater LLC with certain conditions. It was moved by Binnie and seconded by Butler to approve the certified survey map for Catcon, on the terms and conditions recommended by Plan Commission. AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Stewart, Winship.

**AWARD OF BID FOR INNOVATION CENTER LAB SHELL AND LAB BUILD OUT GENERAL CONSTRUCTION IN THE AMOUNT OF \$99,500 TO MAGILL CONSTRUCTION AND APPROVAL OF CHANGE ORDERS FOR HVAC, ELECTRICAL, PLUMBING AND FIRE PROTECTION IN THE AMOUNT OF \$254,921 FOR INNOVATION CENTER LAB SHELL AND LAB BUILD OUT.** It was moved by Olsen and seconded by Binnie to award a bid to Magill Construction of Elkhorn, Wisconsin, in the sum of \$99,500 for the general construction component of the Innovation Center Lab Shell. Also approved are change orders to North American Mechanical in the amount of \$182,995 (HVAC work); Rewald Electric in the sum of \$38,338 (electrical work) and DeGarmo Plumbing

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in the sum of \$29,838 (plumbing work) and Freedom Fire in the sum of \$3,750 (fire protection). AYES: Olsen, Butler, Binnie, Singer, Kienbaum. NOES: None. ABSENT: Winship, Stewart.

**REVIEW PROPOSED NEIGHBORHOOD SERVICES REORGANIZATION.** With the recent retirement of the Neighborhood Services Director and the Building Inspector, City Manager Brunner presented a reorganization plan for the Neighborhood Services Department. Brunner plans to reassign the responsibility for city facility management to Park & Recreation Director Amundson, who will supervise facilities maintenance employees. The part-time maintenance position will be increased from 20 hours per week to 30 hours per week. Amundson will not receive additional compensation for the responsibilities. Planning services will still be handled by the city's contract planner. It is proposed that Building Inspection services be contracted with Municipal Zoning and Inspection Services. Part-time code enforcement employee Scott Weberpahl's hours will be increased from 10 hours per week to 20 hours per week. Current CDA Coordinator Mary Nimm will oversee the Zoning / Code Enforcement Department as well as the Geographic Information System. This new position of Neighborhood Services Manager would be proposed to be designated at pay grade G, and Nimm would be placed at step 2 (\$51,812). A formal proposal to increase the part-time Code Enforcement employee's wages from \$10.54 to \$12.58 per hour will be forthcoming. Brunner stated that the reorganization will save approximately \$60,000 per year for the City. Councilmember Olsen expressed dissatisfaction with the plan, stating that it appears it was thrown together. Councilmember Singer also expressed some concerns over the reorganization plan. Councilmember Binnie stated that he thought this was a creative proposal that warrants consideration. Councilmember Kienbaum expressed displeasure with "outsourcing" positions. It was also noted that a major question in the reorganization would be how the CDA should now be staffed since Mary Nimm would be moving over to Neighborhood Services. It was noted that further discussion on the reorganization will occur.

**APPROVAL OF CONTRACT FOR BUILDING INSPECTION SERVICES WITH KAHUBE LLC.** It was moved by Olsen and seconded by Binnie to approve a building inspection service contract with KAHUBE, LLC d/b/a Municipal Zoning and Inspection Services ("MZIS") for the remainder of calendar year 2011 (with the understanding the contract can be renewed) at a monthly cost of \$1,000 plus \$55 per inspection performed. MZIS will provide six office hours per week. Councilmember Kienbaum indicated she would not be supportive of the contract as she feels work should not be "outsourced." AYES: Olsen, Butler, Binnie, Singer. NOES: Kienbaum. ABSENT: Stewart, Winship.

**DISCUSSION AND POSSIBLY DIRECTION TO HOLD JOINT COUNCIL/CDA MEETING.** It was agreed to hold a joint special Council Meeting / CDA meeting on July 11<sup>th</sup>.

**ACTION ON POSSIBLE CANCELLATION OF JULY 5, 2011 COUNCIL MEETING.** City Manager Brunner stated that there is business to be taken care of in early July, and we will not be in a position to cancel the July 5<sup>th</sup> council meeting.

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

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

THE MEETING ADJOURNED AT 7:10 p.m.

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
<b>1ST AYD CORPORATION</b>						
5431	1ST AYD CORPORATION	487597	WASTEWATER/SHOP HAND SO	07/20/2011	173.20	620-62840-340
Total 1ST AYD CORPORATION:					173.20	
<b>ACL</b>						
2736	ACL	201106-0	POLICE PATROL/PROFESSION	07/20/2011	35.00	100-52110-219
Total ACL:					35.00	
<b>ADVANCE PRINTING INC</b>						
1295	ADVANCE PRINTING INC	15484	WATER/WATER QUALITY REPO	07/20/2011	735.00	610-61903-310
1295	ADVANCE PRINTING INC	15526	WATER/UTILITY BILLS	07/20/2011	105.00	610-61921-310
1295	ADVANCE PRINTING INC	15526	WASTEWATER/UTILITY BILLS	07/20/2011	105.00	620-62820-310
1295	ADVANCE PRINTING INC	15526	STORMWATER/UTILITY BILLS	07/20/2011	105.00	630-63300-310
1295	ADVANCE PRINTING INC	15600	LEGISLATIVE/NEWSLETTER	07/20/2011	445.00	100-51100-310
Total ADVANCE PRINTING INC:					1,495.00	
<b>AMERICAN MILLWORK &amp; HARDWARE INC</b>						
1841	AMERICAN MILLWORK & HARD	011333	PARKS/BLEACH	07/20/2011	69.40	100-53270-359
Total AMERICAN MILLWORK & HARDWARE INC:					69.40	
<b>AROPA DESIGNS</b>						
880	AROPA DESIGNS	31680	REC/T BALL & ROOKIE SHIRTS	07/20/2011	1,663.40	100-55300-341
880	AROPA DESIGNS	31680	REC/STAFF SHIRTS	07/20/2011	326.00	100-55210-790
Total AROPA DESIGNS:					1,989.40	
<b>AT&amp;T</b>						
3917	AT&T	3917-072011	GEN BLDG/PHONE	07/20/2011	582.45	100-51600-225
3917	AT&T	3917-072011	SHOP/PHONE	07/20/2011	34.26	100-53230-241
3917	AT&T	3917-072011	LIBRARY/PHONE	07/20/2011	85.65	100-55110-225
3917	AT&T	3917-072011	SENIORS/INTERNET	07/20/2011	31.65	100-55310-340
3917	AT&T	3917-072011	WATER/PHONE	07/20/2011	85.65	610-61921-310
3917	AT&T	3917-072011	WASTEWATER/DIALER	07/20/2011	42.83	620-62830-356
3917	AT&T	3917-072011	WASTEWATER/PHONE	07/20/2011	8.57	620-62820-225
3917	AT&T	3917-072011	CABLE/PHONE	07/20/2011	17.13	200-55110-225
3917	AT&T	3917-072011	DISPATCH/CONTRACTUAL SVC	07/20/2011	193.46	100-52600-295
Total AT&T:					1,081.65	
<b>AT&amp;T LONG DISTANCE</b>						
4746	AT&T LONG DISTANCE	4746-072011	SAFETY BDLG/PHONE	07/20/2011	30.05	100-51600-225
4746	AT&T LONG DISTANCE	4746-072011	LIBRARY/PHONE	07/20/2011	21.17	100-55110-225
4746	AT&T LONG DISTANCE	4746-072011	STREET/PHONES	07/20/2011	8.61	100-53230-241
4746	AT&T LONG DISTANCE	4746-072011	WATER/PHONE	07/20/2011	10.28	610-61921-310
4746	AT&T LONG DISTANCE	4746-072011	WASTEWATER/PHONE	07/20/2011	27.42	620-62820-225
Total AT&T LONG DISTANCE:					97.53	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
<b>AUER STEEL &amp; HEATING SUPPLY</b>						
662	AUER STEEL & HEATING SUPP	4096326	SAFETY BLDG/HEAT & AIR	07/20/2011	333.21	100-51600-244
Total AUER STEEL & HEATING SUPPLY:					333.21	
<b>BADGER METER INC</b>						
155	BADGER METER INC	92119401	WATER/AMR PROJECT	07/20/2011	1,153.43	610-61936-810
155	BADGER METER INC	92333001	WATER/AMR PROJECT	07/20/2011	32,548.04	610-61936-810
155	BADGER METER INC	92333201	WATER/AMR PROJECT	07/20/2011	13,983.75	610-61936-810
155	BADGER METER INC	92333301	WATER/AMR PROJECT	07/20/2011	34,481.26	610-61936-810
155	BADGER METER INC	92360401	WATER/AMR PROJECT	07/20/2011	709.80	610-61936-810
155	BADGER METER INC	92360601	WATER/AMR PROJECT	07/20/2011	810.00	610-61936-810
Total BADGER METER INC:					83,686.28	
<b>BAILEY NURSERIES INC</b>						
2612	BAILEY NURSERIES INC	CLM0034237	PARKS/CREDIT	07/20/2011	293.00	100-53270-295
2612	BAILEY NURSERIES INC	FIN0046207	PARKS/FINANCE	07/20/2011	19.20	100-53270-295
2612	BAILEY NURSERIES INC	INV0315676	PARKS/TREE PURCHASES	07/20/2011	1,573.25	100-53270-295
Total BAILEY NURSERIES INC:					1,299.45	
<b>BANDT COMMUNICATIONS INC</b>						
858	BANDT COMMUNICATIONS INC	65933	FIRE/CAPITAL EQUIPMENT	07/20/2011	1,036.25	100-52200-810
Total BANDT COMMUNICATIONS INC:					1,036.25	
<b>BENDLIN FIRE EQUIP INC</b>						
159	BENDLIN FIRE EQUIP INC	68374	PARKS/REPAIR SUPPLIES	07/20/2011	610.00	100-53270-359
159	BENDLIN FIRE EQUIP INC	68463	PARKS/REPAIR SUPPLIES	07/20/2011	308.04	100-53270-359
Total BENDLIN FIRE EQUIP INC:					918.04	
<b>BRICKLINE INC</b>						
6251	BRICKLINE INC	110627	REVOLVING ST REPAIR/CONTI	07/20/2011	1,174.00	280-57500-830
Total BRICKLINE INC:					1,174.00	
<b>BROWN CAB SERVICE INC</b>						
47	BROWN CAB SERVICE INC	JUNE 2011	CAB SVC/JUNE	07/20/2011	11,355.41	235-51350-295
Total BROWN CAB SERVICE INC:					11,355.41	
<b>BRUCE MUNICIPAL EQUIP INC</b>						
742	BRUCE MUNICIPAL EQUIP INC	5112144	STORMWATER/SWEEPER REP	07/20/2011	1,026.49	630-63310-353
Total BRUCE MUNICIPAL EQUIP INC:					1,026.49	
<b>BURNS INDUSTRIAL SUPPLY</b>						
28	BURNS INDUSTRIAL SUPPLY	405571	PARKS/BELT	07/20/2011	6.20	100-53270-242
28	BURNS INDUSTRIAL SUPPLY	4056354	PARKS/BELT	07/20/2011	6.20	100-53270-242
28	BURNS INDUSTRIAL SUPPLY	406211	WASTEWATER/FORD MOWER	07/20/2011	12.80	620-62860-357
28	BURNS INDUSTRIAL SUPPLY	406688	WASTEWATER/FORD MOWER	07/20/2011	20.44	620-62860-357
Total BURNS INDUSTRIAL SUPPLY:					45.64	
<b>CAPN'S</b>						
6278	CAPN'S	7/1/11	GEN ADMN/COUNCIL RETREAT	07/20/2011	165.00	100-51400-310

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total CAPN'S:					165.00	
<b>CARQUEST AUTO PARTS</b>						
21	CARQUEST AUTO PARTS	21-072011	STREET/REPAIR PARTS	07/20/2011	76.52	100-53230-352
21	CARQUEST AUTO PARTS	21-072011	POLICE INV/VEHICLE REPAIRS	07/20/2011	211.99	100-52120-241
21	CARQUEST AUTO PARTS	21-072011	WASTEWATER/VEHICLE REPAI	07/20/2011	24.77	620-62840-351
Total CARQUEST AUTO PARTS:					313.28	
<b>CHAIN SAW BARNEY'S</b>						
3422	CHAIN SAW BARNEY'S	76253	PARKS/PARTS	07/20/2011	140.74	100-53270-242
Total CHAIN SAW BARNEY'S:					140.74	
<b>CLEAN MATS</b>						
1033	CLEAN MATS	25536	WASTEWATER/SHOP TOWELS	07/20/2011	43.10	620-62840-340
Total CLEAN MATS:					43.10	
<b>COACH S LOCKER, THE</b>						
495	COACH S LOCKER, THE	363613	REC/YOUTH BASEBALL SUPPLI	07/20/2011	245.60	100-55300-341
495	COACH S LOCKER, THE	363615	REC/YOUTH BASEBALL SUPPLI	07/20/2011	425.60	100-55300-341
Total COACH S LOCKER, THE:					671.20	
<b>DALEE WATER CONDITIONING</b>						
208	DALEE WATER CONDITIONING	208-072011	STREET/SHOP SUPPLIES	07/20/2011	38.38	100-53230-340
208	DALEE WATER CONDITIONING	208-072011	CABLE/OPERATING SUPPLIES	07/20/2011	17.90	200-55110-340
Total DALEE WATER CONDITIONING:					56.28	
<b>DEPT OF NATURAL RESOURCES</b>						
293	DEPT OF NATURAL RESOURCE	W412787	WATER/2011 WATER USE FEES	07/20/2011	125.00	610-61620-350
Total DEPT OF NATURAL RESOURCES:					125.00	
<b>DEPT OF UTILITIES</b>						
1	DEPT OF UTILITIES	1-072011	CITY & PARKS/WATER UTILITIE	07/20/2011	2,593.57	100-51600-221
1	DEPT OF UTILITIES	1-072011	STREET/WATER UTILITIES	07/20/2011	715.61	100-53230-221
1	DEPT OF UTILITIES	1-072011	REC/WATER UTILITIES	07/20/2011	1,900.15	100-53270-221
1	DEPT OF UTILITIES	1-072011	LIBRARY/WATER UTILITIES	07/20/2011	601.46	100-55111-221
1	DEPT OF UTILITIES	1-072011	PARKING LOT/STORMWATER U	07/20/2011	251.13	208-51920-650
1	DEPT OF UTILITIES	1-072011	WATER/WATER UTILITIES	07/20/2011	359.69	610-61935-220
1	DEPT OF UTILITIES	1-072011	WASTEWATER/STORMWATER	07/20/2011	359.13	620-62860-220
1	DEPT OF UTILITIES	1-072011	INNOVATION CTR/WATER UTILI	07/20/2011	750.60	920-56500-221
Total DEPT OF UTILITIES:					7,531.34	
<b>EAGLE ENGRAVING</b>						
3467	EAGLE ENGRAVING	2011-1412	FIRE/OPERATING SUPPLIES	07/20/2011	28.80	100-52200-340
Total EAGLE ENGRAVING:					28.80	
<b>EMERGENCY APPARATUS MTN INC</b>						
4512	EMERGENCY APPARATUS MTN	53480	FIRE/VEHICLE MAINTENANCE	07/20/2011	1,349.64	100-52200-241

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total EMERGENCY APPARATUS MTN INC:					1,349.64	
<b>EMERGENCY MEDICAL PRODUCTS INC</b>						
115	EMERGENCY MEDICAL PRODU	1385995	RESCUE/OPERATING SUPPLIE	07/20/2011	215.78	100-52300-340
Total EMERGENCY MEDICAL PRODUCTS INC:					215.78	
<b>FABCO EQUIPMENT INC</b>						
2765	FABCO EQUIPMENT INC	C170722	STORMWATER/LOADER REPAI	07/20/2011	119.96	630-63600-352
Total FABCO EQUIPMENT INC:					119.96	
<b>FIRE-RESCUE SUPPLY LLC</b>						
3886	FIRE-RESCUE SUPPLY LLC	3511	FIRE/VEHICLE MAINTENANCE	07/20/2011	39.95	100-52200-241
Total FIRE-RESCUE SUPPLY LLC:					39.95	
<b>FOX VALLEY TECHNICAL COLLEGE</b>						
1162	FOX VALLEY TECHNICAL COLL	TPB114660/FY	POLICE INV/TRAINING	07/20/2011	790.00	100-52120-154
Total FOX VALLEY TECHNICAL COLLEGE:					790.00	
<b>FRAWLEY OIL CO INC</b>						
133	FRAWLEY OIL CO INC	133-072011	NEIGHBORHOOD SVC/GAS	07/20/2011	160.43	100-52400-351
133	FRAWLEY OIL CO INC	133-072011	DPW ENGINEER/GAS	07/20/2011	78.35	100-53100-351
133	FRAWLEY OIL CO INC	133-072011	SHOP/VEHICLE MAINTENANCE	07/20/2011	265.00	100-53230-352
133	FRAWLEY OIL CO INC	133-072011	STREET/GAS	07/20/2011	3,060.34	100-53300-351
133	FRAWLEY OIL CO INC	133-072011	SENIORS/GAS	07/20/2011	99.99	100-46733-55
133	FRAWLEY OIL CO INC	133-072011	PARKS/GAS	07/20/2011	271.99	100-53270-351
133	FRAWLEY OIL CO INC	133-072011	WATER/GAS	07/20/2011	246.25	610-61933-351
133	FRAWLEY OIL CO INC	133-072011	WASTEWATER/GAS	07/20/2011	257.44	620-62840-351
133	FRAWLEY OIL CO INC	133-072011	STORMWATER/GAS	07/20/2011	104.47	630-63440-351
133	FRAWLEY OIL CO INC	133-072011	STREET/DIESEL FUEL	07/20/2011	2,832.56	100-53300-351
133	FRAWLEY OIL CO INC	133-072011	ST CLEANING/DIESEL FUEL	07/20/2011	92.45	630-63310-351
133	FRAWLEY OIL CO INC	133-072011	PARKS/DIESEL FUEL	07/20/2011	354.46	100-53270-351
133	FRAWLEY OIL CO INC	133-072011	COMPOST/DIESEL FUEL	07/20/2011	345.10	630-63600-351
133	FRAWLEY OIL CO INC	133-072011	WASTEWATER/DIESEL FUEL	07/20/2011	375.50	620-62890-351
Total FRAWLEY OIL CO INC:					8,544.33	
<b>GEMPLER'S</b>						
1589	GEMPLER'S	1017451749	PARKS/OPERATING SUPPLIES	07/20/2011	1,694.98	100-53270-340
Total GEMPLER'S:					1,694.98	
<b>GEN COMMUNICATIONS INC</b>						
119	GEN COMMUNICATIONS INC	184318	POLICE INV/RADIO	07/20/2011	565.00	100-52120-292
119	GEN COMMUNICATIONS INC	915559	POLICE INV/RADIO	07/20/2011	13.70	100-52120-292
Total GEN COMMUNICATIONS INC:					578.70	
<b>GMA PRINTING INC</b>						
1920	GMA PRINTING INC	024606	POLICE PATROL/OPERATING S	07/20/2011	87.04	100-52110-340
Total GMA PRINTING INC:					87.04	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
<b>GRAINGER</b>						
367	GRAINGER	9566250420	INNOVATION CTR/SUPPLIES	07/20/2011	145.40	920-56500-250
367	GRAINGER	9567960225	WASTEWATER/NON POTABLE	07/20/2011	79.39	620-62850-357
Total GRAINGER:					224.79	
<b>HD SUPPLY WATERWORKS LTD</b>						
2459	HD SUPPLY WATERWORKS LT	3229946	WATER/SUPPLIES	07/20/2011	1,308.31	610-61651-350
Total HD SUPPLY WATERWORKS LTD:					1,308.31	
<b>HOMETOWN NEWS LIMITED PTNRSHIP</b>						
1879	HOMETOWN NEWS LIMITED PT	026327	FINANCE/ACCT TECHNICIAN A	07/20/2011	69.12	100-51500-310
1879	HOMETOWN NEWS LIMITED PT	026327	FINANCE/SUPPORT SVC MGR	07/20/2011	76.80	100-51500-310
1879	HOMETOWN NEWS LIMITED PT	026327	FINANCE/SUPPORT SVC MGR	07/20/2011	69.12	100-51500-310
1879	HOMETOWN NEWS LIMITED PT	026328	NEIGHBORHOOD SVC/OFFICE	07/20/2011	38.40	100-52400-310
Total HOMETOWN NEWS LIMITED PTNRSHIP:					253.44	
<b>IBD LLC</b>						
1859	IBD LLC	160116509	STORMWATER/REPAIR PARTS	07/20/2011	110.95	630-63600-352
Total IBD LLC:					110.95	
<b>IMPERIAL INDUSTRIES INC</b>						
6275	IMPERIAL INDUSTRIES INC	00118854	WASTEWATER/VEHICLE #25 V	07/20/2011	237.36	620-62890-357
Total IMPERIAL INDUSTRIES INC:					237.36	
<b>INLAND POWER GROUP</b>						
305	INLAND POWER GROUP	1390995-00	STREET/EQUIPMENT REPAIR P	07/20/2011	469.64	100-53320-353
Total INLAND POWER GROUP:					469.64	
<b>J P COOKE CO</b>						
4884	J P COOKE CO	127671	GEN ADMN/STAMPER	07/20/2011	85.10	100-51400-310
Total J P COOKE CO:					85.10	
<b>JOHNS DISPOSAL SERVICE INC</b>						
42	JOHNS DISPOSAL SERVICE IN	37891	CITY/REFUSE	07/20/2011	19,071.30	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	37891	CITY/RECYCLING	07/20/2011	5,936.10	230-53600-295
42	JOHNS DISPOSAL SERVICE IN	37891	CITY/BULK	07/20/2011	3,789.00	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	37984	RECYCLE/EXTRA PICK UP	07/20/2011	75.00	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:					28,871.40	
<b>KB SHARPENING SERVICES INC</b>						
110	KB SHARPENING SERVICES IN	62151	PARKS/BLADE SHARPENING	07/20/2011	71.20	100-53270-242
110	KB SHARPENING SERVICES IN	62234	PARKS/BLADE SHARPENING	07/20/2011	110.00	100-53270-242
Total KB SHARPENING SERVICES INC:					181.20	
<b>KETTERHAGEN MOTORS INC</b>						
111	KETTERHAGEN MOTORS INC	C84081	RESCUE/#1281 REPAIRS	07/20/2011	96.15	100-52300-241
111	KETTERHAGEN MOTORS INC	C84100	POLICE PATROL/VEHICLE MTN	07/20/2011	414.26	100-52110-241

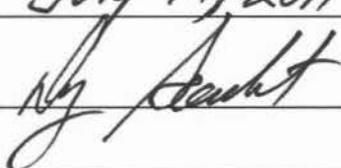
Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total KETTERHAGEN MOTORS INC:					510.41	
<b>LAB SAFETY SUPPLY INC</b>						
368	LAB SAFETY SUPPLY INC	1017450402	PARKS/OPERATING SUPPLIES	07/20/2011	256.86	100-53270-340
Total LAB SAFETY SUPPLY INC:					256.86	
<b>LAKESIDE INTERNATIONAL TRUCKS</b>						
3670	LAKESIDE INTERNATIONAL TR	95469	STREET/REPAIR PARTS	07/20/2011	88.06	100-53320-353
Total LAKESIDE INTERNATIONAL TRUCKS:					88.06	
<b>LAWSON PRODUCTS INC</b>						
289	LAWSON PRODUCTS INC	0549185	STREET/OPERATING SUPPLIE	07/20/2011	203.96	100-53230-340
Total LAWSON PRODUCTS INC:					203.96	
<b>LEXISNEXIS</b>						
3364	LEXISNEXIS	1410204-2011	POLICE INV/PROFESSIONAL S	07/20/2011	88.95	100-52120-219
Total LEXISNEXIS:					88.95	
<b>LINCOLN CONTRACTORS SUPP INC</b>						
165	LINCOLN CONTRACTORS SUP	8371430	STORMWATER/REPAIR PARTS	07/20/2011	1,437.84	630-63440-350
Total LINCOLN CONTRACTORS SUPP INC:					1,437.84	
<b>LOWRICH PROPERTY MAINTENANCE</b>						
5708	LOWRICH PROPERTY MAINTEN	1276	LIBRARY/MOWING	07/20/2011	30.00	220-55110-226
5708	LOWRICH PROPERTY MAINTEN	1282	NEIGHBORHOOD SVC/PROFES	07/20/2011	140.00	100-52400-219
Total LOWRICH PROPERTY MAINTENANCE:					170.00	
<b>MID-AMERICAN RESEARCH CHEMICAL CORP</b>						
3571	MID-AMERICAN RESEARCH CH	0445749-IN	WASTEWATER/SHOP DEGREAS	07/20/2011	137.95	620-62840-340
Total MID-AMERICAN RESEARCH CHEMICAL CORP:					137.95	
<b>MILPORT ENTERPRISES INC</b>						
1408	MILPORT ENTERPRISES INC	210583	WATER/CHEMICALS	07/20/2011	1,732.00	610-61630-341
Total MILPORT ENTERPRISES INC:					1,732.00	
<b>MORGAN BIRGE &amp; ASSOCIATES INC</b>						
4591	MORGAN BIRGE & ASSOCIATE	MC0036262	GEN BLDG/PHONE	07/20/2011	345.00	100-51600-225
Total MORGAN BIRGE & ASSOCIATES INC:					345.00	
<b>MZIS</b>						
5997	MZIS	145	NEIGHBORHOOD SVC/INSPEC	07/20/2011	1,461.67	100-52400-219
Total MZIS:					1,461.67	
<b>NASS, CHARLES</b>						
1788	NASS, CHARLES	PORT WASHI	PARKS/MILEAGE & MEAL REIM	07/20/2011	216.03	100-53270-154

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total NASS, CHARLES:					216.03	
<b>OFFICE COPYING EQUIPMENT LTD</b>						
6046	OFFICE COPYING EQUIPMENT	A547337	GEN ADMN/STAPLES	07/20/2011	39.20	100-51400-310
6046	OFFICE COPYING EQUIPMENT	A547337	COUNCIL/STAPLES	07/20/2011	58.80	100-51100-310
Total OFFICE COPYING EQUIPMENT LTD:					98.00	
<b>PAT'S SERVICES INC</b>						
732	PAT'S SERVICES INC	A-67822	PARKS/STARIN PARK PORTAB	07/20/2011	150.00	100-53270-359
Total PAT'S SERVICES INC:					150.00	
<b>PHYSIO-CONTROL INC</b>						
1902	PHYSIO-CONTROL INC	412006862	RESCUE/LIFENET	07/20/2011	1,356.00	100-52300-340
Total PHYSIO-CONTROL INC:					1,356.00	
<b>PMI</b>						
5492	PMI	0299299	RESCUE/OPERATING SUPPLIE	07/20/2011	1,014.51	100-52300-340
5492	PMI	0300897	RESCUE/OPERATING SUPPLIE	07/20/2011	242.77	100-52300-340
Total PMI:					1,257.28	
<b>R &amp; R INSURANCE SERVICES INC</b>						
1492	R & R INSURANCE SERVICES I	1055958	GEN/LIABILITY INSURNACE	07/20/2011	2,628.75	100-51540-513
1492	R & R INSURANCE SERVICES I	1055958	GEN/PUBLIC OFFICE LIABILITY	07/20/2011	1,003.50	100-51540-513
1492	R & R INSURANCE SERVICES I	1055958	GEN/POLICE PROFESSIONAL	07/20/2011	1,310.00	100-51540-514
1492	R & R INSURANCE SERVICES I	1055958	GEN/AUTO LIABILITY	07/20/2011	3,314.50	100-51540-512
1492	R & R INSURANCE SERVICES I	1055958	CABLE/AUTO LIABILITY	07/20/2011	54.00	200-55110-341
1492	R & R INSURANCE SERVICES I	1055958	STORMWATER/GEN LIABILITY	07/20/2011	175.25	630-63300-519
1492	R & R INSURANCE SERVICES I	1055958	STORMWATER/PUBLIC OFFICE	07/20/2011	66.90	630-63300-519
1492	R & R INSURANCE SERVICES I	1055958	STORMWATER/AUTO LIABILITY	07/20/2011	5.00	630-63300-519
1492	R & R INSURANCE SERVICES I	1055958	WATER/GEN LIABILITY	07/20/2011	350.50	610-61924-510
1492	R & R INSURANCE SERVICES I	1055958	WATER/PUBLIC OFFICE LIABILI	07/20/2011	133.80	610-61924-510
1492	R & R INSURANCE SERVICES I	1055958	WATER/AUTO LIABILITY	07/20/2011	105.50	610-61924-510
1492	R & R INSURANCE SERVICES I	1055958	WASTEWATER/GEN LIABILITY	07/20/2011	350.50	620-62810-519
1492	R & R INSURANCE SERVICES I	1055958	WASTEWATER/PUBLIC OFFICE	07/20/2011	133.80	620-62810-519
1492	R & R INSURANCE SERVICES I	1055958	WASTEWATER/AUTO LIABILITY	07/20/2011	117.00	620-62810-519
1492	R & R INSURANCE SERVICES I	1055958	WASTEWATER/SEWER BACKU	07/20/2011	1,082.00	620-62810-519
1492	R & R INSURANCE SERVICES I	1055959	WORKERS COMP	07/20/2011	13,039.00	100-21532
Total R & R INSURANCE SERVICES INC:					23,870.00	
<b>RADICOM BUSINESS COMMUNICATION</b>						
795	RADICOM BUSINESS COMMUNI	97411	DISPATCH/CAPITAL EQUIPMEN	07/20/2011	8,760.00	100-52600-810
Total RADICOM BUSINESS COMMUNICATION:					8,760.00	
<b>SASSY SHIRTS</b>						
131	SASSY SHIRTS	34425	REC/FAMILY FUN NIGHT BANN	07/20/2011	79.99	100-55320-790
Total SASSY SHIRTS:					79.99	
<b>SCHOPEN'S AUTOMOTIVE SVC LLC</b>						
137	SCHOPEN'S AUTOMOTIVE SVC	17032	137	07/20/2011	125.00	100-52110-219

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total SCHOPEN'S AUTOMOTIVE SVC LLC:					125.00	
<b>SENTRY OF WHITEWATER, DANIELS</b>						
2	SENTRY OF WHITEWATER, DA	001000120837	RESCUE/OPERATING SUPPLIE	07/20/2011	15.94	100-52300-340
2	SENTRY OF WHITEWATER, DA	001002051602	RESCUE/OPERATING SUPPLIE	07/20/2011	48.39	100-52300-340
2	SENTRY OF WHITEWATER, DA	003000810939	RESCUE/OPERATING SUPPLIE	07/20/2011	311.68	100-52300-340
2	SENTRY OF WHITEWATER, DA	003001001144	LIBRARY/JUVENILE PROGRAM	07/20/2011	5.98	220-55110-342
2	SENTRY OF WHITEWATER, DA	003001181233	RESCUE/OPERATING SUPPLIE	07/20/2011	27.99	100-52300-340
2	SENTRY OF WHITEWATER, DA	004000081638	POLICE ADMN/OPERATING SU	07/20/2011	11.98	100-52100-340
2	SENTRY OF WHITEWATER, DA	004001491948	RESCUE/OPERATING SUPPLIE	07/20/2011	23.97	100-52300-340
2	SENTRY OF WHITEWATER, DA	005002091622	RESCUE/OPERATING SUPPLIE	07/20/2011	112.00	100-52300-340
2	SENTRY OF WHITEWATER, DA	005002181804	RESCUE/OPERATING SUPPLIE	07/20/2011	17.94	100-52300-340
2	SENTRY OF WHITEWATER, DA	008000091448	LIBRARY/JUVENILE PROGRAM	07/20/2011	12.20	220-55110-342
2	SENTRY OF WHITEWATER, DA	008000571541	LIBRARY/JUVENILE PROGRAM	07/20/2011	9.68	220-55110-342
Total SENTRY OF WHITEWATER, DANIELS:					597.75	
<b>SHERWIN-WILLIAMS CO</b>						
4697	SHERWIN-WILLIAMS CO	9957-1	STREET/PAINT	07/20/2011	404.25	100-53300-354
Total SHERWIN-WILLIAMS CO:					404.25	
<b>STA-LITE CORP</b>						
102	STA-LITE CORP	4681	STREET/LIGHT POLE RECEPTA	07/20/2011	199.00	100-53420-340
Total STA-LITE CORP:					199.00	
<b>SWITS</b>						
2038	SWITS	16207	POLICE INV/CONTRACTUAL SV	07/20/2011	100.00	100-52120-219
Total SWITS:					100.00	
<b>UNEMPLOYMENT INSURANCE</b>						
274	UNEMPLOYMENT INSURANCE	000002611979	RESCUE/KIERNAN	07/20/2011	570.14	100-52300-158
274	UNEMPLOYMENT INSURANCE	000002611979	CROSS GD/C LUDEMAN	07/20/2011	234.00	100-52130-158
274	UNEMPLOYMENT INSURANCE	000002611979	CROSS GD/R LUDEMAN	07/20/2011	142.00	100-52130-158
274	UNEMPLOYMENT INSURANCE	000002611979	GEN ADMN/JANSEN	07/20/2011	42.96	100-51400-158
Total UNEMPLOYMENT INSURANCE:					989.10	
<b>UNITED PARCEL SERVICE</b>						
19	UNITED PARCEL SERVICE	00000X36X827	IT/ACER	07/20/2011	11.57	100-51450-246
19	UNITED PARCEL SERVICE	00000X36X827	WATER/SAMPLES	07/20/2011	35.00	610-61921-310
Total UNITED PARCEL SERVICE:					46.57	
<b>US TANKER-FIRE APPARATUS INC</b>						
690	US TANKER-FIRE APPARATUS I	638	FIRE/VEHICLE REPAIRS	07/20/2011	100.38	100-52200-241
Total US TANKER-FIRE APPARATUS INC:					100.38	
<b>UTILITY SERVICE CO INC</b>						
5547	UTILITY SERVICE CO INC	267782	WATER/CRAVATH WATER TOW	07/20/2011	41,045.92	610-61650-350
Total UTILITY SERVICE CO INC:					41,045.92	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
<b>VANDEWALLE &amp; ASSOCIATES</b>						
27	VANDEWALLE & ASSOCIATES	201106013	PLANNING/JUNE SVC	07/20/2011	3,476.24	100-56300-219
Total VANDEWALLE & ASSOCIATES:					3,476.24	
<b>VEOLIA ES SOLID WASTE MIDWEST</b>						
2542	VEOLIA ES SOLID WASTE MID	A10000349693	WASTEWATER/CONTRACTUAL	07/20/2011	227.21	620-62840-342
Total VEOLIA ES SOLID WASTE MIDWEST:					227.21	
<b>WAL CO-SHERIFF'S DEPT</b>						
125	WAL CO-SHERIFF'S DEPT	125-072011	COURT/JUNE CONFINEMENT	07/20/2011	180.00	100-51200-293
Total WAL CO-SHERIFF'S DEPT:					180.00	
<b>WASC</b>						
1175	WASC	FALL CONFER	SENIORS/WEBERPAL	07/20/2011	93.75	100-55310-154
Total WASC:					93.75	
<b>WE ENERGIES</b>						
25	WE ENERGIES	25-072011	SIRENS/ELECTRIC	07/20/2011	38.89	100-52500-340
25	WE ENERGIES	25-072011	GARAGE SHOP/ELECTRIC & G	07/20/2011	596.98	100-53230-222
25	WE ENERGIES	25-072011	TRAFFIC/ELECTRIC	07/20/2011	610.16	100-53300-222
25	WE ENERGIES	25-072011	ST LIGHTS/ELECTRIC	07/20/2011	17,999.56	100-53420-222
25	WE ENERGIES	25-072011	CITY/ELECTRIC	07/20/2011	1,152.41	100-51600-222
25	WE ENERGIES	25-072011	CITY/GAS	07/20/2011	443.56	100-51600-224
25	WE ENERGIES	25-072011	PARKS/ELECTRIC	07/20/2011	1,895.53	100-53270-222
25	WE ENERGIES	25-072011	PARKS/GAS	07/20/2011	44.93	100-53270-224
25	WE ENERGIES	25-072011	LIBRARY/ELECTRIC	07/20/2011	1,909.85	100-55111-222
25	WE ENERGIES	25-072011	LIBRARY/GAS	07/20/2011	66.86	100-55111-224
25	WE ENERGIES	25-072011	WATER/ELECTRIC & GAS	07/20/2011	12,489.54	610-61620-220
Total WE ENERGIES:					37,248.27	
<b>WELDERS SUPPLY CO BELOIT INC</b>						
49	WELDERS SUPPLY CO BELOIT	116574	RESCUE/CYLINDER RENTAL	07/20/2011	62.15	100-52300-340
Total WELDERS SUPPLY CO BELOIT INC:					62.15	
<b>WHITEWATER UNIVERSITY INNOVATION CTR</b>						
6277	WHITEWATER UNIVERSITY INN	1/31/11	25X2025 GRANT/FACILITY REN	07/20/2011	300.00	100-51400-770
Total WHITEWATER UNIVERSITY INNOVATION CTR:					300.00	
<b>WI DEPT OF JUSTICE</b>						
69	WI DEPT OF JUSTICE	L6505T 07/01/	BEV OP/RECORD CHECK	07/20/2011	504.00	100-44122-51
69	WI DEPT OF JUSTICE	L6505T 07/01/	REC/RECORD CHECK	07/20/2011	147.00	100-55210-310
Total WI DEPT OF JUSTICE:					651.00	
<b>WI STATE LABORATORY OF HYGIENE</b>						
1899	WI STATE LABORATORY OF HY	4954336	WATER/SAMPLES	07/20/2011	20.00	610-61630-340
Total WI STATE LABORATORY OF HYGIENE:					20.00	
<b>WOLTER POWER SYSTEMS</b>						
3247	WOLTER POWER SYSTEMS	5019268.00	WASTEWATER/GENERATOR C	07/20/2011	2,595.20	620-62880-357

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total WOLTER POWER SYSTEMS:					2,595.20	
<b>WWOA</b>						
562	WWOA	MEMBERSHIP	WASTEWATER/MALONE	07/20/2011	50.00	620-62820-154
Total WWOA:					50.00	
Grand Totals:					290,785.05	

Dated: July 14/2011Finance Director: 

## Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.



Whitewater CDA - MINUTES  
Wednesday, May 18, 2011  
4:30 PM – CDA Board of Directors  
1<sup>ST</sup> Floor Community Room  
312 W Whitewater Street  
Whitewater, WI 53190

**1. Call to order and roll call**

Tom Miller called the meeting to order at 4:33PM.

Present: Donna Henry, Larry Kachel, Jeff Knight, Tom Miller, Patrick Singer, Jim Stewart

Absent: Jim Allen

Others Present: Mary Nimm, Kevin Brunner

**2. Election of Officers**

Jeff Knight motioned to nominate Tom Miller as Chair. Singer seconded.

Ayes: Henry, Kachel, Knight, Miller, Singer, Stewart

Nays: None

Absent: Allen

Larry Kachel nominated Jeff Knight for Vice-Chair. Singer seconded.

Ayes: Henry, Kachel, Knight, Miller, Singer, Stewart

Nays: None

Absent: Allen

Singer questioned the appointment of the CDA Rep to the Tech Park Board. Nimm will research and bring back in June if necessary.

**3. Approval of the Agenda**

Jeff Knight motioned to approve the agenda. Singer seconded.

Ayes: Henry, Kachel, Knight, Miller, Singer, Stewart

Nays: None

Absent: Allen

**4. HEARING OF CITIZEN COMMENTS.** *No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.*

**No Citizen Comments**

**5. Approval of the May 2, 2011 Minutes**

Jeff Knight motioned to accept the May 2, 2011 minutes. Signer seconded.

Ayes: Henry, Kachel, Knight, Miller, Singer, Stewart

Nays: None

Absent: Allen

**6. CDA Coordinator Updates**

**a. Retention Visits**

**Nimm noted that** During the month of April, the Retention Team visited with Executives at Generac. I am still contacting these businesses in an attempt to schedule future visits:

Universal Electronics

Polymer Tech

Provisor

Randix

Schenk Accurate

**b. Site Inquiries**

Nimm noted that she received inquiries on available lease spaces to include office and labs.

**c. WUP 0033 & WSS 00060 – North Jefferson Street**

**Nimm noted Appraisal Status** – A copy of the summary statement is in the packet.

**Brownfield Status** –the package of materials for the DNR has been submitted. I am working to assemble information as it relates to disturbed soil and how to handle with future developments.

**d. Housing Study Update**

Nimm noted there was a meeting with Russ Kashian to discuss the initial steps in the Housing Study and Survey process.

Knight asked if there was a 2008 Study done by Kashian.

**7. Discussion and Possible Action on Proposals for Listing of Vacant Parcels for Sale in the Whitewater Business Park**

John Henderson, MLG – expressed an interest in working with Whitewater to market the Business Park. I will work with Vytautas Barcus closely along with Nimm and Brunner to find space available for inquiries. The CDA should have property listed with “some agency” so that people know the property exists. Process has changed and brokers are 100% commission. Advantage is to work together to market the area, especially Walworth county as “one”. Goal is to market collectively. Currently direct marketing to contractors. There isn’t much space in Walworth County and there is a demand for space. Land sales will happen where companies need to be. Whitewater has qualities that others don’t. MLG are members of WCEDA and are on the WCEDA board. There is a property database and there is a link through WCEDA. MLG also represents Fort Atkinson and the goal is to have a mass of properties to market collectively to get prospects looking.

Knight – 10% or min per acre? Calculations are over at approx 12.5%.

Henderson – same fee as other communities. Last piece of industrial land sold was to a utility company for a substation. Must make sure people know you exist.

Knight – co broker piece – 50/50 split or 10/40 fee... how would you handle the two locals?

Henderson – if they do commercial, we will do 50/50.

Brunner – would you write into the agreement that Walton and Tincher would have 50/50?

Henderson – yes.

Knight – look at land prices and market?

Henderson – will evaluate pricing per acre. Price of land has little to do with the decision. Tools can be made available through our global company that will be practical for WW. Like to build relationships to build other opportunities.

Knight – pricing to be merit based? No TID funding available to help assist. Does this include any of the land in the research park?

Henderson – should be marketed as two separate parks. Could install a cancellation clause. Don’t want to miss this year’s sales season.

Brunner – does it make sense to have two agreements?

Henderson – can amend contract to include.

Knight – would like to combine and have the discussion on using same agency.

Henderson – encourage moving forward to get the property on the market.

Henry – representing many communities – how do you decide which community to sell?

Henderson – depends on what companies are looking for (company criteria) and which community has what the company needs. Every community is vastly different. It really is a company decision.

Brunner – many interested parties call City Hall.

Henderson – web-based communication system for daily access to what’s going on at no cost.

Knight – what’s in it for whitewater?

Henderson – original proposal included in marketing plan for Whitewater. Specific marketing for Whitewater to brokers, users and related firms.

Kachel – how long have you had contracts and what are the terms?

Henderson – most are two-year contracts.

Brunner – please recount the comment on space in Walworth County.

Henderson – no space available, how can we entice someone to build here? I brought in the building that WinkHaus was in. There is a demand for space and there is none.

Brunner – broker open house? Consider at IC? Helpful...

Henderson – can coordinate. Need to have something that makes it worthwhile.

Knight – concern about priorities... what’s different today and what would put whitewater ahead of other communities?

Henderson – highlight benefits of WW to prospects. Need to have criteria and highlight what makes whitewater different than others.

Henry – University is mixed blessing...

Stewart – TPB and CDA – combined contract? Adding later would be better, than approving contingent to.

Knight – would like to discuss with TPB to see if they have an interest. Signing is premature. Would rather table, talk to TPB and let them come back with new ideas. Concern is they list all around us.

Stewart – timing of TPB?

Brunner – not scheduled to meet until second Wednesday of June.

Knight – downside of delaying?

Brunner – decisions are made between May and December?

Stewart – enter now, and bring in others later.

Singer – want someone to advocate for us.

Miller – waiting might push back too far.

Knight – clause that if TPB goes after other marketing, we can cancel at any time. The TP property is special.

Singer – is going with them going to give us an opportunity that we might miss if we wait?

Miller – we need to be pro-active.

Knight – not force on TPB and go another approach if need be.

Brunner – what about a 6mo opportunity?

Kachel – same commission if we bring the opportunity to the broker?

Singer – can't compare Equity... what do we have to lose?

Singer motioned to enter into a contract with MLG for a 6mo term, to include the 50/50 sharing with Tincher and Walton to include legal review. Stewart seconded.

Ayes: Henry, Kachel, Knight, Miller, Singer, Stewart

Nays: None

Absent: Allen

## **8. Future Agenda Items**

Knight – market comparison? Housing report. Joint meeting with TPB.

## **9. Adjourn**

Singer motioned to adjourn at 5:40pm. Stewart seconded.

Respectfully Submitted,

*Mary S Nimm*  
CDA Coordinator

**City of Whitewater**  
**Parks and Recreation Board**  
**Monday, June 20, 2011 - 5:00pm**  
Cravath Lakefront Room - 2nd Floor, City Municipal Building  
312 W. Whitewater St. Whitewater, WI 53190

**MINUTES**

**Call to Order and Roll Call**

Javonni Butler, Brandon Knedler, Vance Dalzin, Pru Negley, and Ken Kidd(5:09) Absent: Rick Daniels and Jen Kaina (excused).

Staff: Matt Amundson, Michelle Dujardin, Deb Weberpal, and Rashelle Keener, P/R Intern

Guests: Richard Ehrenberg

**Consent Agenda:**

**Approval of Parks and Recreation Board minutes of May 2, 2011 & June 6, 2011; receipt and acknowledgement of Urban Forestry Commission minutes of April 19, 2011; and approval of request by "Community Cat" to be included as a Partner Organization in the Facility Rental & Reservation Policy**

Kidd questioned rental with heat in armory (May 2 meeting). Recommend Amundson send letter about venting the building and use of fans.

No items to be removed from consent agenda. Negley moved to accept the consent agenda. Second by Butler. Ayes: Knedler, Dalzin, Negley, Kidd, and Butler. Noes: None. Abstain: None. Absent: Daniels, Kaina. Motion passed.

**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 citizen comments.

**Staff Reports:**

**Parks & Recreation Director (Amundson)** Youth Baseball and Softball are off to a good sort. A youth softball coach was removed as coach today, the assistant coach will be taking over. There are a total of 11 traveling teams. Fields at Starin Park are very busy Mon-Thurs as well as fields at the high school.

Treyton Kilar Family Fun Day event raised \$60,400. Art exhibit now in Fiskum Gallery features Trey and his love for baseball. There was an on campus event last week. High school student council did softball fundraiser. We are currently working with potential vendors to identify actual costs. A turf company is trying to lower their costs and may provide some engineering for free.

City Council is discussing reorganization of neighborhood services. It is proposed that Amundson will now be responsible for facility maintenance.

**Recreation & Community Events Programmer (Dujardin)** It's the first day of kids escape. Good group of kids and 3 staff members. Tee ball and rookie ball started last week with an additional 2 rookie ball teams above last year. Last Thursday was first family fun night.

A Summer Staff Kickoff event was held where seasonal staff came into meet each other, learn basic info about department, customer service, and projects and get to know you games. This will become an annual event.

**Senior Coordinator (Deb Weberpal)** is now a certified AHA Trainer for CCR, AED and First Aid. WE now have to find equipment we can use to hold classes. Weberpal hopes to train key senior volunteers and Amundson would like to eventually have summer staff and coaches trained. People can study and take the written test online and just do the physical testing with Weberpal.

**Review and discussion related to Whitewater Effigy Mounds Restoration and presentation by Tom Jennings of Jennings & Associates**

Tom Jennings, Jennings and Associates, discussed restoration and preservation plan. He referred to the plan. Inventoried site and discovered oak savannah remnant. Oak savannahs are rare in Wisconsin. The Whitewater Mounds have worldwide importance. We should look at linking with the Hoard museum. They have a lot of history on the Mounds and people can be referred there. He suggested an archeological study of the area.

Site Plan: Recommended the site be authentic. Would like one looped trail. Kiosk at entrance with brochures and links for PDA's. Identify a location for a larger kiosk/visitor's center in the plan. Conservancy for any new subdivision in the area with direction to have prairie as a segue into housing. Working with the mounds group and Richard Helmecht, lead volunteer, to assist the city in marking trails and mowing. Pru: Park Board and UFC needs to work diligently with Plan commission especially in the development of this area. Report has burn schedule. Amundson: We have the opportunity to establish guidelines for mounds care, restoration and preservation. Scott: working on a packet to give to school children. Krist: working on grants for education. Scott question: pg 17- remove fences that are not private? Need Kiosk near sidewalk before can remove. City Manager and Attorney are handling land issues with a landowner. Amundson is working on ability of volunteers to use city equipment and can work on land as long as they are following the established plan and communicate what they are doing with the city. Need also to communicate what adjacent neighbors can do.

**Appointment of Parks and Recreation Board member to the Plan Commission.**

Brandon has purchased a home outside of the city. He can remain on Park Board but not Plan Commission. Will put on July agenda as we meet before Plan Board's next scheduled meeting.

**Discussion and possible action related to the closure of Brewery Hill Park during North Street construction.**

Amundson referred to the packet and to closure of North Street for bridge repair and the possibility of extending the trail to downtown. There will be no emergency access to the park during construction. August 1 to end of October is scheduled construction. Police department and Public Works Department both support the closing. Kidd did suggest to have a backup plan in case someone does get injured. Amundson will talk to Tom Schopen. Dalzin moved to close the skate park and trail during the North Street construction. Second by Kidd. Ayes: Knedler, Dalzin, Negley, Kidd, and Butler. Noes: None. Abstain: None. Absent: Daniels, Kaina. Motion passed.

**Approval of Lake Protection Plan for Cravath and Trippe Lakes**

Amundson referred to the packet and the previous presentations on the plan. Amundson reviewed the highlights especially managing stormwater. Motion by Butler to approve the Lakes Management Plan. Second by Negley. Ayes: Knedler, Dalzin, Negley, Kidd, and Butler. Noes: None. Abstain: None. Absent: Daniels, Kaina. Motion passed.

**Review and discuss survey results**

Positives were ease of registration and appearance of parks. Requested programs included: health and wellness, middle school intramurals, nature based activities. Branding of the department: Talked about clings for cars that support the Parks. Could be a funding source.

(Dalzin left the meeting 5:55)

**Discussion and possible action related to screening of Cravath Lakefront electrical boxes**

Amundson referred to the packet. Chuck Nass will be working with K & W on a plan to screen the boxes with vegetation. Negley moved to direct Nass to do tall grass plantings around the electrical boxes working with K&W. Kidd second. Ayes: Knedler, Negley, Kidd, and Butler. Noes: None. Abstain: None. Absent: Dalzin, Daniels, Kaina. Motion passed.

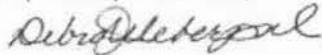
**Request for future agenda items**

Solution for goose control

**Adjourn**

Next meeting July 11, 4:00 pm. 6:05 pm Motion by Kidd. Second by Negley. Affirmed by voice vote.

Respectfully submitted,



Whitewater University Technology Park Board  
Whitewater Innovation Center  
1221 Innovation Drive  
Whitewater, WI 53190  
Minutes for June 15, 2011

1. **Call to Order.**

The meeting was called to order at 10:00 a.m. by President Telfer. Members present: Jeff Knight, Peter Zaballos, Kevin Brunner, Richard Telfer, Ronald Gayhart and John Chenoweth. Absent: Jim Stewart. Others present: Gary Lengyel, Denise Ehlen, Gary Albrecht and Mike Vanden Bosch.

2. **Approval of Minutes from May 11, 2011 Meeting.**

It was moved by Zaballos and seconded by Knight to approve these minutes as read. Approved.

3. **Report from Gary Albrecht.**

CESA2 Director Gary Albrecht indicated that his agency continues to be very pleased with the building. Albrecht also reported on some of the upcoming conferences that CESA 2 will be hosting at the Innovation Center.

4. **Report from Interim Innovation Manager Gary Lengyel.**

Lengyel reported about a number of building updates. All the AV equipment has now been installed in the main conference room. The internet and final wiring for the building will be completed later this month.

5. **Debriefing on Grand Opening.**

Telfer remarked that he had received many positive comments from people who had attended the grand opening event on May 5. He also indicated that he was very pleased by the press coverage that the grand opening attracted.

6. **WisNet Legislation**

Telfer indicated that he was very concerned about the proposed changes to WisNet and that he was working with our State representatives to make some changes so that WisNet not only would continue but it would also be able to continue to provide internet service to both the University and the Innovation Center.

7. **Discuss Possible Real Estate Listing Agreement.**

Brunner informed the Board that the CDA has recently hired MLG/NAI for their real estate listing of the Whitewater Business Park. Brunner further indicated that there should be discussion about possibly combining this listing with the Tech Park.

Knight indicated that the marketing of the Tech Park will be much different than the marketing of the business park and that the Board should consider other firms to work with because they are two different types of business parks.

Brunner indicated that he will bring this item back to the Board for discussion at a future meeting.

**8. Review Building Signage Plans.**

It was moved by Knight, seconded by Gayhart to approve the installation of two back lit signs at the two entrances to the business park. One would be at the intersection of Howard Road and Innovation Drive and the other at the intersection of Howard Road and the railroad crossing, as well as a building sign for the Innovation Center. The signs are to be fabricated and installed by Grant Sign of Madison in the amount of \$21,200 and will be partially funded by the EDA grant. Approved.

**9. Building Usage Policy.**

Brunner indicated that it is very important that we develop a building usage policy and he suggested that Gary Lengyel be charged with developing that usage policy for consideration at a future Board meeting.

**10. Lab Update.**

Telfer and Brunner indicated that the lab plans and specifications have been finalized for the lab build out. Bids are currently being solicited for the project. The Common Council is scheduled to act on a bid award at its June 21<sup>st</sup> meeting.

**11. Budget Update.**

The financial reports for May for the Innovation Center were reviewed. During discussion, Telfer requested that a final budget be prepared and that it be considered at a future Board meeting.

**12. Review/Approval of MOU between Tech Park Board and UW-Whitewater.**

Brunner and Telfer presented a final MOU between the Tech Park Board and UW-Whitewater. After discussion it was moved by Brunner, seconded by Chenoweth to approve the MOU as finalized between the Tech Park Board and UW-Whitewater. Knight emphasized during discussion that this is only a one-year agreement and that a more long term agreement will need to be executed between the Tech Park Board and UW-Whitewater.

**13. Review Funding/Financing for Lab Build-Out.**

Brunner informed the Board that the estimated total cost of the lab build-out on the first floor of the Innovation Center is \$354,421, just slightly over the architect's estimate of \$348,000. The general construction contract low bid was submitted by Magill Construction in the amount of \$99,500 and as previously noted should be awarded by the City Council on June 21<sup>st</sup>. The rest of the project will be constructed via change orders on the original building construction contracts in the following amounts: HVAC-NAMI, \$182,995; Electrical-Rewald, \$38,338; Plumbing-DeGarmo, \$29,838 and Fire Protection-Freedom Fire, \$3,750.

It was moved by Chenoweth, seconded by Zaballos to approve the change orders on the original construction contracts as presented. Approved.

**14. Innovation Center Grounds Maintenance.**

Brunner indicated that he was still working with Neil Day of J. P. Cullen on a change order that would address some lingering landscape issues on the Innovation Center site. The total cost of the additional landscaping is estimated at \$2,600.

**15. Update from the Tenancy Entrepreneurship Committee.**

Ehlen presented the final inventory of business incubation services which will be used to market the center. It was moved by Chenoweth, seconded by Zaballos to approve the inventory of

business incubation services that has been developed. Approved.

**16. iHub Update.**

Ehlen gave a brief update on the iHub project. She anticipates there will be some moving in of iHub participants after the final wiring is completed.

**17. Internet/Data Wiring Project Update.**

Ehlen reiterated what was previously stated by Gary Lengyel that the internet/data wiring is being completed by UW-Whitewater ICIT staff and that the project should be completed by the end of June.

It was moved by Knight, seconded by Gayhart to convene to closed executive session pursuant to Wisconsin State Statutes 1.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data over any public employee over which the governmental body has jurisdiction or exercises responsibility and (e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or collective bargaining reasons require a closed session. AYES: Brunner, Knight, Chenoweth, Gayhart, Telfer, Zaballos. NOES: None. ABSENT: Stewart. The meeting was convened to closed executive session at approximately 11:22 a.m. During the closed executive session the Innovation Center Manager position was discussed as well as the search and screening process.

It was then moved by Knight, seconded by Chenoweth to reconvene in open session. AYES: Brunner, Knight, Chenoweth, Gayhart, Telfer, Zaballos. NOES: None. ABSENT: Stewart. The meeting reconvened at 11:42 a.m.

It was announced by Telfer that the next meeting of the Board will be held on July 13, 2011 at 8:00 a.m. at the Whitewater Innovation Center.

**18. Adjournment.**

It was then moved by Knight, seconded by Zaballos to adjourn. The meeting adjourned at 11:45 a.m.

Respectfully Submitted,

Kevin Brunner, Secretary



## MEMORANDUM

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**TO:** City Manager & Common Council  
**FROM:** Cameron Clapper  
**SUBJECT:** Proposed 2011 Salary Resolution Amendment #2  
**DATE:** 07/13/2011

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Attached is the first amendment to the 2011 Salary Resolution. The following modifications have been made:

1. Schedule VIII: The number of CSO positions was changed from one to two to reflect current staffing.
2. Schedule VIII: The number of NSO positions was changed from one to zero to reflect current staffing.
3. Schedule VIII: The position of Zoning/GIS Technician was added to the schedule with the number of positions being one and a pay rate of \$12.58 per hour.

<b>SCHEDULE VIII</b>			
<b>PART-TIME EMPLOYEES</b>			
<b>Position</b>	<b># of Positions</b>	<b>Effective Date</b>	<b>Hourly Wage</b>
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	0	01/01/2009	\$10.54
Zoning/GIS Technician	1	07/01/2011	\$12.58

\* R-1

**CITY OF WHITEWATER  
2011 SALARY RESOLUTION  
AMENDMENT #2**

**WHEREAS**, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2011, in which wages are established.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following amendments to the ranges and numbers of employees in Schedule VIII of the 2011 Wage and Salary Schedule as previously amended on June 7, 2011 are hereby adopted pursuant to Wisconsin Statutes; and

**BE IT FURTHER RESOLVED** that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning July 1, 2011.

**SCHEDULE VIII  
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	0	01/01/2009	\$10.54
Zoning/GIS Technician	1	07/01/2011	\$12.58

Resolution introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

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

\_\_\_\_\_  
Kevin M. Brunner, City Manager

\_\_\_\_\_  
Michele R. Smith, City Clerk

RESOLUTION NO. n/ARESOLUTION AUTHORIZING THE ISSUANCE AND  
SALE OF UP TO \$633,078 SEWER SYSTEM REVENUE BONDS, SERIES 2011,  
AND PROVIDING FOR OTHER DETAILS AND  
COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "Municipality") owns and operates a sewer system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to a resolution adopted on July 16, 1996 (the "1996 Resolution"), the Municipality has heretofore issued its Sewer System Revenue Bonds, Series 1996, dated July 24, 1996 (the "1996 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to a resolution adopted on November 17, 2009 (the "2009 Resolution"), the Municipality has heretofore issued its Sewer System Revenue Bonds, Series 2009, dated December 9, 2009 (the "2009 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to a resolution adopted on January 19, 2010 (the "2010 Resolution"), the Municipality has heretofore issued its Sewer System Revenue Refunding Bonds, Series 2010, dated February 9, 2010 (the "2010 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, the 1996 Bonds, the 2009 Bonds and the 2010 Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 1996 Resolution, the 2009 Resolution and the 2010 Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4558-04 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. S-2010-0811 and dated January 3, 2011 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell sewer system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$633,078 Sewer System Revenue Bonds, Series 2011, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current 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 shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Sewer System Revenue Bond and Interest Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the City Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from sewer charges imposed by the Municipality, all payments to the Municipality under any wastewater treatment service agreements between the Municipality and

any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;

(k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(l) "Municipality" means the City of Whitewater, Walworth and Jefferson Counties, Wisconsin;

(m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(n) "1996 Bonds" means the Municipality's Sewer System Revenue Bonds, Series 1996, dated July 24, 1996;

(o) "1996 Resolution" means a resolution adopted by the Governing Body on July 16, 1996 authorizing the issuance of the 1996 Bonds;

(p) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(q) "Prior Bonds" means the 1996 Bonds, 2009 Bonds and 2010 Bonds, collectively;

(r) "Prior Resolutions" means the 1996 Resolution, 2009 Resolution and 2010 Resolution, collectively;

(s) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(t) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(u) "System" means the entire sewer system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, transmission, treatment and disposal of domestic and industrial sewerage and waste, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such sewer system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(v) "2009 Bonds" means the Municipality's Sewer System Revenue Bonds, Series 2009, dated December 9, 2009;

(w) "2009 Resolution" means a resolution adopted by the Governing Body on November 17, 2009 authorizing the issuance of the 2009 Bonds;

(x) "2010 Bonds" means the Municipality's Sewer System Revenue Refunding Bonds, Series 2010, dated February 9, 2010; and

(y) "2010 Resolution" means a resolution adopted by the Governing Body on January 19, 2010 authorizing the issuance of the 2010 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$633,078; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the City Manager and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Sewer System Revenue Bonds, Series 2011" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.400% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2011 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

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

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the City Manager and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it

appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by a Resolution adopted November 20, 1990 are hereby continued and shall be used solely for the following respective purposes:

- (a) Sewer System Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Sewer System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (c) Sewer System Revenue Bond and Interest Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and Parity Bonds as the same becomes due. The Reserve Account provided for by the 2010 Resolution within the Debt Service Fund is not pledged to the payment of principal of or interest on the 1996 Bonds, the 2009 Bonds or the Bonds, and moneys in the Reserve Account shall under no circumstances be used to pay principal of or interest on the 1996 Bonds, the 2009 Bonds or Bonds.
- (d) Depreciation Fund, which shall be used to provide a proper and adequate depreciation account for the System.
- (e) Surplus Fund, which shall first be used whenever necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Debt Service 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 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and, if not needed to remedy any deficiency in the Debt Service Fund, for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source); and
- (c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and
- (d) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to meet reserve requirements.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created

(except the Sewer System CWWP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing sewer services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds as to the pledge of revenues of the System. 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 the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all

bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, 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 Net 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.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

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

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$633,078 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Sewer System CWFP Project Fund." The Sewer System CWFP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Sewer System CWFP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. 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 Municipality may, from 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 a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or 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 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date 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 Municipality'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 Municipality'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 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality 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 14, 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 Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, 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 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Clean Water Fund Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Clean Water Fund Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the Prior 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. In case of any conflict between this Resolution and the Prior Resolutions, the Prior Resolutions shall control as long as any of the respective Prior Bonds are outstanding.

Passed: July 19, 2011

Approved: July 19, 2011

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Kevin M. Brunner  
City Manager

Attest:

*Michele R. Smith*

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Michele R. Smith  
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED  
NO. \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
WALWORTH AND JEFFERSON COUNTIES  
CITY OF WHITEWATER

REGISTERED  
\$ \_\_\_\_\_

SEWER SYSTEM REVENUE BOND, SERIES 2011

Final  
Maturity Date

Date of  
Original Issue

May 1, 2031

\_\_\_\_\_, 20\_\_

REGISTERED OWNER: STATE OF WISCONSIN CLEAN WATER FUND PROGRAM

FOR VALUE RECEIVED the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assignee, solely from the fund hereinafter specified, the principal sum of an amount not to exceed \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2012 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 2.400% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on November 1, 2011.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2012 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Two and 400/1000ths percent (2.400%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof (except the final maturity) and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date and mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

The Bonds shall not be redeemable prior to their maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Sewer System of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted July 19, 2011, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$633,078 Sewer System Revenue Bonds, Series 2011, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues derived from the operation of the Sewer System of the Municipality (the "Utility"). The Bonds are issued on a parity with the Municipality's Sewer System Revenue Bonds, Series 1996, dated July 24, 1996, Sewer System Revenue Bonds, Series 2009, dated December 9, 2009 and Sewer System Revenue Refunding Bonds, Series 2010, dated February 9, 2010, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its City Manager and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF WHITEWATER,  
WISCONSIN

(SEAL)

By: \_\_\_\_\_  
Kevin M. Brunner  
City Manager  
**COPY**

By: \_\_\_\_\_  
Michele R. Smith  
City Clerk

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

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(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

---

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

COPY

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Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

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SCHEDULE A

\$633,078

CITY OF WHITEWATER, WISCONSIN  
SEWER SYSTEM REVENUE BONDS, SERIES 2011

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2012	\$25,033.65
May 1, 2013	25,634.45
May 1, 2014	26,249.68
May 1, 2015	26,879.67
May 1, 2016	27,524.78
May 1, 2017	28,185.38
May 1, 2018	28,861.83
May 1, 2019	29,554.51
May 1, 2020	30,263.82
May 1, 2021	30,990.15
May 1, 2022	31,733.92
May 1, 2023	32,495.53
May 1, 2024	33,275.42
May 1, 2025	34,074.03
May 1, 2026	34,891.81
May 1, 2027	35,729.22
May 1, 2028	36,586.72
May 1, 2029	37,464.80
May 1, 2030	38,363.95
May 1, 2031	39,284.68

COPY

## MEMORANDUM

TO: Common Council and Kevin Brunner, City Mgr.

FROM: Michele Smith, Clerk

RE: Ward Reapportionment – 2011

DATE: 7/12/2011

After the Federal census is completed every 10 years, the City must realign their wards, incorporating the new population figures. Counties are the first governmental body to create their supervisory district boundaries, and municipalities follow, using the proposed county supervisory district lines in the process.

Attached is the ordinance, maps, and the required census block attachment for the proposed new boundaries for Whitewater. There are some minor changes from the draft version sent to you on June 29<sup>th</sup>. You will note that Ward 1 now wraps around the southern portion of Cravath Lake. This has been requested by the County so that their supervisory districts will balance. (It would actually be in the same aldermanic district as it is now). The Legislative Reference Bureau has also informed me that we can combine the portion of the Industrial Park located in the Jefferson County portion of the City with the other Jefferson County ward, even though they aren't really contiguous.

The first task was to assign Wards. Wards for a city our size should have a population range between 600 – 2100, and cannot cross county supervisory districts or counties. Except in rare circumstances, they must consist of entire census blocks (categories determined by the Census Bureau). Census blocks have very inconsistent populations – some with as few as two people, and some with over 1,500 people. Wards are then combined to form Aldermanic Districts.

The Ward ordinance must be approved and submitted to the County by July 21, 2011. I am asking that you consider waiving the second reading of the Ward ordinance at Tuesday's meeting. I have not heard of any objections to the plan so far. The Councilmember Aldermanic District ordinance does allow some additional time for approval, but is most definitely affected by the numbers in the Wards.

The proposal does place all University housing units at the campus polling place for the Presidential, Presidential Primary, and Gubernatorial elections. Of course, off-campus housing residents' voting location will be based on their residence location.

**PROPOSED WARDS, ALDERMANIC DISTRICTS, AND POPULATIONS:**

<i>Ward Number (Population Range to be between 600 – 2100)</i>	<i>Ward Population</i>	<i>Assigned to Aldermanic District Number:</i>	<i>Grand Total Aldermanic District Population</i>
1	1,800	1	2,686
2	886	1	2,686
3	829	3	3,030
4	1494	3	3,030
5	1258	4	2,722
6	1464	4	2,722
7	1936	2	2,712
8	776	2	2,712
9	707	3	3,030
10*	456	5	3,240
11	948	5	3,240
12	1836	5	3,240

\*Ward 10 does not meet minimum population requirement; however, due to County Supervisory District boundary requirements, this is the only option for this ward.

ALDERMANIC DISTRICT 1 is made up of Wards 1 & 2

ALDERMANIC DISTRICT 2 is made up of Wards 7 & 8

ALDERMANIC DISTRICT 3 is made up of Wards 3, 4 & 9

ALDERMANIC DISTRICT 4 is made up of Wards 5 & 6

ALDERMANIC DISTRICT 5 is made up of Wards 10, 11 & 12

**An ordinance adopting Wards must be adopted and presented to the County no later than July 21<sup>st</sup>.**

**AN ORDINANCE AMENDING CHAPTER 1.08 OF THE CITY OF WHITEWATER MUNICIPAL CODE ENTITLED  
"WARDS"**

(See map for detail)

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

Chapter 1.08 of the Whitewater Municipal Code is hereby amended as follows:

**SECTION 1**

**1.08.010 Ward Boundaries.** The City of Whitewater shall be divided into twelve wards as follows in this chapter.

**SECTION 2.**

**Section 1.08/020 Ward 1, is amended to read as follows:** Commencing at the intersection of Newcomb St. and the Walworth/Jefferson County line; thence south on Newcomb St. to its intersection with E. Main St.; thence east on E. Main St. to its intersection with Whitewater Creek; thence southwesterly along the banks of Cravath Lake to the Spring Brook; thence westerly along the Spring Brook to its intersection with S. Franklin St.; thence south on S. Franklin St. to its intersection with the City of Whitewater Municipal boundary line in effect as of 07/19/2011; thence westerly to the intersection of Hwy. 12 and State Road 89; thence continue northwesterly along Hwy. 12 to its intersection with Janesville St.; thence southwesterly on Janesville St. to the City of Whitewater Municipal boundary line; thence generally easterly along the City of Whitewater Municipal boundary line to its south eastern most point; thence generally northerly along the City of Whitewater Municipal boundary line to its intersection with the Walworth/Jefferson County boundary line; thence westerly along the Walworth/Jefferson County boundary line (point of beginning).

**SECTION 3.**

**Section 1.080.030 Ward 2, is amended to read as follows:** Commencing at the Walworth/Jefferson County line intersection with N. Newcomb St. ; thence west along the Walworth/Jefferson County boundary line to its intersection with N. Fremont St.; thence south along N. Fremont St. to its intersection with W. North St.; thence east along North St. to its intersection with N. Jefferson St.; thence south along N. Jefferson St. to its intersection with E. Main St.; thence east along E. Main St. to its intersection with N. Newcomb St.; thence north along N. Newcomb St. to the point of beginning. (Walworth /Jefferson County boundary line and N. Newcomb Street)

**SECTION 4**

**Section 1.080.040 Ward 3, is amended to read as follows:** Commencing at the Walworth/Jefferson County boundary line intersection with N. Fremont St.; thence south on N. Fremont St. to its intersection with W. North St.; thence westerly along W. North St. to its intersection with W. Main St.; thence west on W. Main St. to its intersection with N. Prairie St.; thence north along N. Prairie St. to its intersection with the Walworth/Jefferson County boundary line; thence east on the Walworth/Jefferson County boundary line to the point of beginning (Walworth/Jefferson County boundary line and N. Fremont St.)

**SECTION 5.**

**Section 1.08/050 Ward 4, is amended to read as follows:** Commencing at the intersection of W. Main St. and S. Prairie St.; thence south along S. Prairie St. to its intersection with Peck St.; thence southeasterly on Peck St. to its intersection with S. Janesville St.; thence southwesterly on Janesville St. to its intersection with U.S. Hwy 12; thence southeasterly on U.S. Hwy. 12 to its intersection with State Road 89; thence easterly to S. Franklin St.; thence northerly on S. Franklin St. to the Spring Brook; thence easterly and northerly along the west shore line of Cravath Lake to Whitewater Creek; thence easterly on E. Main St. to its intersection with N. Jefferson St.; thence northerly on N. Jefferson St. to its intersection with E. North St.; thence westerly on W. North St. to its intersection with W. Main St.; thence westerly on W. Main St. to its intersection with S. Prairie St.(point of beginning).

#### **SECTION 6.**

**Section 1.08.060 Ward 5, is amended to read as follows:** Commencing at the intersection of S. Prairie St. and W. Main St.; thence south along S. Prairie St. to its intersection with Peck St.; thence southeasterly along Peck St. to its intersection with Janesville St.; thence southwesterly along Janesville St. to its intersection with W. South St. ; thence westerly on W. South St. to its intersection with S. Prince St.; thence northerly along S. Prince St. to its intersection with W. Main St.; thence east on W. Main St. to the point of beginning (S. Prairie St. and W. Main St.)

#### **SECTION 7.**

**Section 1.080.070 Ward 6, is amended to read as follows:** Commencing at the intersection of S. Prince St. and W. Main St.; thence south on S. Prince St. to its intersection with W. South St.; thence east on W. South St. to its intersection with S. Janesville St.; thence southwesterly on S. Janesville St./Hwy. 59 to the City limit boundary in effect as of 7/19/2011; thence northwesterly, southwesterly, northerly, northwesterly, westerly, northwesterly, northerly, and easterly, along the City of Whitewater boundary line, to its intersection with W. Main St.; thence southeasterly and easterly along W. Main St. to its intersection with S. Prince St. (to the point of beginning).

#### **SECTION 8.**

**Section 1.080.070 Ward 7, is amended to read as follows:** Commencing at the intersection of the Walworth/Jefferson County boundary line and its intersection with N. Prairie St.; thence south on N. Prairie St. to its intersection with W. Starin Rd.; thence west along Starin Rd to its intersection with N. Tratt St.; thence northwesterly along N. Tratt St. to the Walworth/Jefferson County boundary line; thence east along the Walworth/Jefferson County boundary line to the intersection of N. Prairie St. and the Walworth/Jefferson County boundary line (point of beginning).

#### **SECTION 9.**

**Section 1.080.080 Ward 8, is amended to read as follows:** Commencing at the intersection of the Walworth/Jefferson County boundary line and N. Tratt St./Hwy. N; thence westerly along the Walworth/Jefferson County boundary line to the City of Whitewater Municipal City limits as of 7/19/2011; thence southerly, easterly, northerly, northeasterly and southeasterly along the City of Whitewater municipal boundary line, to its intersection with Hwy. 12 / W. Main St.; thence southeasterly and easterly along W. Main St. to its intersection with Twelfth Place; thence north along Twelfth Place to its intersection with Salisbury Lane; thence easterly along Salisbury Lane to its intersection with N. Hyer Lane; thence northerly along N. Hyer Lane to its intersection with Florence St.; thence easterly along Florence St. to its intersection with Fraternity Lane; thence northerly along Fraternity Lane to its intersection with Carriage Dr.; thence easterly along Carriage Dr. to its intersection with N. Tratt St.; thence north along N. Tratt St. to its intersection with Starin Road; thence

northwesterly along Tratt St. to its intersection with Walworth/Jefferson County boundary line;(point of beginning)

**Section 10.**

**Section 1.080.090 Ward 9, is amended to read as follows:** Commencing at the intersection of Starin Rd. and N. Prairie St.; thence southeasterly to the intersection of N. Prairie St. and W. Main St.; thence westerly on W. Main St. to its intersection with N. Twelfth Place; thence northerly on N. Twelfth Place to its intersection with Salisbury Lane; thence east on Salisbury Lane to its intersection with N. Hyer Lane; thence north on N. Hyer Lane to its intersection with W. Florence St.; thence east on W. Florence St. to its intersection with Fraternity Lane; thence north on N. Fraternity Lane to its intersection with W. Carriage Dr.; thence easterly on W. Carriage Dr. to its intersection with N. Tratt St.; thence north on N. Tratt St. to its intersection with W. Starin Rd.; thence east on W. Starin Rd. to its intersection with N. Prairie St. (point of beginning).

**SECTION 11.**

**Section 1.080.100 Ward 10, is amended to read as follows:** Commencing at the intersection of N. Tratt St. and Blooming Field Dr.; thence northeasterly along N. Tratt St. to its intersection with the City of Whitewater Municipal boundary line in effect as of 07/19/2011; thence west along the City of Whitewater Municipal boundary line to its western most point; thence south along the City of Whitewater Municipal boundary line to its intersection with the Walworth/Jefferson County line boundary line; thence generally easterly, northerly and southerly along the City of Whitewater Municipal boundary line to its intersection with Walton Dr./Hill Crest Dr.; thence generally northerly to the intersection with Walton Dr. and Blooming Field Dr.; thence southwesterly on Blooming Field Dr. to its intersection with N. Tratt St. (to the point of beginning).

**SECTION 12.**

**Section 1.080.110 Ward 11, is amended to read as follows:** Commencing at the intersection of the Walworth/Jefferson County boundary line and N. Tratt St.; thence northwesterly on Tratt St. to its intersection with Walton Dr.; thence generally northerly along Walton Dr. to its intersection with Blooming Field Dr.; thence southwesterly along Blooming Field Dr. to its intersection with N. Tratt St.; thence northerly along the City of Whitewater Municipal boundary line in effect as of 07/19/2011; thence easterly, northerly, easterly and southeasterly along the City of Whitewater Boundary line to its intersection with Fremont Rd.; thence northerly along Fremont Rd. to its intersection with the City of Whitewater Municipal boundary line; thence easterly and northerly along the City of Whitewater Municipal boundary line to its intersection with County Road U; thence easterly along County Road U to its intersection with the City of Whitewater Municipal boundary line; thence northerly and easterly along the City of Whitewater Municipal boundary line to its intersection with County Road D; thence southerly along County Road D to its intersection with the City of Whitewater Municipal boundary line; thence generally southerly along the City of Whitewater Municipal boundary line to its intersection with the Walworth/Jefferson County boundary line.

AND

Commencing at the intersection of the City of Whitewater boundary line and the Walworth/Jefferson County boundary line (slightly east of N. Newcomb St./Hwy. 59); thence generally northerly, easterly, and generally southerly along the City of Whitewater boundary line to its intersection with Howard Rd.; thence westerly along the Walworth/Jefferson County boundary line to the point of beginning.

**SECTION 13.**

# O-1

**Section 1.080.120 Ward 12, is amended to read as follows:** Commencing at the intersection of the Walworth/Jefferson County boundary line and Warhawk Dr.; thence north, crossing Stadium Dr., to the northeastern most tip of the Warhawk Dr. semi-circle; thence directly east to its intersection with Fremont Rd.; thence south along Fremont Rd. to its intersection with the Walworth/Jefferson County boundary line; thence westerly along the Walworth/Jefferson County boundary line to the intersection of Warhawk Dr. and the Walworth/Jefferson County line (point of beginning).

Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

ABSENT:

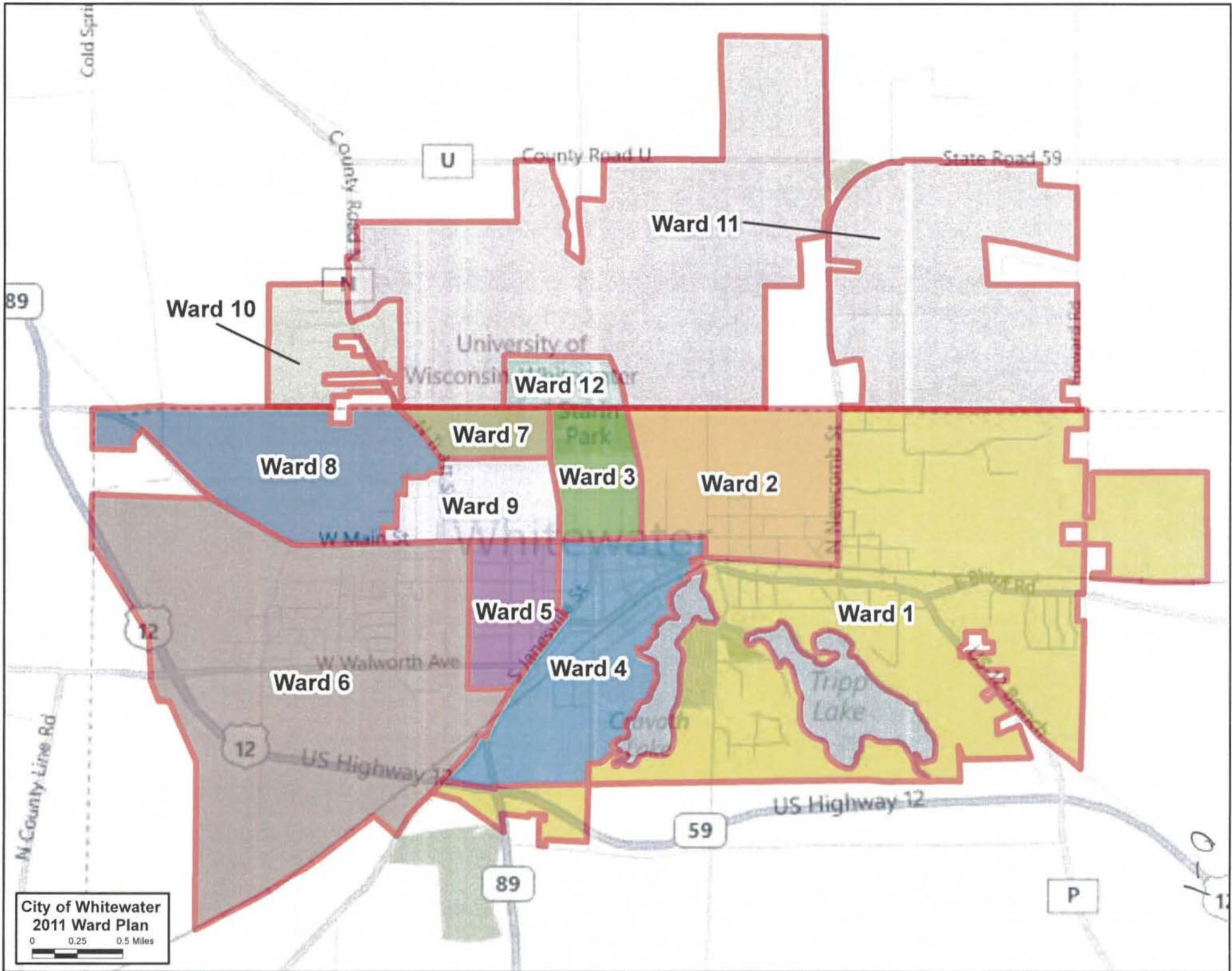
ADOPTED:

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Kevin M. Brunner, City Manager

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Michele R. Smith, City Clerk



City of Whitewater  
2011 Ward Plan  
0 0.25 0.5 Miles

CENUS BLOCK NUMBER    WARD ASSIGNMENT

551270003014005 Whitewater - C 1  
551270003014011 Whitewater - C 1  
551270003014021 Whitewater - C 1  
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551270005011004 Whitewater - C 7  
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551270005011009 Whitewater - C 7  
551270005012000 Whitewater - C 8  
551270005012004 Whitewater - C 8  
551270005012006 Whitewater - C 8  
551270005021005 Whitewater - C 8  
551270005011010 Whitewater - C 9  
551270005011015 Whitewater - C 9  
551270005011016 Whitewater - C 9  
551270005011017 Whitewater - C 9  
551270005012001 Whitewater - C 9  
551270005012002 Whitewater - C 9  
551270005012008 Whitewater - C 9  
551270005012009 Whitewater - C 9

CENSUS BLOCK NO.	WARD NO.
550551016001022	Whitewater - C 10
550551016001031	Whitewater - C 10
550551016001048	Whitewater - C 10
550551016001049	Whitewater - C 10
550551016001052	Whitewater - C 10
550551016001062	Whitewater - C 10
550551016001064	Whitewater - C 10
550551016001068	Whitewater - C 10
550551016001000	Whitewater - C 11
550551016001006	Whitewater - C 11
550551016001007	Whitewater - C 11
550551016001008	Whitewater - C 11
550551016001009	Whitewater - C 11
550551016001012	Whitewater - C 11
550551016001013	Whitewater - C 11
550551016001020	Whitewater - C 11
550551016001021	Whitewater - C 11
550551016001023	Whitewater - C 11
550551016001024	Whitewater - C 11
550551016001025	Whitewater - C 11
550551016001026	Whitewater - C 11
550551016001027	Whitewater - C 11
550551016001028	Whitewater - C 11
550551016001029	Whitewater - C 11
550551016001030	Whitewater - C 11
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550551016001035	Whitewater - C 11
550551016001038	Whitewater - C 11
550551016001039	Whitewater - C 11
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550551016002047	Whitewater - C 11
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550551016001040	Whitewater - C 12
550551016001041	Whitewater - C 12
550551016001042	Whitewater - C 12
550551016001043	Whitewater - C 12

550551016001044 Whitewater - C 12  
550551016001045 Whitewater - C 12  
550551016001046 Whitewater - C 12

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 1.06 OF THE CITY OF WHITEWATER MUNICIPAL CODE ENTITLED "ALDERMANIC DISTRICTS"

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

**Chapter 1.06 of the Whitewater Municipal Code is amended as follows:**

SECTION 1:

**Section 1.06.020, First District, shall be amended to read as follows:** The First Aldermanic District shall consist of Wards 1 and 2.

SECTION 2:

**Section 1.06.030, Second District, shall be amended to read as follows:** The Second Aldermanic District shall consist of Wards 7 and 8.

SECTION 3:

**Section 1.06.040 Third District, shall be amended to read as follows:** The third Aldermanic District shall consist of Wards 3, 4 and 9.

SECTION 4:

**Section 1.06.050, Fourth District, shall be amended to read as follows:** The Fourth Aldermanic District shall consist of Wards 5 and 6.

SECTION 5:

**Section 1.06.060, Fifth District, shall be amended to read as follows:** The Fifth Aldermanic District shall consist of Wards 10, 11 and 12.

Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

ABSENT:

ADOPTED:

\_\_\_\_\_  
Kevin M. Brunner, City Manager

\_\_\_\_\_  
Michele R. Smith, City Clerk

Replacement

**ORDINANCE NO. \_\_\_\_\_**  
**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>
Chapter 9.08	Animal control Violations	1 <sup>st</sup> offense - \$75.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment
		2 <sup>nd</sup> offense within 1 year - \$150.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment
		3 <sup>rd</sup> and subsequent offenses within 1 year - \$300.00 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 \_\_\_\_\_, who moved its adoption.

Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

\_\_\_\_\_  
Kevin Brunner, City Manager

ABSENT:

\_\_\_\_\_  
Michele R. Smith, City Clerk

ADOPTED:

**ORDINANCE NO. \_\_\_\_\_**  
**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>
Chapter 9.04	Animal control Violations	1 <sup>st</sup> offense - \$75.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> offense within 1 year - \$150.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  3 <sup>rd</sup> and subsequent offenses within 1 year - \$300.00 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 \_\_\_\_\_, who moved its adoption.

Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

\_\_\_\_\_  
Kevin Brunner, City Manager

ABSENT:

\_\_\_\_\_  
Michele R. Smith, City Clerk

ADOPTED:

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

**City of Whitewater**

# Memo

**To:** Common Council

**From:** Kevin Brunner

**Date:** 07/14/2011

**Re:** North Street Bridge Replacement Street Financing

We received some very good news this week that the City has been awarded a \$419,500 Community Development Block Grant (CDBG) from the Wisconsin Economic Development Corp. While we had a number of city staff work on this particular grant application, special thanks needs to go to Dean Fischer and Mary Nimm for their work on the grant application and subsequent follow-up work.

Attached is the final estimate of the cost of this project. The total estimated cost based upon the low bid submitted by E&N Hughes is \$1,503,056 with the cost to be distributed between the Capital Improvement Fund (\$1,103,041); Water Utility Fund ((\$182,914); Sanitary Sewer Fund (\$75,850) and Storm Sewer Fund (\$141,251).

While we have sufficient funds on hand for the Water and Sanitary Sewer Fund-related work, we need to borrow for the Capital Improvement Fund and Storm Sewer Fund portions of this project. We had anticipated this necessary borrowing in the 2011 Capital Improvement Project (CIP) and Stormwater Utility Budgets but needed to wait until it was determine final amounts to be borrowed based on whether or not the City would receive any grant funding to offset the CIP costs. With the CDBG Grant, the CIP total estimated cost will now be \$683,541.

Based on above, I am recommending that city staff be authorized to do the following:

- 1) **The Finance Director solicit bids from local lenders in the amount of \$700,000 for the CIP portion of this project and \$227,000 for the Stormwater portion (please note that this amount includes an additional \$85,000 in anticipated property acquisition costs for a future stormwater facility on Ann Street that was again planned for in the 2011 Budget) to finance the North Bridge Replacement Project. This would be a short-term loan that would be paid off next year when these funds would be included within a major borrowing is planned for the 2012-2013 CIP which will include the Milwaukee Street, East Gateway and Prince Street Reconstruction Projects.**
- 2) **Staff continue to work with City financial advisors Robert W. Baird and Company on structuring the CIP debt such that an annual ceiling of \$550,000 of principal and interest payments be established. The Council will be presented with a proposed future CIF debt schedule to include 2012-2013 CIF projects as part of the 2012 City Budget.**

If any of you have any questions regarding these recommendations, please free to contact me before the Common Council meeting.

# North Street Bridge Replacement

	CIF	Water	Sewer	Storm	Total
<b>E &amp; N Hughes Bid</b>					
Base bid	894,322	163,942	68,047	126,410	
Alternate #2 - concrete roadway between bridges	24,150				
Alternate #3 - Multi use path	25,990				
Alternate #4 - Disposal of contaminated soil	31,500				
	<u>975,962</u>	<u>163,942</u>	<u>68,047</u>	<u>126,410</u>	<u>1,334,361</u>
	72.8%	12.4%	5.1%	9.7%	100.00
Strand Contract(\$153,000) split by percentage of bids	111,384	18,972	7,803	14,841	153,000
General Fund incurred costs:	15,695				15,695
<b>Total cost per funding source:</b>	<b>1,103,041</b>	<b>182,914</b>	<b>75,850</b>	<b>141,251</b>	<b>1,503,056</b>
CDBG grant applied	419,500				
<b>Grand total cost per funding source:</b>	<b>683,541</b>	<b>182,914</b>	<b>75,850</b>	<b>141,251</b>	
<b>General Fund Incurred costs</b>					
DNR permit fees					2,640
Advertising					77
Geotechnical work					8,261
Archaeological					1,119
Historical					3,598
					<u>15,695</u>

1-1



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**WISCONSIN LEGISLATIVE COUNCIL  
INFORMATION MEMORANDUM**

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**Carrying and Possessing Firearms in Wisconsin**

2011 Senate Bill 93, as amended, was approved by the Wisconsin Senate and Assembly in June 2011. This bill relates to going armed with weapons, possessing or transporting a firearm, disorderly conduct limitations, and electric weapons. This Information Memorandum provides a description of some of the primary provisions of the bill affecting a person's ability to carry or possess a **firearm** in Wisconsin. For a more thorough description of the other provisions in Senate Bill 93 please see the Amendment Memo on Senate Substitute Amendment 2 to the bill at [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc).

**INTRODUCTION**

2011 Senate Bill 93, as passed by both the Senate and the Assembly, would make a number of changes to the places and the manner in which a person may carry or possess a firearm in this state.<sup>1</sup> Some of the important distinctions used in this memorandum are briefly noted below, followed by a description of the provisions of the bill affecting firearm carrying and possession, in question and answer format and broken down by whether the changes affect concealed carry license holders, people who do not obtain a concealed carry license, or both.<sup>2</sup>

***“Carry” Versus “Possession”***

The majority of the provisions of the bill relate to restrictions on a person's ability to “carry” a firearm. The bill defines “carrying” a firearm to mean to “go armed with” a firearm. The phrase “go armed with,” as it would relate to a firearm, has been defined by the Wisconsin courts to mean that the firearm was on the individual's person or was within the individual's reach and the individual was aware of the presence of the firearm. However, Wisconsin courts generally do not treat having an unloaded and encased firearm within one's reach as “going armed with” the firearm.<sup>3</sup>

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<sup>1</sup> The bill also includes specific provisions related to the places and manner in which law enforcement officers, out-of-state officers, and former officers may possess firearms. These provisions are not described in this memorandum.

<sup>2</sup> This memorandum only applies to people that are not prohibited from possessing a firearm under state or federal law.

<sup>3</sup> For instance, in *State v. Walls*, 190 Wis. 2d 65 (Ct. App. 1994), the Court of Appeals recognized that the placement, possession, or transportation of unloaded and encased firearms in vehicles as permitted by § 167.31 (2) (b), Stats., does not constitute going armed with a concealed weapon.

Some provisions under current law and under the bill relate to where and how a firearm may be possessed or transported. In this memorandum, the term “possession” of a firearm will be used to describe a situation in which a person may have a firearm on his or her person or within his or her reach, and may be transporting the firearm, but the person is not considered to be “going armed with” the firearm.

Some of the court decisions and statutory provisions described below use the phrase “go armed with” while the new provisions that would be added to the statutes under this bill replace this phrase with the term “carry.” For purposes of consistency in this memorandum, the term “carry” is used whether the bill, court decisions, or existing statutes use the term “carry” or the phrase “go armed with.”

### ***“Open Carry Versus Concealed Carry”***

The bill makes numerous references to carrying concealed firearms and to carrying firearms that are not concealed. For a firearm to be considered “concealed,” Wisconsin courts have said that it must be hidden from ordinary view.<sup>4</sup> This memorandum refers to the carrying of firearms that are not concealed as the “open carry” of those firearms.

### ***“Weapon”***

The bill defines a “weapon” as a handgun, an electric weapon, a knife other than a switchblade knife, or a billy club. This term does not include firearms other than handguns, such as shotguns or rifles. Where the bill seeks to regulate firearms other than handguns, it refers to these as “firearms that are not weapons.”

### ***“Handgun”***

The bill defines “handgun” as any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. This term does not include certain prohibited types of firearms such as a machine gun, a short-barreled rifle, or a short-barreled shotgun.

## **CHANGES THAT APPLY TO PEOPLE WITHOUT REGARD TO WHETHER A PERSON IS A CONCEALED CARRY LICENSEE**

Some of the provisions in the bill apply to a person regardless of whether he or she is a concealed carry licensee. The following questions and answers relate to these general provisions:

### ***What general changes does the bill make to the restrictions on possessing a firearm in or on a vehicle?***

The bill makes a number of statutory changes with respect to the placement, possession, and transportation of handguns in various types of vehicles. Specifically, the bill:

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<sup>4</sup> Wisconsin courts have interpreted the term “concealed” broadly with respect to firearms in vehicles, holding that a firearm in a vehicle is concealed if it is indiscernible from the ordinary observation of a person located *outside* and within the immediate vicinity of the vehicle.

- Permits placing, possessing, or transporting a loaded and unencased handgun in a vehicle.<sup>5</sup>
- Permits loading a handgun in a vehicle.
- Permits operating an all-terrain vehicle with a loaded and unencased handgun.
- Permits placing, possessing, or transporting a loaded handgun in or on a motorboat with the motor running.
- Permits placing, possessing, or transporting a loaded and unencased handgun in or on a noncommercial aircraft.

***Does the bill allow a person to carry a firearm in the person's own home or the person's place of business?***

Yes. The bill authorizes a person to carry a concealed weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, without regard to whether the person is a concealed carry licensee.

***Does the bill place any restrictions on the open carry of firearms?***

The bill specifies that it should not be interpreted to limit an individual's right to openly carry a firearm, other than the specific limits included in the bill. For instance, the bill specifies a list of places where a licensee may not carry a concealed firearm or openly carry a firearm, including certain public buildings. Other examples of limits on open carry under the bill and under current law are noted below.

***Can a person be prevented from carrying a firearm on private or public property?***

Yes, with some limitations. The bill creates a list of provisions under trespass law under which a person or entity that owns or occupies property, referred to in this memorandum as the "person in control" of the property, the state or local governmental units, and organizers of special events may restrict access to certain property by people who are carrying firearms. Where a sign is required to notify people of such a restriction, the sign must be at least 5" x 7" and must state the restriction. Signs must be placed in a prominent place near all of the entrances to the part of the building to which the restriction applies or near all probable access points to the grounds or land to which the restriction applies, as applicable, where any individual entering the building, grounds, or land can be reasonably expected to see the sign.

These new trespass provisions apply to both licensees and people who are not licensed and to concealed and open carry, and most of these provisions do not apply to parts of buildings, grounds, or land that are used for parking if the firearm is in a vehicle driven or parked in the parking area. The following seven questions relate to these trespass provisions:

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<sup>5</sup> The bill eliminates the *general* prohibition against possessing or transporting a loaded, unencased firearm in a vehicle, but restrictions related to more specific situations may still apply. For instance, current law generally prohibits "shining" of wild animals while in the possession of a firearm and the possession of a light with intent to use it for shining wild animals while in the possession of a firearm. These prohibitions will remain in effect under the bill.

*Can the owner of a single-family residence restrict access to his or her property by people carrying firearms?*

Yes. Such a restriction may apply to the residence and the rest of the parcel of land. The bill does not specify the method that the owner must use to notify people of the restriction.

*Can a person who leases or owns a unit in a multi-family residence restrict access to the multi-family residence by people carrying firearms?*

Yes, but the person may only place such a restriction on the person's own residential unit. The bill does not specify the method that must be used to notify people of the restriction.

*Can a person in control of the common areas in and the grounds of a multi-family residence restrict access to the property by people carrying firearms?*

Yes, but the person may only place such a restriction on the common areas and grounds, and that restriction would not apply to people who lease or own a residential unit in the residence. This type of restriction requires posting of signs.

*Can organizers of special events like Summerfest restrict access to the special event grounds by people carrying firearms?*

Yes. "Special event" is defined by the bill to mean "an event that is open to the public, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission." Signs must be posted to notify people of the prohibition.

*Can people be prohibited from carrying firearms in publicly owned buildings?*

The state or a local governmental unit<sup>6</sup> may prohibit a person from entering or remaining in a building that is owned, occupied, or controlled by the state or the local governmental unit ("publicly controlled building") while carrying a firearm. This provision does not apply to publicly controlled buildings that are listed as specific locations for which the carrying of firearms would be prohibited for licensees, described below. People must be notified of these prohibitions by the posting of signs, and these prohibitions would not apply to people who lease residential or business premises in a posted, publicly controlled building.

A state or local governmental unit generally may not prohibit a person from entering or remaining on the grounds of a publicly controlled building while carrying a firearm, unless another provision authorizing such a prohibition applies. For example, if a special event is held on the grounds, the organizer may be able to prohibit the carrying of firearms, as described above.

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<sup>6</sup> "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.

***Can a university or college prohibit the carrying of firearms on campus?***

A university or college may prohibit a person from entering or remaining in a privately or publicly owned building on the grounds of a university or college while carrying a firearm, if signs are posted indicating this prohibition. Such a prohibition would not apply to a person who leases residential or business premises in the building.

The university or college may not prohibit a person from entering or remaining on the grounds of the university or college while carrying a firearm unless another provision authorizing such a prohibition applies. For example, if a special event is held on the grounds, the organizer may be able to prohibit the carrying of firearms, as described above.

***Can the person in control of other nonresidential property prohibit the carrying of firearms on these properties?***

The person in control of a nonresidential building, grounds of a nonresidential building, or other land not listed above ("nonresidential property") may prohibit a person from entering or remaining on the nonresidential property while carrying a firearm.<sup>7</sup> The posting of signs is required to inform people of such a prohibition.

**CONCEALED CARRY LICENSEES**

The bill creates a system by which a person may apply for a license to carry a concealed weapon. The bill specifies that a licensee may carry a concealed weapon anywhere in this state except as prohibited under the bill. The following questions and answers relate to firearms carrying and possession by a concealed carry licensee:

***If I am a licensee, in what specific places am I expressly prohibited from carrying a firearm?***

The bill generally prohibits a licensee from knowingly carrying any type of firearm, whether concealed or openly carried, in police stations and other types of law enforcement offices, correctional buildings, portions of buildings that are courthouses, municipal courtrooms when court is in session, beyond the security checkpoint in an airport, and other specified locations. These prohibitions do not apply to firearms in vehicles driven or parked in a parking facility in one of these prohibited locations and exceptions apply to the courthouse prohibition for certain people including judges and prosecutors.

Under the bill, a licensee is also generally prohibited from intentionally carrying a handgun on any premises where alcoholic beverages may be sold if the licensee is consuming alcohol on the premises.

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<sup>7</sup> The bill specifies that the following are defined as nonresidential facilities and are therefore subject to a prohibition against the carrying of firearms imposed by the management of the facility: a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice.

***If I am a licensee, may a person prevent me from carrying a firearm on his or her property?***

Yes. Under current law, it is illegal to enter or remain on any land of another person after being notified by the owner or occupant not to enter or remain on the premises. The bill specifies that this existing statutory provision does not apply to licensees if the intent of the person in control of the property is to prevent licensees from carrying firearms on the property; however, the bill also adds new trespass provisions that specify the means by which a person may prevent people from carrying firearms on certain property. These added provisions are described above.

***If I am a licensee, can my employer prohibit me from carrying a concealed weapon in the course of my employment?***

Yes. The bill authorizes employers to prohibit a licensee who it employs from carrying a concealed weapon or a particular type of concealed weapon in the course of the licensee's employment, but such a prohibition does not apply to the employee's personal vehicle, even if that vehicle is used in the course of employment.

***Does the bill allow me to carry a firearm within a school zone if I am a licensee?***

Under current law and subject to a number of exceptions, a person is prohibited from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. A school zone is defined as in or on the grounds of a school or within 1,000 feet of the grounds of a school. The bill exempts licensees from the prohibition against the possession of a firearm within 1,000 feet of the grounds of a school.<sup>8</sup> The general prohibition against carrying a firearm on school grounds applies to licensees unless they meet one of the current exceptions to that prohibition.

***May I carry a concealed rifle or shotgun if I am a licensee?***

No. The bill allows a person to carry concealed "weapons" which only includes firearms that are handguns, as defined above. Rifles and shotguns would remain subject to the general prohibition against carrying concealed and dangerous weapons.

***Does the bill make any changes to statutory restrictions on the possession of firearms in state parks, state fish hatcheries, or wildlife refuges?***

Yes. State statutes generally prohibit the possession of firearms in state parks, state fish hatcheries, or wildlife refuges unless the firearm is unloaded and enclosed in a carrying case. The bill creates

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<sup>8</sup> Federal law also prohibits a person from knowingly possessing a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone, and provides a number of exceptions to this prohibition. One of those exceptions applies to individuals who are licensed to possess a firearm by the state in which the school zone is located, where the law of that state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license. This exception would appear to apply to people who become concealed carry licensees under the bill and who are Wisconsin residents. The bill also includes a provision stating that for purposes of federal law, an out-of-state licensee is considered to be licensed by the State of Wisconsin. It is not clear whether this statement is sufficient to invoke the exception to the federal school zone law with respect to out-of-state licensees.

exceptions from these prohibitions for licensees, if the firearm is a handgun. Trespass provisions described above may still be made applicable to buildings, the grounds around buildings, or other land on these types of properties depending on the ownership of the property.

### **PEOPLE WHO DO NOT OBTAIN CONCEALED CARRY LICENSES**

The following questions and answers relate to the carrying and possession of firearms by a person who elects not to obtain a concealed carry license:

#### ***What are the general restrictions on whether I may carry a concealed firearm in this state if I am not a licensee?***

The bill expressly authorizes a person to carry a concealed handgun in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, without regard to whether the person has obtained a concealed carry license. Other than that, a person who does not obtain a concealed carry license is generally prohibited from carrying a concealed firearm in this state.

A narrow exception to this general rule has also been recognized by the Wisconsin Supreme Court for situations in which a person must carry a concealed weapon in the exercise of the person's constitutional right to bear arms, for instance if the carrying of the weapon is related to the security of a private residence or a privately operated business. The test that the court has developed for determining if this exception applies to a particular situation requires the defendant to show that the defendant's interest in concealing the weapon substantially outweighs the state's interest in enforcing the concealed weapons statute and that the defendant concealed his or her weapon because concealment was the only reasonable means under the circumstances to exercise his or her right to bear arms. To date, this exception has not been applied to locations other than those limited locations where a person without a license is authorized under the bill to carry a concealed firearm, as noted above.

#### ***In what specific places am I expressly prohibited from carrying a firearm if I am not a licensee?***

Under current law, a person is generally prohibited from carrying a firearm in a building owned or leased by the state or any political subdivision of the state.<sup>9</sup> A person is also generally prohibited from intentionally carrying a handgun where alcoholic beverages may be purchased and consumed on the premises. These prohibitions apply to both concealed carry and open carry and remain the same for nonlicensees under the bill.

#### ***If I am not a licensee, may a person prevent me from carrying a firearm on his or her property?***

Yes. Under current law, it is illegal to enter or remain on any land of another after being notified by the owner or occupant not to enter or remain on the premises. The bill does not change this authority with respect to people who are not licensees. Also, the trespass provisions created under the bill and

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<sup>9</sup> "Political subdivision of the state" is not defined in the bill or in the statutory chapter in which this provision will be placed, but generally refers to counties, cities, villages, and towns.

described in more detail above specify additional means by which a person may prevent licensees and nonlicensees from carrying firearms on certain property.

***Does the bill allow me to carry on school grounds or within a school zone if I am not a licensee?***

No. Under current law and subject to a number of exceptions, a person is prohibited from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. A school zone is defined as in or on the grounds of a school or within 1,000 feet of the grounds of a school. The bill reduces the state penalty for possession of a firearm within 1,000 feet of the grounds of a school but does not eliminate the prohibition for people who are not licensees.

***Does the bill allow me to place, possess, or transport a loaded, unencased handgun in a vehicle?***

As described above, the bill does allow the placement, possession, and transportation of handguns in a number of different types of vehicles, regardless of whether a person is a licensee. However, if a person is not a licensee, the handgun cannot be concealed in the vehicle and, as noted above, Wisconsin courts have taken a broad view of what constitutes the concealment of a firearm in a vehicle.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Larry Konopacki, on July 1, 2011.

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**WISCONSIN LEGISLATIVE COUNCIL**

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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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<b>2011 Senate Bill 93</b>	<b>Senate Substitute Amendment 2, as Amended</b>
<i>Memo published: June 15, 2011</i>	<i>Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)</i>

2011 Senate Bill 93 relates to going armed with weapons, possessing or transporting a firearm, bow, or crossbow under certain circumstances, disorderly conduct limitations, and electric weapons. For a more complete description of the substitute amendment, go to <http://legis.wisconsin.gov/lfb/2011-13Bills/Cumulative.htm>.

**SENATE SUBSTITUTE AMENDMENT 2**

**Crime Against Carrying a Concealed Weapon and Carrying Weapons in Certain Places**

***Current Law***

Under current law, any person except a peace officer who goes armed with a concealed and dangerous weapon is guilty of a Class A misdemeanor. Current law also contains criminal offenses that prohibit carrying a firearm in a public building and carrying a handgun where alcohol beverages are sold and consumed.

***The Substitute Amendment***

The substitute amendment creates a process to obtain a license to carry a concealed weapon, as described below. A person who is licensed as provided in the substitute amendment is exempted from the crime that prohibits carrying a concealed weapon, carrying a firearm in a public building, and carrying a handgun where alcohol beverages are sold and consumed. In addition, the substitute amendment provides that these offenses do not apply to an out-of-state licensee, as discussed below. However, a licensee or an out-of-state licensee is exempt from the offense of carrying a handgun where alcohol beverages are sold and consumed only if he or she is not consuming alcohol on the premises.

The substitute amendment also provides that the offense of carrying a concealed weapon does not apply to any of the following:

- A qualified out-of-state law enforcement officer<sup>1</sup>, but only if the weapon is a firearm but is not a machine gun or a destructive device; the officer is not carrying a firearm silencer; and the officer is not under the influence of an intoxicant.
  
- A former officer (i.e., a person who served as a law enforcement officer with a law enforcement agency before separating from service as a law enforcement officer) who meets the above conditions and to whom all of the following apply:
  - The former officer has been issued a photographic identification document or identification or certification card, as described below.
  - The weapon is a firearm that is of the type described in the identification document.
  - Within the preceding 12 months, the former officer met the standards of the state in which he or she resides for training and qualification for active duty law enforcement officers to carry firearms.
  
- An individual who carries a concealed and dangerous weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

Under the substitute amendment, a qualified out-of-state law enforcement officer and a former officer must have identification, as specified in the substitute amendment, with him or her while carrying a concealed weapon. A person who violates this requirement may be required to forfeit not more than \$25 except that the person is exempt from this penalty if he or she presents his or her license document and photographic identification to the law enforcement agency within 48 hours.

Qualified out-of-state law enforcement officers and former officers who meet the conditions described above are also exempt from the offenses of carrying a firearm in a public building and carrying a handgun where alcohol beverages are sold and consumed.

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<sup>1</sup> For purposes of the offense of carrying a concealed weapon, the substitute amendment defines “qualified out-of-state law enforcement officer” as a law enforcement officer to whom *all* of the following apply:

- The person is employed by a state or local government agency in another state.
- The agency has authorized the person to carry a firearm.
- The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person’s law enforcement authority.
- The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
- The person is not prohibited under federal law from possessing a firearm.

### Possession of Electric Weapons

#### *Current Law*

Under current law, whoever sells, transports, manufactures, possesses, or goes armed with any electric weapon is guilty of a Class H felony. This provision does not apply to the following: (a) any peace officer; (b) any armed forces or National Guard personnel while on official duty; (c) any corrections personnel in a county or in the Department of Corrections while on official duty; (d) any manufacturer or seller whose electric weapons are used solely by the persons listed above; or (e) any common carrier transporting electric weapons.

#### *The Substitute Amendment*

Under the substitute amendment, in addition to the exceptions under current law, the prohibition against possessing or going armed with an electric weapon does not apply to any of the following:

- A licensee or an out-of-state licensee.
- An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

The substitute amendment also provides that the prohibition against transporting an electric weapon does not apply to any of the following:

- A licensee or an out-of-state licensee.
- An individual who is not a licensee or out-of-state licensee who transports an electric weapon if the electric weapon is enclosed within a carrying case.

### Licenses to Carry a Concealed Weapon

The substitute amendment creates a license to carry a concealed weapon. Under the substitute amendment, "weapon" is defined as a handgun, an electric weapon, a knife other than a switchblade, or a substitute amendment club. The licenses are issued by the Department of Justice (DOJ). The substitute amendment specifies the requirements for licensure and provides that DOJ may not impose conditions, limitations, or requirements that are not expressly provided in the section on the issuance, scope, effect, or content of a license. The substitute amendment provides that, unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed.

Under the substitute amendment, a licensee or an out-of-state licensee may carry a concealed weapon anywhere in Wisconsin except as provided in the substitute amendment.

#### *Out-of-State Licensees*

The substitute amendment requires DOJ to promulgate, by rule, a list of states that issue a permit, license, approval, or other authorization to carry a concealed weapon if the permit, license,

approval, or other authorization requires, or designates that the holder chose to submit to, a background search that is comparable to the background check required to obtain a license in Wisconsin.

Under the substitute amendment, "out-of-state licensee" is defined as an individual who is 21 years of age or over, who is not a Wisconsin resident, and who has been issued an out-of-state license from a state listed by DOJ and that, if necessary, designates that the holder chose to submit to a background check.

The substitute amendment contains a statement that, for purposes of federal law under which an individual is exempt from the prohibition against possessing a firearm in a school zone because he or she is licensed to possess a firearm under the conditions set forth in federal law, an out-of-state licensee is licensed by Wisconsin.

### ***Display of License Document***

Under the substitute amendment, unless a licensee or out-of-state licensee is carrying a concealed weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, a licensee must have with him or her his or her license document and photographic identification card and an out-of-state licensee must have with him or her his or her out-of-state license and photographic identification card at all times during which he or she is carrying a concealed weapon. A licensee or out-of-state licensee who is carrying a concealed weapon must display the license and identification to a law enforcement officer upon the request of the law enforcement officer while the law enforcement officer is acting in an official capacity and with lawful authority.

A person who violates either of the above requirements may be required to forfeit not more than \$25 except that the a person is exempt from this penalty if he or she presents his or her license document and photographic identification to the law enforcement agency within 48 hours.

### ***License Document***

The substitute amendment requires DOJ to design a single license document for licenses to carry a concealed weapon. DOJ must complete the design of the license document no later than the first day of the second month beginning after the effective date of the legislation. The substitute amendment specifies what the document must contain and some of the characteristics of the document. The substitute amendment requires the license to contain a unique identification for each licensee.

The substitute amendment permits DOJ to contract with the Department of Transportation (DOT) to produce and issue license documents. Neither DOT nor any employee of DOT may store, maintain, or access the information provided by DOJ for the production or issuance of license documents other than to the extent necessary to produce or issue the license documents. A person who violates this provision may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days, or both.

### ***Restrictions on Issuing a License***

Under the substitute amendment, DOJ must issue a license to carry a concealed weapon to an individual who submits an application, as required under the substitute amendment, *unless* any of the following applies:

- The individual is less than 21 years of age.
- The individual is prohibited under federal or state law from possessing a firearm.
- The individual has been charged with a misdemeanor or a felony and the court has prohibited the individual from possessing a dangerous weapon as a condition of bail or a condition of release.
- The individual is not a Wisconsin resident.
- The individual has not provided proof of training.

### ***Training Requirements***

In an application for a license, an individual must include proof of having received firearm training. The proof of training requirement may be met by *any* of the following:

- A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates that the individual completed any of the following:
  - The hunter education program established by the Department of Natural Resources (DNR) or a substantially similar program that is established by another state, country, or province and that is recognized by DNR.
  - A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors.
  - A firearms safety or training course that is available to the public and is offered by a law enforcement agency or, if the course is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by DOJ, by a technical college, a college or university, a private or public institution or organization, or a firearms training school.
  - A firearms safety or training course that is offered to law enforcement officers or to owners and employees of licensed private detective and security agencies.
  - A firearms safety or training course that is conducted by a firearms instructor who is certified by a national or state organization that certifies firearms instructors or who is certified by DOJ.

- Documentation that the individual participated in organized shooting competitions or completed military, law enforcement, or security training that gave the individual experience with firearms that is substantially equivalent to a course or program described above.

- A current or expired license, or a photocopy of a current or expired license, that the individual holds or has held that indicates that the individual is licensed or has been licensed to carry a firearm in this state or in another state or in a county or municipality of this state or of another state unless the license has been revoked for cause.

- Documentation of completion of small arms training while serving in the U.S. armed forces as demonstrated by an honorable discharge or general discharge under honorable conditions or a certificate of completion of basic training with a service record of successful completion of small arms training and certification.

The substitute amendment requires DOJ to certify instructors and to maintain a list of instructors that it certifies. To be certified, a person must meet all of the following criteria:

- Be qualified to carry a concealed weapon.
- Be able to demonstrate the ability and knowledge required for providing firearms safety and training.

The substitute amendment specifies that DOJ may not require firing live ammunition to meet the training requirements.

Under the substitute amendment, an instructor of a firearms training course, as described above, who intentionally submits false documentation indicating that an individual has met the training requirements may be prosecuted for false swearing.

### *Application for a License*

DOJ must design an application form for licenses, and the forms must contain certain provisions such as a statement describing current law regarding self-defense and statements relating to the penalties for providing false information in the application. An individual may apply for a license under the substitute amendment by submitting a completed application form, a statement that the information submitted in or with the application is true and complete to the best of his or her knowledge, a license fee in an amount determined by DOJ but which may not exceed \$37, and a \$13 fee for a background check.

When DOJ receives an application, it must conduct a background check using the procedures set forth in the substitute amendment to determine if the person is qualified under state and federal law possess a firearm. If DOJ denies an application, DOJ must inform the applicant in writing, stating the reason and factual basis for the denial.

The substitute amendment authorizes DOJ to enforce the offense of false swearing with respect to false statements submitted or made in an application for a license or an application to renew a license.

Within 21 days of receiving the application, DOJ must either issue a license or deny the license application. In addition, beginning on the day after publication of the legislation and ending on the first day of the fifth month after that day, DOJ must, as soon as practicable and without delay, but no longer than 45 days after receiving a complete application, either issue the license and promptly send the licensee the license document by 1<sup>st</sup> class mail or deny the application, as described above.

### ***Emergency License***

Under the substitute amendment, an individual who requires an immediate license may petition the court in the county in which he or she resides for such a license. Unless the court knows that the individual is ineligible for a license, a court may issue a temporary license to an individual if the court determines that immediate licensure is warranted to protect the individual from death or great bodily harm. An emergency license is valid for 30 days unless it is revoked by the court or is void because the person applies for a license and is found by DOJ to be ineligible.

### ***Updated Information Regarding Eligibility***

Under the substitute amendment, the court automated information systems (i.e., the Consolidated Court Automated Programs or CCAP), or the clerk or register in probate if the information is not contained or cannot be transmitted by the court automated information systems, must promptly notify DOJ of the name of any individual for whom there is a court finding that disqualifies the individual from being permitted to possess a firearm. For example, DOJ must be notified if an individual is found to have committed a felony or is involuntarily committed for mental health treatment. DOJ must then determine whether the individual is a licensee.

The substitute amendment also requires a licensee to notify DOJ of a new address within 30 days of changing his or her address.

### ***Maintenance, Use, and Publication of Records by DOJ***

The substitute amendment requires DOJ to maintain a computerized record listing the names of and specified information concerning all individuals who have been issued a license and former law enforcement officers who have been issued certification cards, as described below. Unless specifically authorized in the substitute amendment, neither DOJ nor any DOJ employee may store, maintain, format, sort, or access the information in any way other than by the names, dates of birth, or sex of licensees or individuals, or by the identification numbers assigned to licensees.

A law enforcement officer may not request or be provided information from such computerized record concerning a specific individual except for specified purposes including to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid or, if an individual does not have his or her license document or certification card with him or her, to confirm that the individual holds a valid license or certification card.

The substitute amendment provides that, notwithstanding the Wisconsin open records law, DOJ, DOT, or any employee of DOJ or DOT, may not make information obtained as permitted in the substitute amendment available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant or through DOJ's

annual report to the Legislature and the Governor, described below. In addition, neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from DOJ, as described above, based on the individual's status as a licensee or holder of a certificate card. In addition, neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees or holders of certification cards of any individuals involved or make such information available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant.

A person who violates these provisions may be fined not more than \$500 or imprisoned for not more than 30 days, or both.

### ***License Revocation and Suspension***

The substitute amendment requires DOJ to revoke a license if DOJ determines that a licensee no longer meets the requirements for licensure (e.g., is prohibited from possessing a firearm due to a felony conviction). DOJ must suspend a license if a court has prohibited the licensee from possessing a dangerous weapon as a condition of bail. If the individual whose license was suspended is no longer subject to such a condition and the license is otherwise valid, DOJ must restore the license within five business days of notification that the license is no longer subject to the prohibition.

### ***Review and Appeal of Licensing Decisions***

Under the substitute amendment, DOJ must promulgate rules providing for the review of any action by DOJ denying an application for, or suspending or revoking, a license.

The substitute amendment also permits an individual aggrieved by any DOJ action denying an application for, or suspending or revoking, a license, to appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under DOJ's review process.

The substitute amendment provides that the court's decision must provide whatever relief is appropriate. If the court reverses DOJ's action, the court may order DOJ to pay the aggrieved individual all court costs and reasonable attorney fees.

### ***License Expiration and Renewal***

Under the substitute amendment, a license remains in effect for five years unless it is suspended or revoked before then. At least 90 days before the expiration of a license, DOJ must mail to the licensee a notice of expiration form and a form for renewing the license.

The renewal fee will be determined by DOJ by rule and must be equal to the cost of renewing the license but may not exceed \$12.

DOJ must conduct a background check of a licensee before renewing the license. DOJ must issue a renewal license within 21 days after receiving the application, statement, and fees.

Under the substitute amendment, the license of a member of the U.S. armed forces, a reserve unit of the armed forces, or the National Guard who is deployed overseas while on active duty may not expire until at least 90 days after the end of the licensee's overseas deployment unless the license is suspended or revoked.

### ***Employer Restrictions***

Under the substitute amendment, an employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. However, an employer may not prohibit an employee, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the employee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer.

### ***Prohibited Activity***

Under the substitute amendment, neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon (e.g., a machine gun) in any of the following places:

- Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a Division of Criminal Investigation special agent of DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.

The above prohibitions do not apply to any of the following:

- A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location described above.
- A weapon in a courthouse if a judge who is a licensee is carrying the weapon, or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

- A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

A person who violates the above provisions may be fined not more than \$500 or imprisoned for not more than 30 days, or both.

#### ***Reciprocity Agreements With Other States***

The substitute amendment permits DOJ to enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons.

#### ***Statistical Report***

The substitute amendment requires DOJ to submit a statistical report to the Legislature and the Governor annually by March 1. The report must indicate the number of licenses applied for, issued, denied, suspended, and revoked during the previous calendar year. For the licenses denied, the report must indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For licenses suspended or revoked, the report must indicate the reasons for the suspensions and revocations. DOJ may not include in the report any information that may be used to identify an applicant or a licensee, including a name, address, birth date, or Social Security number.

#### ***Immunity***

The substitute amendment provides immunity to various persons, as follows:

- DOJ, DOT, and the employees of each department, clerks or registers in probate and their staff, and the court automated information systems and their employees are immune from liability arising from any act or omission under the substitute amendment, if done so in good faith.
- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision.
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision.
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in the substitute amendment.

#### ***Penalty if Law Enforcement Officer Uses Excessive Force Against Licensee***

Under the substitute amendment, any law enforcement officer who uses excessive force based solely on an individual's status as a licensee may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days, or both. The application of this penalty does not preclude the application of any other civil or criminal remedy.

### *Law Enforcement Officer Identification Cards*

As discussed above, a law enforcement officer who has a photographic identification card is exempt from certain offenses relating to carrying a firearm. The substitute amendment provides that if a Wisconsin law enforcement agency<sup>2</sup> issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card when the officer separates from service with the Wisconsin law enforcement agency unless specified circumstances apply, such as the officer may not lawfully possess a firearm under federal law or the officer did not separate from service in good standing as a law enforcement officer with the agency.

### *Former Law Enforcement Officers Seeking to Carry Concealed Weapons*

As discussed above, a former law enforcement officer who has a photographic identification card or a certification card is exempt from certain offenses relating to carrying a firearm. Under the substitute amendment, upon the request of a former law enforcement officer<sup>3</sup> and at the expense of the former law enforcement officer, a law enforcement agency that employed the former law enforcement officer must issue the former law enforcement officer a certification card.

The law enforcement agency may *not* issue the former law enforcement officer a certification card *unless* the law enforcement agency first verifies specific information, including that the former law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.

The substitute amendment further provides that, upon the request of a former federal law enforcement officer who resides in Wisconsin and at the expense of the former federal law enforcement officer, DOJ may, unless the person is disqualified, as described above, issue the former federal law enforcement officer a certification card, using the same requirements and criteria described above. If DOJ issues a former federal law enforcement officer a certification card, DOJ must add the former officer's information to the list of licensees DOJ maintains.

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<sup>2</sup> "Wisconsin law enforcement agency" is defined as a governmental unit of one or more persons employed by this state or a political subdivision of this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

<sup>3</sup> The substitute amendment defines "*former law enforcement officer*" as a person who separated from service as a law enforcement officer at a state or local law enforcement agency in Wisconsin. "*Law enforcement officer*" is defined as a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest. "*Law enforcement agency*" is defined as an agency that consists of one or more persons employed by the federal government; a state or a political subdivision of a state; the U.S. armed forces; or the National Guard, that has as its purpose the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes.

## Trespass Law

### *Current Law*

Current law generally prohibits entering or remaining on another person's land after having been notified by the owner or occupant not to enter or remain on the premises. This offense is punishable by a Class B forfeiture.

### *The Substitute Amendment*

The substitute amendment provides that the current prohibition on entering or remaining on any land of another after having been notified by the owner or occupant not to enter or remain on the premises does not apply to an individual if the owner's or occupant's intent is to prevent the individual from carrying a firearm on the land.

The substitute amendment also creates new provisions in the trespass statute to permit certain owners and occupants of property to prohibit persons from carrying a concealed weapon in or on the property. Under the substitute amendment, a person may be subject to a Class B forfeiture if he or she, while carrying a firearm, does one of the following:

- Enters or remains at a *residence* that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the person not to enter or remain at the residence while carrying a firearm or with that type of firearm. In the substitute amendment, "residence," with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, "residence" does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located.
- Enters or remains in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the actor not to remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This provision does not apply to a part of the grounds that is used for parking if the firearm is in a vehicle driven or parked in that part.
- Enters or remains in any part of a *nonresidential building, grounds of a nonresidential building, or land* that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person not to enter or remain in that part of the building, grounds, or land while carrying a firearm. This provision does *not* apply to a part of a building, grounds, or land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of a building, grounds, or land used as a parking facility. The substitute amendment specifies that "nonresidential building" includes a nursing

home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice.

- Enters or remains at a *special event* if the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The substitute amendment defines "special event" as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

- Enters or remains in any part of a *building that is owned, occupied, or controlled by the state or any local governmental unit* if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a type of firearm. This provision does not apply to the governmental buildings in which a licensee is otherwise prohibited from carrying a concealed weapon under the substitute amendment. In addition, this provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in a parking facility, to any part of a building used as a parking facility.

- Enters or remains in any privately or publicly owned *buildings on the grounds of a university or college*, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

In order to give notice under the above provisions, other than the provision relating to single-family residences, an owner or occupant must post a sign notifying persons of the restriction. If an owner or occupant of a building or part of a building is permitted to post a sign to notify that carrying of firearms is prohibited in the building or part of the building, the owner or occupant must post a sign that is located in a prominent place near all of the entrances of the part of the building to which the restriction applies and it must be posted so that any individual entering the building must be reasonably expected to see the sign. If grounds of a building or land may be posted, as described above, the owner or occupant must post a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. Finally, organizers of a special event may post the special event by posting a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign. For all of these provisions, the sign must be at least five inches by seven inches.

Under the substitute amendment, a person that does not prohibit an individual who is carrying a firearm from entering or remaining on property that the person owns or occupies is immune from any liability arising from its decision.

#### *Unlawful Use of License for Carrying a Concealed Weapon*

The substitute amendment creates an offense under which a person who does any of the following is guilty of a Class A misdemeanor:

- Intentionally represents as valid any revoked, suspended, fictitious, or fraudulently altered license.
- If the actor holds a license, intentionally sells or lends the license to any other individual or knowingly permits another individual to use the license.
- Intentionally represents as one's own any license not issued to him or her.
- If the actor holds a license, intentionally permits any unlawful use of that license.
- Intentionally reproduces by any means a copy of a license for a purpose that is prohibited.
- Intentionally defaces or intentionally alters a license.

### *Exception to Disorderly Conduct Offense*

#### *Current Law*

Under current law, whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor. Municipalities may also enact ordinances to prohibit disorderly conduct.

#### *The Substitute Amendment*

The substitute amendment provides that a person may not be in violation of, or charged with a violation of, the disorderly conduct statute or an ordinance relating to disorderly conduct for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried unless other facts and circumstances apply that indicate a criminal or malicious intent on the part of the person.

### *Gun-Free School Zones*

#### *Current Law*

Under current law, any person who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone is guilty of a Class I felony. "School zone" is defined as: (a) in or on the grounds of a school; and (b) within 1,000 feet from the grounds of a school.

This offense does not apply to possession of a firearm under any of the following circumstances:

- On private property not part of school grounds.
- If the individual possessing the firearm is licensed to do so by a political subdivision of the state in which the school zone is located or by the U.S. Bureau of Alcohol, Tobacco, and Firearms and

the law of the political subdivision requires that, before an individual may obtain such a license, the law enforcement authorities must verify that the individual is qualified under law to receive the license.

- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle.
- By an individual for use in a program approved by a school in the school zone.
- By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual.
- By a law enforcement officer or state-certified commission warden acting in his or her official capacity.
- The firearm is unloaded and is possessed by an individual while traversing school grounds for the purpose of gaining access to public or private lands open to hunting, if the entry on the school grounds is authorized by school authorities.
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest.

#### *The Substitute Amendment*

Under the substitute amendment, it is a Class I felony to knowingly possess a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school. Under the substitute amendment, it is a Class B forfeiture to possess a firearm at a place the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school.

The substitute amendment repeals all the conditions under which an individual may possess a firearm in a school zone except the following:

- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle.
- By a state-certified commission warden acting in his or her official capacity.
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest.

Under the substitute amendment, an individual may possess a firearm in or on the grounds of a school or within 1,000 feet of the grounds of a school in accordance with any of the following provisions of federal law which are cross-referenced in the substitute amendment:

- On private property that is not part of school grounds.
- For use in a program approved by a school in the school zone.

- In accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual.
- By a law enforcement officer acting in his or her official capacity.
- The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on the school premises is authorized by school authorities.

The substitute amendment also permits a licensee or an out-of-state licensee to possess a firearm within 1,000 feet of the grounds of a school, but a licensee or out-of-state licensee who does not meet one of the other exceptions may not possess a firearm in or on the grounds of a school.

### *Justification for Firearm Discharge*

#### *Current Law*

Under current law, a city, village, or town exercising village powers may, by ordinance or resolution, restrict the discharge of a firearm. Current law also prohibits discharging a firearm near certain parks, from a vehicle, from or across a highway, or in or from an aircraft.

#### *The Substitute Amendment*

The substitute amendment contains a provision under which such an ordinance or resolution does not apply if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense of privilege in the Criminal Code (e.g., was under circumstances of coercion or necessity or was in self-defense). The substitute amendment also creates exceptions for other statutory firearm discharge prohibitions, as described above, if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense under the Criminal Code.

### *Firearms in or on Vehicles*

#### *Current Law*

Under current law, persons who possess firearms in vehicles or on certain types of land are generally required to have the firearm unloaded and encased.

#### *The Substitute Amendment*

The substitute amendment makes a number of statutory changes with respect to the placement, possession, and transportation of firearms in various types of vehicles, as follows:

- Permits placing, possessing, or transporting a firearm that is a handgun in a vehicle.
- Permits loading a firearm that is a handgun in a vehicle.
- Permits operating an all-terrain vehicle (ATV) with a handgun in the operator's possession.

- Permits placing, possessing, or transporting a handgun in or on a motorboat with the motor running.
- Permits placing, possessing, or transporting a firearm in or on a noncommercial aircraft if the firearm is a handgun.
- Modifies the prohibition against possession of a firearm unless it is unloaded or encased in a wildlife refuge so that it does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet the conditions for the exception for the offense of carrying a concealed weapon.
- Modifies the prohibition against having in one's possession or under one's control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and in a carrying case so that it does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet the conditions for the exception for the offense of carrying a concealed weapon.

### Effective Date

The substitute amendment provides that the legislation takes effect on the first day of the fourth month beginning after publication, except that the following provisions take effect on the day after publication: (a) the changes to the disorderly conduct statutes; (b) the requirement that DOJ promulgate rules regarding what states issue authorizations to carry firearms that will be recognized as out-of-state licenses in Wisconsin; (c) the requirement that DOJ and law enforcement agencies design certification cards for former law enforcement officers; and (d) the requirements that DOJ design the license document and create license application forms. In addition, as noted above, DOJ must issue or deny a license within 45 days of receiving a complete application if the application is received after the day after publication of the legislation but before the first day of the fifth month beginning after that date.

### SENATE AMENDMENT 1 TO THE SUBSTITUTE AMENDMENT

#### The Substitute Amendment

The substitute amendment creates an appropriation into which fees for obtaining a license and fees for background checks required to obtain a license are deposited. This appropriation must be used to provide services under the statute relating to licenses to carry a concealed weapon.

#### Senate Amendment 1 to the Substitute Amendment

Senate Amendment 1 to Senate Substitute Amendment 2 increases this appropriation as follows:

- By \$62,300 for each year in the biennium the legislation takes effect to increase the authorized full-time equivalent positions by one.
- By \$174,400 for the first fiscal year to fund 10 limited-term positions for six months.
- By \$77,100 for the first fiscal year for the purpose of providing supplies and services.

The treatment of these provisions takes effect on July 1, 2011.

**SENATE AMENDMENT 4 TO THE SUBSTITUTE AMENDMENT**

**The Substitute Amendment**

As noted above, an individual may meet the training requirement to obtain a license to carry a concealed weapon by submitting documentation that he or she participated in organized shooting competitions that gave the individual experience with firearms that is substantially equivalent to a course or program that may be completed to meet the training requirement under the bill.

**Senate Amendment 4 to the Substitute Amendment**

Senate Amendment 4 deletes this provision so that documentation of participation in organized shooting competitions may not be used to demonstrate that an individual meets the training requirements to obtain a license.

**LEGISLATIVE HISTORY**

The Joint Committee on Finance offered Senate Substitute Amendment 2 and Senate Amendment 1 to Senate Substitute Amendment 2. Senator Wanggaard offered Senate Amendment 4 to Senate Substitute Amendment 2. On June 14, 2011, the Senate adopted Senate Amendments 1 and 4 to Senate Substitute Amendment 2 and adopted Senate Substitute Amendment 2 on voice votes. The Senate passed Senate Bill 93 on a vote of Ayes, 25; Noes, 8.

AS:ty;wu

## MEMORANDUM

To: Kevin Brunner, City Manager  
 Fr: Dean Fischer, Director of Public Works  
 Date: July 13, 2011



**Subject: North Street Bridge Replacements  
 Contract 2-2011**

Two bids were opened for the North Street Bridge Replacements project #2-2011. The bid tabulation completed by Strand Associates is attached for your information.

**Base bid:**

E&N Hughes, Monroe	\$1,252,419.54
Vista Design & Construction, Milwaukee	\$1,308,929.30

**Alternate bids:**

	<b>Alt #1</b>	<b>Alt #2</b>	<b>Alt #3</b>	<b>Alt #4</b>
E&N Hughes	12,096	24,150	25,989.75	31,500
Vista Design	12,775	24,150	34,665	35,000

The alternate bids were for the following:

Alternate #1 – Asphalt pavement between the bridges

Alternate #2 – Concrete pavement between the bridges

Alternate #3 – Construction of shared used path along creek between North & Main Sts.

Alternate #4 – Disposal of contaminated soils identified during soil borings

When bidding this project, the project schedule was planned to start construction July 1 and be substantially complete by November 11. Due to the wait for the CDBG grant decision the project is nearly one month behind already. Additionally, the City needs to present a complete Environmental Review Report (ERR) and have it certified by the WEDC before construction can begin as required by the CDBG grant. The ERR could only take a couple of weeks, but if a public notice is required the ERR approval could take 30-60 days. With this information, DPW is pretty certain that the project most likely would not be completed in 2011. It can be expected that North Street would not be paved and would remain gravel. We can determine later if North Street remains closed through the winter or we open North Street with a gravel surface.

DPW is recommending the Council award the Contract 2-2011 to E&N Hughes, Monroe, WI base bid and Alternate bids #2, #3, & #4 totaling \$1,334,059.29. Additionally grant authority to staff to adjust the contract start and substantially completion dates provided there is no additional cost to the project.

Bids Received: 01:00 PM  
6/16/2011

STRAND ASSOCIATES, INC.®  
910 West Wingra Drive  
Madison, Wisconsin 53715

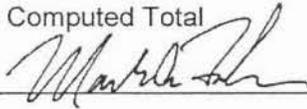
NORTH STREET BRIDGE REPLACEMENTS  
CONTRACT 2-2011  
WHITEWATER, CITY OF (WI)

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Computed Total Bid	Computed Total Alt. Bid No. 1	Computed Total Alt. Bid No. 2	Computed Total Alt. Bid No. 3	Computed Total Alt. Bid No. 4
E&N Hughes Co., Inc. PO Box 408 Monroe, WI 53566	10%	Yes	\$1,252,419.54	\$12,096.00	\$24,150.00	\$25,989.75	\$31,500.00
Vista Design & Construction, LLC 10501 West Research Drive, Suite G100 Milwaukee, WI 53226	10%	Yes	\$1,308,929.30 *1,309,270.80	\$12,775.00	\$24,150.00	\$34,665.00	\$35,000.00

\*CONTRACTOR's Computed Total

Reviewed by: \_\_\_\_\_



C-2

# Memo

**To:** Kevin Brunner, City Manager  
Common Council

**From:** Matt Amundson, Parks and Recreation Director

**Date:** July 14, 2011

**Re:** Conceal Carry Law & City Facilities

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Due to recent state law changes, city staff is asking for direction from the Council in regards to how buildings should be signed and posted regarding the new State Law. I have discussed the new law with City Attorney Wally McDonell and Interim Police Chief Lisa Otterbacher.

The new law prohibits citizens to carry a weapon into police departments and allows private businesses the ability to post their business to not allow weapons. The council could direct city staff to write an ordinance that would prohibit the carry of weapons for the following locations:

- Whitewater Municipal Building
- City Library
- White Building
- Downtown Armory
- Starin Park Community Building
- Cravath Lake Community Center
- Train Depot Building

The new law does not allow a local community to prohibit weapons in public parks, open spaces, and/or trails.

Your consideration of these matters is greatly appreciated.

Thanks!  
Matt Amundson

June 21, 2011

TO WHOM IT MAY CONCERN:

The Whitewater Fire Department is requesting that Whitewater Street be closed for a two-hour period on July 23, 2011, from 11:30 a.m. – 1:30 p.m., from the intersection of Whitewater Street and Fourth Street, to the intersection of Whitewater Street to Fremont Street and the section of Fremont Street between Cravath Lakefront Park and the Train Depot. Also requested is closure of the parking lot across the street from the Fire Station (312 W. Whitewater Street).



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Don Gregoire, Chief