

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**

Common Council Meeting

Tuesday, August 5, 2014 – 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 5/20/14.
CA-B	Approval of Payment of Invoices Processed through 7/30/14.
CA-C	Acknowledgment of Receipt and Filing of the Following: Police Department Consolidated Monthly Report for June, 2014. Irvin L. Young Memorial Library Minutes of 6/16/14.
CA-D	Expedited Approval of the following items, per recommendation of City Staff: O-1, O-2, O-5, C-5, C-6, C-7

STAFF REPORTS:

City Mgr.	Proclamation Declaring August as Children’s Vision and Learning Month.
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HEARING OF CITIZEN COMMENTS. No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a 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	Authorizing Easement to WE Energies for Treyton Kilar Field of Dreams (“FOD”) Project. (Parks Superintendent Request).
R-2	Authorizing the City of Whitewater to enter into a Storm Sewer Easement Agreement with Gregory and Kristine Meyer. (City Attorney Request).
R-3	Authorizing the City of Whitewater to enter into a Storm Sewer Easement Agreement with Denay Trykowski. (City Attorney Request)

ORDINANCES – First Reading

ORDINANCES – Second Reading

*O-1	Amendment to Chapter 11.150, Parking Regulations, relating to parking on Wisconsin Street. (Parks and Recreation Director Request).
*O-2	Amendment to Flood Plain Ordinance. (City Manager Request).
O-3	Action on Request from Russell Walker/John Tincher to Impose R-2A Residential Overlay Zoning Classification on 268 S. Prairie Street property. (City Manager Request).
O-4	Action on Request from Ben and Anne McCready to Impose R-2A Residential Overlay Zoning Classification of their property located at 727 Center Street. (City Manager Request).
*O-5	Amendment to Residential Overlay District 19.25.050 deleting certain reporting requirements as required by new State Law. (City Manager Request).

CONSIDERATIONS:

C-1	Action on Alcohol Licensing Committee's Recommendation to deny "Class B" Beer and Liquor License application for Robert Sweet, 204 W. Main Street, Whitewater (City Clerk Request)
C-2	Action on Alcohol Licensing Committee's Recommendation to deny Class "B" Beer License and Class C Wine License applications for Garret Witterholt, 175 W. Main Street, Whitewater. (City Clerk Request)
C-3	Action on Alcohol Licensing Committee's Recommendation to issue a Beverage Operator's License to Tricia Pellerino (overturning Police Department Recommendation to deny application). (City Clerk Request).
C-4	Authorization to amend offering price report/submittal relating to Newcomb Street / Milwaukee Street Project. (Asst. City Manager Request).
*C-5	Approval of closure of Streets to allow the Greater Whitewater Committee to hold their 5K Run. (City Manager Request).
*C-6	Approval of Agreement with WEDC relating to Main Street Community. (City Manager Request).
*C-7	Approval of transfer of "Class B" Beer and Liquor License for Karina's from location at 137 W. Main St. to new location at 1170 W. Main Street. (City Clerk Request)
C-8	Councilmember Requests for Future Agenda Items.
C-9	<u>CLOSED SESSION.</u> Adjournment to Closed Session, to reconvene approximately 30 minutes after adjournment to closed session 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", and per 19.85(1)(g): "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved." <u>Items to be Discussed:</u> 1) Strategy and settlement discussions concerning Elkhorn Road Ventures LLC property foreclosure at the roundabout near Milwaukee/Elkhorn Rd. and Bluff Road 19.85(1)(e). 2) Strategy and settlement discussions related to the case of Amy Bleile v. City of Whitewater 19.85(1)(g).
C-10	Reconvene into Open Session
C-11	Possible action on Elkhorn Road Ventures LLC Pilot Payment / Special Charge, and direction to City Staff on other matters related to the property. (City Atty. Request)
C-12	Consideration and approval of Strand and Associates task order for possible ADA compliance improvements. (City Atty. Request).
C-13	Adjournment.

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

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

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

May 20, 2014

The meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Councilmember Binnie and seconded by Councilmember Abbott to approve Council minutes of March 18, 2014 and to acknowledge receipt and filing of the following: Financial reports for April, 2014; Report of manually-produced checks for April, 2014; Fire and Rescue Task Force minutes of March 13, April 1, April 10 and April 17, 2014; and Plan Commission minutes of April 14, 2014. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Binnie and seconded by Abbott to approve payment of invoices processed through May 14, 2014, in the total sum of \$1,189,567.49. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

STAFF REPORTS. City Manager Clapper provided a map for council to view as a follow up to the Landmarks Commission report at the council meeting on May 6. The **historic landmarks guide** is now on the City of Whitewater website. Clapper also gave an update on the **Parking Summit**. He anticipates that zoning code changes concerning parking will be coming to council for approval in August after meetings have been held. Larry Witzling of Graef will be working with city staff to evaluate parking concerns. Chris McDonell, Assistant City Manager, addressed council on **stormwater issues** on Woodland Drive and Basin 15 off Highway N. There was also a discussion of stormwater and parking as a combined issue involving percent of lot coverage allowed for parking space.

HEARING OF CITIZEN COMMENTS. Ken Kienbaum stated that business owners were unaware that the Eastgate project would cause road closures for the entire Summer. He would like Council to approve a bonus for the contractor if the project is completed ahead of schedule. Clapper stated that there is a punitive incentive for the contractor if the project takes too long. Council may wish to establish a future policy which would include a bonus for early completion. He stressed that city staff has been proactive in placing signage for detours that are easy to read and well placed. Asst. City Manager Chris McDonell stated that there were multiple public information meetings and businesses were encouraged to provide input.

RESOLUTION AWARDING THE SALE OF \$4,280,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS. Brad Viegut of Baird provided information on the bids received. He indicated that the interest rate with Banker's Bank will be 2.3647% and that the City will have use of the money on June 10. Repayment of principal will begin in July 2015. Binnie expressed concern over the debt load that the city is carrying. It was moved by Binnie, seconded by Winship to approve the sale of \$4,280,000 general obligation corporate purpose bonds through Baird and Associates. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

**RESOLUTION AWARDING THE SALE OF
\$4,280,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS**

WHEREAS, on May 6, 2014, the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") adopted initial resolutions authorizing the issuance of

general obligation bonds in an amount not to exceed \$1,880,000 for the public purpose of financing street improvement projects; in an amount not to exceed \$120,000 for the public purpose of financing parks and public grounds projects; in an amount not to exceed \$645,000 for the public purpose of financing combined fire and police safety building projects; in an amount not to exceed \$505,000 for the public purpose of financing water system projects; in an amount not to exceed \$225,000 for the public purpose of financing sewerage projects, consisting of sanitary sewer improvements; and in an amount not to exceed \$905,000 for the public purpose of financing sewerage projects, consisting of storm sewer improvements (collectively, the "Initial Resolutions");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk caused a notice to electors to be published in the Whitewater Register, stating the purposes and maximum principal amounts of the bonds authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bonds authorized by the Initial Resolutions;

WHEREAS, to date, no petition for referendum has been filed with the City Clerk, and the time to file such a petition shall expire on June 5, 2014;

WHEREAS, on May 6, 2014, the City Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bonds authorized by the Initial Resolutions be combined, issued and sold as a single issue of general obligation corporate purpose bonds (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions;

WHEREAS, pursuant to the Set Sale Resolution, the City directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Bonds;

WHEREAS, Baird, in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on May 20, 2014;

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

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

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

WHEREAS, the City Council now deems it to be necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$4,280,000 for the following purposes and in the following principal amounts: street improvement projects (\$1,880,000); parks and public grounds projects (\$120,000); combined fire and police safety building projects (\$645,000); water system projects (\$505,000); sewerage projects, consisting of sanitary sewer improvements (\$225,000); and sewerage projects, consisting of storm sewer improvements (\$905,000).

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

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

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein), plus accrued interest to the date of delivery, is hereby accepted (subject to the condition that no valid petition for a referendum is filed by June 5, 2014 in connection with any of the Initial Resolutions). The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds"; shall be issued in the aggregate principal amount of \$4,280,000; shall be dated June 10, 2014; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2015. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on September 1, 2024 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on September 1, 2023 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal

specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2014 through 2028 for the payments due in the years 2015 through 2029 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$4,280,000 General Obligation Corporate Purpose Bonds, dated June 10, 2014" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be

necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

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

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the

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

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

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

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green

Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

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

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

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

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

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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

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

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

Section 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded May 20, 2014.

Cameron Clapper
City Manager

ATTEST:

Michele R. Smith
City Clerk

(SEAL)

EXHIBIT A

Official Notice of Sale

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT B

Bid Tabulation

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Winning Bid

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT D-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on September 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on September 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on September 1, _____

Redemption <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

Redemption <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

Redemption <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

Redemption <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT E

(Form of Bond)

UNITED STATES OF AMERICA
REGISTERED STATE OF WISCONSIN DOLLARS
WALWORTH AND JEFFERSON COUNTIES
NO. R-___ CITY OF WHITEWATER \$_____
GENERAL OBLIGATION CORPORATE PURPOSE BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
September 1, _____ June 10, 2014 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2015 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$4,280,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purposes of financing street improvement projects (\$1,880,000); parks and public grounds projects (\$120,000); combined fire and police safety building projects (\$645,000); water system projects (\$505,000); sewerage projects, consisting of sanitary sewer improvements (\$225,000); and sewerage projects, consisting of storm sewer improvements (\$905,000), all as authorized by resolutions of the City Council duly adopted by said governing

body at meetings held on May 6, 2014 and May 20, 2014. Said resolutions are recorded in the official minutes of the City Council for said dates.

The Bonds maturing on September 1, 2024 and thereafter are subject to redemption prior to maturity, at the option of the City, on September 1, 2023 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

【The Bonds maturing in the years _____, _____ and _____ are subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.】

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the City Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new

depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository 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 redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES,
WISCONSIN

By: _____
Cameron Clapper
City Manager

(SEAL)

By: _____
Michele R. Smith
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolutions of the City of Whitewater, Wisconsin.

COMPANY,

ASSOCIATED TRUST

NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

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

• _____
(Authorized Officer)

EXHIBIT F

Fiscal Agency Agreement

(See Attached)

FISCAL AGENCY AGREEMENT

THIS AGREEMENT, made as of the 10th day of June, 2014 between the City of Whitewater, Wisconsin (the "Municipality"), and Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent").

WITNESSETH:

WHEREAS, the Municipality has duly authorized the issuance of its \$4,280,000 General Obligation Corporate Purpose Bonds, dated June 10, 2014 (the "Obligations")

pursuant to the applicable provisions of the Wisconsin Statutes and the resolutions adopted by the Municipality on May 6, 2014 and May 20, 2014 (collectively, the "Resolution"); and

WHEREAS, the Municipality is issuing the Obligations in registered form pursuant to Section 149 of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations promulgated thereunder; and

WHEREAS, pursuant to the Resolution and Section 67.10(2), Wisconsin Statutes the Municipality has authorized the appointment of the Fiscal Agent as agent for the Municipality for any or all of the following responsibilities: payment of principal and interest on, registering, transferring and authenticating the Obligations as well as other applicable responsibilities permitted by Section 67.10(2), Wisconsin Statutes.

NOW, THEREFORE, the Municipality and the Fiscal Agent hereby agree as follows:

I. APPOINTMENT

The Fiscal Agent is hereby appointed agent for the Municipality with respect to the Obligations for the purpose of performing such of the responsibilities stated in Section 67.10(2), Wisconsin Statutes, as are delegated herein or as may be otherwise specifically delegated in writing to the Fiscal Agent by the Municipality.

II. INVESTMENT RESPONSIBILITY

The Fiscal Agent shall not be under any obligation to invest funds held for the payment of interest or principal on the Obligations.

III. PAYMENTS

At least one business day before each interest payment date (commencing with the interest payment date of March 1, 2015 and continuing thereafter until the principal of and interest on the Obligations should have been fully paid or prepaid in accordance with their terms) the Municipality shall pay to the Fiscal Agent, in good funds immediately available to the Fiscal Agent on the interest payment date, a sum equal to the amount payable as principal of, premium, if any, and interest on the Obligations on such interest payment date. Said interest and/or principal payment dates and amounts are outlined on Schedule A which is attached hereto and incorporated herein by this reference.

IV. CANCELLATION

In every case of the surrender of any Obligation for the purpose of payment, the Fiscal Agent shall cancel and destroy the same and deliver to the Municipality a certificate regarding such cancellation. The Fiscal Agent shall be permitted to microfilm or otherwise photocopy and record said Obligations.

V. REGISTRATION BOOK

The Fiscal Agent shall maintain in the name of the Municipality a Registration Book containing the names and addresses of all owners of the Obligations and the following information as to each Obligation: its number, date, purpose, amount, rate of

interest and when payable. The Fiscal Agent shall keep confidential said information in accordance with applicable banking and governmental regulations.

VI. INTEREST PAYMENT

Payment of each installment of interest on each Obligation shall be made to the registered owner of such Obligation whose name shall appear on the Registration Book at the close of business on the 15th day of the calendar month next preceding the interest payment date and shall be paid by check or draft of the Fiscal Agent mailed to such registered owner at his address as it appears in such Registration Book or at such other address as may be furnished in writing by such registered owner to the Fiscal Agent.

VII. PAYMENT OF PRINCIPAL AND NOTICE OF REDEMPTION

(a) Principal Payments. Principal shall be paid to the registered owner of an Obligation upon surrender of the Obligation on or after its maturity or redemption date.

Term Bonds [The Obligations due on September 1, 20__ and September 1, 20__ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from deposits which are required to be made in amounts sufficient to redeem on September 1 of each year the respective amount of Term Bonds specified on the attached Schedule MRP.

The Municipality hereby directs and the Fiscal Agent hereby agrees to select the Term Bonds to be redeemed on the dates set forth above and to give notice of such redemption as set forth in substantially the form attached hereto as Schedule B by registered or certified mail, facsimile transmission, overnight express delivery or electronic transmission at least thirty (30) days prior to the date fixed for redemption to the registered owner of each Obligation selected to be redeemed, in whole or in part, at the address shown on the registration books as of the Record Date.

The Municipality, in accordance with Section III hereof, shall make payments sufficient for the Fiscal Agent to pay the amounts due on the Term Bonds subject to mandatory redemption.]

(b) Official Notice of Redemption. In the event the Municipality exercises its option to redeem any of the Obligations, the Municipality shall, at least 35 days prior to the redemption date, direct the Fiscal Agent to give official notice of such redemption by sending an official notice thereof by registered or certified mail, facsimile transmission, overnight express delivery, electronic transmission or in any other manner required by The Depository Trust Company at least 30 days but not more than 60 days prior to the date fixed for redemption to the registered owner of each Obligation to be redeemed in whole or in part at the address shown in the Registration Book. Such official notice of redemption shall be dated and shall state (i) the redemption date and price; (ii) an identification of the Obligations to be redeemed, including the date of original issue of the Obligations; (iii) that on the redemption date the redemption price will become due and payable upon each such Obligation or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and (iv) the place where such Obligations are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Fiscal

Agent. **Term Bonds** [Official notice of the redemption of Obligations subject to mandatory redemption shall be given in the same manner.]

(c) Additional Notice of Redemption. In addition to the official notice of redemption provided in (b) above, further notice of any redemption shall be given by the Fiscal Agent on behalf of the Municipality to the Municipal Securities Rulemaking Board and The Depository Trust Company of New York, New York but neither a defect in this additional notice nor any failure to give all or any portion of such additional notice shall in any manner defeat the effectiveness of a call for redemption.

Each further notice of redemption given hereunder shall be sent at least 30 days before the redemption date by registered or certified mail, overnight delivery service, facsimile transmission or email transmission and shall contain the information required above for an official notice of redemption.

(d) Redemption of Obligations. The Obligations to be redeemed at the option of the Municipality shall be selected by the Municipality and, within any maturity, shall be selected by lot by the Depository described in Section VIII hereof. **Term Bonds** [Obligations subject to mandatory redemption shall be selected as described in (a) above.] The Obligations or portions of Obligations to be redeemed shall, on the redemption dates, become due and payable at the redemption price therein specified, and from and after such date such Obligations or portions of Obligations shall cease to bear interest. Upon surrender of such Obligations for redemption in accordance with the official notice of redemption, such Obligations shall be paid by the Fiscal Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Obligation, there shall be prepared for the registered owner a new Obligation or Obligations of the same maturity in the amount of the unpaid principal. Each check or other transfer of funds issued in payment of the redemption price of Obligations being redeemed shall bear the CUSIP number identifying, by issue and maturity, the Obligations being redeemed with the proceeds of such check or other transfer.

VIII. UTILIZATION OF THE DEPOSITORY TRUST COMPANY

The Depository Trust Company's Book-Entry-Only System is to be utilized for the Obligations. The Fiscal Agent, as agent for the Municipality, agrees to comply with the provisions of The Depository Trust Company's Operational Arrangements, as they may be amended from time to time referenced in the Blanket Issuer Letter of Representations executed by the Municipality. The provisions of the Operational Arrangements and this Section VIII supersede and control any and all representations in this Agreement.

IX. OBLIGATION TRANSFER AND EXCHANGE

The Fiscal Agent shall transfer Obligations upon presentation of a written assignment duly executed by the registered owner or by such owner's duly authorized representative. Upon such a transfer, new registered Obligation(s) of the same maturity, in authorized denomination or denominations in the same aggregate principal amount for each maturity shall be issued to the transferee in exchange therefor, and the name of such

transferee shall be entered as the new registered owner in the Registration Book. No Obligation may be registered to bearer. The Fiscal Agent may exchange Obligations of the issue for a like aggregate principal amount of Obligations of the same maturity in authorized whole multiples of \$5,000.

The Obligations shall be numbered R-1 and upward. Upon any transfer or exchange, the Obligation or Obligations issued shall bear the next highest consecutive unused number or numbers.

The Municipality shall cooperate in any such transfer, and the appropriate officers of the Municipality are authorized to execute any new Obligation or Obligations necessary to effect any such transfer.

X. AUTHENTICATION, IF REQUIRED

The Fiscal Agent shall sign and date the Certificate of Authentication, if any, on each Obligation on the date of delivery, transfer or exchange of such Obligation. The Fiscal Agent shall distribute and/or retain for safekeeping the Obligations in accordance with the direction of the registered owners thereof.

XI. STATEMENTS

The Fiscal Agent shall furnish the Municipality with an accounting of interest and funds upon reasonable request.

XII. FEES

The Municipality agrees to pay the Fiscal Agent fees for its services hereunder in the amounts set forth on Schedule [B/C] hereto.

XIII. MISCELLANEOUS

(a) Nonpresentment of Checks. In the event the check or draft mailed by the Fiscal Agent to the registered owner is not presented for payment within five years of its date, then the monies representing such nonpayment shall be returned to the Municipality or to such board, officer or body as may then be entitled by law to receive the same together with the name of the registered owner of the Obligation and the last mailing address of record and the Fiscal Agent shall no longer be responsible for the same.

(b) Resignation and Removal; Successor Fiscal Agent. (i) Fiscal Agent may at any time resign by giving not less than 60 days written notice to Municipality. Upon receiving such notice of resignation, Municipality shall promptly appoint a successor fiscal agent by an instrument in writing executed by order of its governing body. If no successor fiscal agent shall have been so appointed and have accepted appointment within 60 days after such notice of resignation, the resigning fiscal agent may petition any court of competent jurisdiction for the appointment of a successor fiscal agent. Such court may thereupon, after such notice, if any, as it may deem proper and prescribes, appoint a successor fiscal agent. The resignation of the fiscal agent shall take effect only upon appointment of a successor fiscal agent and such successor fiscal agent's acceptance of such appointment.

(ii) The Fiscal Agent may also be removed by the Municipality at any time upon not less than 60 days' written notice. Such removal shall take effect upon the appointment of a successor fiscal agent and such successor fiscal agent's acceptance of such appointment.

(iii) Any successor fiscal agent shall execute, acknowledge and deliver to Municipality and to its predecessor fiscal agent an instrument accepting such appointment hereunder, and thereupon the resignation or removal of the predecessor fiscal agent shall become effective and such successor fiscal agent, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor, with like effect as if originally named as fiscal agent herein; but nevertheless, on written request of Municipality, or on the request of the successor, the fiscal agent ceasing to act shall execute and deliver an instrument transferring to such successor fiscal agent, all the rights, powers, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, Municipality shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor fiscal agent all such rights, powers and duties. Any predecessor fiscal agent shall pay over to its successor fiscal agent any funds of the Municipality.

(iv) Any corporation, association or agency into which the Fiscal Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, ipso facto, shall be and become successor fiscal agent under this Agreement and vested with all the trusts, powers, discretions, immunities and privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

(v) Any successor fiscal agent shall be qualified pursuant to Sec. 67.10(2), Wisconsin Statutes, as amended.

(c) Termination. This Agreement shall terminate on the earlier of (i) the payment in full of all of the principal and interest on the Obligations to the registered owners of the Obligations or (ii) five years after (aa) the last principal payment on the Obligations is due (whether by maturity or earlier redemption) or (bb) the Municipality's responsibilities for payment of the Obligations are fully discharged, whichever is later. The parties realize that any funds hereunder as shall remain upon termination shall, except as may otherwise by law, be turned over to the Municipality after deduction of any unpaid fees and disbursements of Fiscal Agent or, if required by law, to such officer, board or body as may then be entitled by law to receive the same. Termination of this Agreement shall not, of itself, have any effect on Municipality's obligation to pay the outstanding Obligations in full in accordance with the terms thereof.

(d) Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement, being duly authorized so to do, each in the manner most appropriate to it, on the date first above written.

CITY OF WHITEWATER, WALWORTH AND JEFFERSON
COUNTIES, WISCONSIN

By _____
Cameron Clapper
City Manager

(SEAL)

Michele R. Smith
City Clerk

ASSOCIATED TRUST COMPANY, NATIONAL
ASSOCIATION,
GREEN BAY, WISCONSIN
Fiscal Agent

(SEAL) By _____
Title _____

Attest _____
Title _____

SCHEDULE A

Debt Service Schedule
\$4,280,000 General Obligation Corporate Purpose Bonds
of the City of Whitewater, Wisconsin
dated June 10, 2014

(SEE ATTACHED)

[SCHEDULE MRP

Mandatory Redemption Provision

The Obligations due on September 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on September 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on September 1, _____

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on September 1, _____

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

[SCHEDULE B

NOTICE OF MANDATORY SINKING FUND REDEMPTION*

City of Whitewater, Wisconsin
General Obligation Corporate Purpose Bonds
Dated June 10, 2014

NOTICE IS HEREBY GIVEN that a portion of the Bonds of the above-referenced issue which mature on September 1, 20__ shall be subject to mandatory sinking fund redemption on September 1 of the year set forth below, in the amount set forth below, at a redemption price equal to One Hundred Percent (100%) of the principal amount redeemed plus accrued interest to the date of redemption.

<u>Redemption Date</u>	<u>Principal Amount</u>	<u>CUSIP Number</u>
September 1, ____	\$_____	_____

Such portion of the Bonds will cease to bear interest on the redemption date set forth above.

BY THE ORDER OF THE
CITY COUNCIL

CITY OF WHITEWATER,

WISCONSIN

Dated: _____

* To be provided by registered or certified mail, facsimile transmission, overnight express delivery, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to the call date. At least thirty (30) days prior to the call date notice shall also be provided to the Municipal Securities Rulemaking Board.]

SCHEDULE [B/C]

RESOLUTION AUTHORIZING GRANTING OF UNDERGROUND DISTRIBUTION EASEMENT ON STARIN PARK PROPERTY TO WISCONSIN ELECTRIC POWER COMPANY. Clapper indicated that this project is recommended by the Parks and Recreation Board and the 4th of July Committee. This upgrade will provide electrical service for carnival workers when they are in town with the 4th of July carnival and will also be beneficial for other citizens who use the Park. It was moved by Kidd, seconded by Abbott to grant an underground distribution easement on Starin Park property to Wisconsin Electric Power Company. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

**RESOLUTION AUTHORIZING THE GRANTING
OF A DISTRIBUTION EASEMENT TO WE ENERGIES
IN STARIN PARK**

WHEREAS, the City of Whitewater has determined that public necessity demands the installation of certain facilities and equipment as described in more detail in the attached distribution easement, and

WHEREAS, in order to install said facilities, We Energies needs a distribution easement granted to it,

Now, therefore, BE IT RESOLVED by the Common Council of the City of Whitewater as follows:

1. The City shall grant the attached easement to We Energies.
2. The City Manager and City Clerk are authorized and directed to sign any and all documents necessary to grant said easement.

Resolution introduced by Councilmember Kidd, who moved its adoption. Seconded by Councilmember Abbott. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None ADOPTED: May 20, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING TITLE 5 RELATING TO WEIGHTS AND MEASURES. The ordinance amending Title 5 relating to weights and measures was not adopted. The ordinance will be enforced as it was previously enacted, with the City beginning to pass on weights and measures costs to those businesses receiving the service.

SECOND READING OF ORDINANCE ADOPTING ZONING ORDINANCE REWRITE-AMENDMENTS TO TITLE 19. THE PROPOSED AMENDMENTS ARE CONSIDERED A REWRITE OF TITLE 19, THE CITY OF WHITEWATER ZONING ORDINANCE. Council President Singer brought attention to the backup material in the packet, which indicated that the proposed extended R-2A overlay would have been over property that was zoned other than R-2 and would not qualify for the overlay. Only two of the properties included in the proposed map are zoned R-2. It was moved by Singer, seconded by Abbott to go

back to the original R-2 overlay map boundaries. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

It was moved by Winship, and seconded by Binnie to make changes to the Title 19 ordinance concerning a requirement for properties in the R-2A overlay, in the case of there being five or more unrelated residents, that the property meet Wisconsin Unit Efficiency Standards concerning weatherization. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

It was moved by Winship, seconded by Binnie to approve an amendment to Title 19 (19.22.040 Lot Area, Line 2364) to allow a 20% reduction in lot size instead of 50% in property zoned R-3A. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

It was moved by Abbott, seconded by Bregant, to approve Title 19 zoning ordinance amendments along with changes discussed and agreed upon at the meeting as part of the zoning ordinance rewrite. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

**NOTICE OF ENACTMENT OF TITLE 19 ZONING CODE
ORDINANCE AMENDMENTS**

NOTICE

PLEASE TAKE NOTICE that on May 20, 2014, the City of Whitewater Common Council passed an ordinance (Ordinance Number 1870A) containing numerous amendments to Title 19 (Zoning Code) of the City of Whitewater Municipal Code. The ordinance is titled Ordinance Amending Numerous Sections of Title 19 (Zoning Ordinance) of the City of Whitewater Municipal Code.

The following chapters were amended or affected by the ordinance:

- Chapter 19.03 - TITLE, AUTHORITY AND PURPOSE
- Chapter 19.06 - GENERAL PROVISIONS
- Chapter 19.09 – DEFINITIONS
- Chapter 19.12 - ZONING DISTRICTS
- Chapter 19.15 - R-1 ONE-FAMILY RESIDENCE DISTRICT
- Chapter 19.16- R-1X DISTRICT
- Chapter 19.18 - R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT
- Chapter 19.21 - R-3 MULTIFAMILY RESIDENCE DISTRICT
- Chapter 19.24 - R-4 MOBILE HOME DISTRICT
- Chapter 19.25- R-0 NON-FAMILY RESIDENTIAL OVERLAY DISTRICT
- Chapter 19.27 - B-1 COMMUNITY BUSINESS DISTRICT
- Chapter 19.30 - B-2 CENTRAL BUSINESS DISTRICT
- Chapter 19.33 - B-3 HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT
- Chapter 19.36 - M-1 GENERAL MANUFACTURING DISTRICT
- Chapter 19.37 - M-2 MANUFACTURING AND MISCELLANEOUS USE DISTRICT
- Chapter 19.38 - WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT (WUTP DISTRICT)
- Chapter 19.39 - PCD PLANNED COMMUNITY DEVELOPMENT DISTRICT
- Chapter 19.42 - AT AGRICULTURAL TRANSITION DISTRICT
- Chapter 19.45 - C-1 SHORELAND WETLAND DISTRICT

Chapter 19.451 - C-2 NONSHORELAND WETLAND DISTRICT
 Chapter 19.46 - FLOODPLAIN REGULATIONS
 Chapter 19.461 - FWW FLOODWAY/WETLAND DISTRICT
 Chapter 19.48 - INSTITUTIONAL DISTRICT
 Chapter 19.485 - LARGE RETAIL AND COMMERCIAL SERVICE
 DEVELOPMENT STANDARDS
 Chapter 19.49 - WELLHEAD PROTECTION
 Chapter 19.51 - TRAFFIC, PARKING AND ACCESS
 Chapter 19.54 - SIGNAGE REGULATIONS
 Chapter 19.55 - WIRELESS TELECOMMUNICATIONS FACILITIES
 Chapter 19.57 - GENERAL PERFORMANCE STANDARDS
 Chapter 19.58 - NOISE RESTRICTIONS
 Chapter 19.60 - NONCONFORMING USES, STRUCTURES AND LOTS
 Chapter 19.63 - PLAN REVIEW
 Chapter 19.66 - CONDITIONAL USES
 Chapter 19.69 - CHANGES AND AMENDMENTS
 Chapter 19.72 - BOARD OF ZONING APPEALS
 Chapter 19.75 - ADMINISTRATION AND ENFORCEMENT

The main points of the ordinance amendment are as follows:

1. 19.06.120(E) The ordinance amended the swimming pool fencing regulations by specifically describing the regulations for pool fencing and the type of fencing required.
2. 19.06.120(F) The ordinance added a section that provides that in non-residential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds 800 square feet.
3. 19.09.064 The ordinance provides a definition for bedroom, including the square footage required.
4. 19.09.100 The ordinance revised the definition of building height and how it is measured.
5. 19.09.191 The ordinance provided a definition for driveway.
6. 19.09.290 The ordinance revised the definition of family to provide that family means an individual or a group of two or more individuals who are related by blood, marriage, adoption, domestic partnership, civil union, grandparents, aunts, uncles, nieces, nephews and first cousins.
7. 19.09.450 The ordinance amended the definition for Lot to include those created by recorded CSM.
8. 19.09.475 The ordinance created a definition for minor subdivision which is a division of land into four or fewer parcels, each of which is less than 5 acres in size. This is customarily accomplished by a certified survey map.
9. 19.09.528 The ordinance provided a definition for an overlay permission area map, which is a map depicting the boundary lines within which applications are allowed for changing the zoning district designation to that of a specific overlay zone.
10. 19.09.529 The ordinance provided a definition for overlay zoning district, which is a type of zoning district that offers alternative regulations for an existing zoning district. The properties that can apply for an overlay zoning district map change are limited by boundaries as depicted in an overlay permission area map (with the exception of an R-O overlay which is applicable anywhere within the city).

11. 19.09.540 The ordinance added language to this section that provides that all areas intended to be utilized as a driveway, shall be surfaced with materials to control dust and drainage, except in the case of farm dwellings and operations. In all cases permeable or pervious materials are preferred. Plans for surfacing and drainage of stalls in driveways shall be submitted to the City for review and approval.
12. 19.09.630 The ordinance added language to the definition of a sign to include signage which is located outside a structure or incorporated into a structure which is visible from any public street or highway.
13. 19.09.750 The definition of Townhouse was amended to provide that a Townhouse means a building having three or more attached dwelling units, with each unit having separate primary ground level access to the outside; each unit having a first floor at ground level, and the units being attached by vertical common walls.
14. 19.09.765 The Traditional Neighborhood Development definition was eliminated.
15. 19.15.060 The ordinance added language to the yard requirements section in the R-1 District to provide that not more than 40% of the front, side and rear yard may be an impervious surface, except as a conditional use.
16. 19.15.090 The ordinance was adjusted to provide that the park fee amounts shall be set by the City Council.
17. 19.16.005 The ordinance added a purpose for the R-1X District which states that the R-1X 1-Family District is established to stabilize and protect the essential characteristics of residential areas whose density is lower than R-1, and clarifies that a non-family household in R-1X shall be limited to 3 unrelated persons.
18. 19.16.010 The ordinance added a new section which provides that all of the provisions of the R-1 District not in conflict with the requirements of Chapter 19.16 shall apply in the R-1X District.
19. 19.16.040 The minimum yard requirements in the R-1X District section was amended by adding that not more than 40% of the front, side and rear yard may be an impervious surface, except as allowed by a conditional use.
20. 19.18.020 The ordinance added permitted uses in the R-2 District including 2-family attached dwellings and home occupation/professional home offices for non-retail goods and services.
21. 19.18.030 The ordinance provided a conditional use option to allow home occupation/professional home offices for retail goods and services for businesses requiring customer access.
22. 19.18.060 The ordinance added a provision in the yard requirement section for the R-2 Zoning district that not more than 40% of a front, side or rear yard may be an impervious surface.
23. 19.18.065 The ordinance created a section in the R-2 District that provides that off street parking shall conform to City guidelines for parking areas.
24. Chapter 19.19 The ordinance created an R-2A Residential Increased Occupancy Overlay District , which is an overlay district that allows, as a conditional use permit, occupancy by more than 4 unrelated individuals in a residential unit. Occupancy by more than 5 unrelated individuals in a residential unit requires a conditional use permit and proof that the property meets the State of Wisconsin Rental Unit Efficiency Standards.

25. 19.21.020(c) The ordinance added, as a permitted use in the R-3 Multi-family Residence District, multi-family dwellings and attached dwellings up to 4 units per building, and home occupation/professional home offices for non-retail goods and services for businesses that do not require customer access.
26. 19.21.030 The ordinance added a conditional use in the R-3 District that allows for conversions of existing structures resulting in more than 4 dwelling units and conversion of existing units with less than 5 bedrooms to 5 or more bedrooms and dwelling units with 6 or more unrelated occupants. The ordinance further added a conditional use for home occupation/professional home offices for retail goods and services for businesses requiring customer access.
27. 19.21.060 The ordinance provided that not more than 40% of a front, side or rear yard in an R-3 Residential District may be an impervious surface.
28. 19.21.080 The ordinance amended the building height limit in the R-3 District to provide that the maximum building height is also subject to fire safety limitations and the building height may be increased by a conditional use permit.
29. Chapter 19.22 created an R-3A University Residential Density Overlay District. The new overlay district allows, as a permitted use, multi-family buildings (new construction) with up to 16 units. More than 16 units to 32 units per building may be requested as a conditional use. The chapter also provides minimum lot areas for the district.
30. 19.27.020 The ordinance added computer or software sales and service; new residential uses meeting the standards of the R-3 District when mixed with permitted uses in a unified project, and light assembly uses including electronics, pottery, printing, contractor shops (heating, electrical, plumbing, general contracting) provided that there are no significant environmental emissions (order and waste) as permitted uses in the B-1 Community Business District.
31. 19.27.030 The ordinance added automobile and small engine vehicle sales or rental facilities, including incidental repair and service within the principal building, as a conditional use in the B-1 District.
32. 19.27.050 The ordinance reduced the minimum lot width in the B-1 Business District from 60 feet to 50 feet.
33. 19.27.060 The ordinance reduced the front and street side yard requirements from 30 feet to 15 feet in the B-1 Community Business District.
34. 19.27.070 The ordinance amended the lot coverage maximum in the B-1 District from 50% to provide that there is no maximum percentage of lot coverage restriction for buildings in the district.
35. 19.27.080 The ordinance amended the building maximum height section to provide that the maximum height in a B-1 District is 5 stories or 100 feet, whichever is greater, with the exception that the maximum building height is 3 stories within 100 feet of a residential use or a property zoned as a residential district.

36. Chapter 19.28 B-1A University Mixed Use Neighborhood Overlay District - Chapter 19.28 is a newly created chapter which allows, in addition to the permitted and conditional uses for B-1, a multi-family residential building or a mixed use building (a) with up to 12 residential units (new construction) as a permitted use, and (b) more than 12 residential units per building and up to 24 residential units per building as a conditional use. More than 24 residential units per building are not allowed in the district. Residential units shall be limited to no more than 4 bedrooms and have a minimum of 2 bathrooms.
37. 19.30.020 The ordinance added computer sales and service and retail office supply stores as permitted uses in the B-2 Central Business District.
38. 19.31 The ordinance created Chapter 19.31 B-2A Downtown Housing Overlay District, which is an overlay district that allows multi-family buildings up to 4 units per building (new construction) as a permitted use provided that the units shall be limited to no more than 4 bedrooms, have a minimum of 2 bathrooms, and have individual entries.
39. 19.33.030 The ordinance added light manufacturing and retail uses as a conditional use in the B-3 Highway Commercial and Light Industrial District.
40. 19.33.060 The ordinance reduced the front yard setback from thirty to 15 feet and the rear yard setback from thirty to 20 feet in the B-3 District.
41. 19.33.070 The ordinance amended the lot coverage regulations in the B-3 District to provide that there is no restriction for maximum percentage of lot coverage.
42. 19.33.080 The ordinance amended the building height restriction in the B-3 District from 3 stories or 45 feet to 5 stories or 100 feet, whichever is greater.
43. 19.36.030 The ordinance added salvage yards and day care facilities as conditional uses in the M-1 General Manufacturing District.
44. 19.36.070 The ordinance changed the maximum lot coverage percentage in the M-1 District from 50% to no maximum restriction.
45. 19.36.080 The ordinance increased the maximum building height in the M-1 District to 100 feet, except where located within 100 feet of a residential property.
46. 19.36.100 and 19.37.100 The ordinance provides that the architectural review of buildings in the M-1 and M-2 Districts shall be performed by the Community Development Authority as opposed to the Plan and Architectural Review Commission.

47. 19.37.070 The ordinance changed the maximum lot coverage in the M-2 Manufacturing and Miscellaneous Use District from 50% to no maximum percentage lot coverage restriction.
48. 19.37.080 The ordinance changed the maximum building height in the M-2 District from 3 stories or 45 feet to 100 feet, excepting properties within 100 feet of residential districts.
49. 19.38.090 The ordinance changed the minimum landscape surface area from 30% to no maximum percentage lot coverage regulation in the Whitewater University Technology Park District (WUTP District).
50. 19.38.100 The ordinance changed the maximum building height in the WUTP District from 4 stories or 60 feet to 100 feet.
51. 19.39 The ordinance renamed the Planned Community Development District (PCD) to a Planned Development District (PD District) and changed some of the regulations and requirements in the district. It also eliminated 19.39.055 which was the Design Standards for Traditional Neighborhood Developments ordinance section.
52. 19.485 The ordinance changed some of the regulations concerning large retail and commercial service development standards.
53. 19.51.180E. The ordinance provides that the Neighborhood Services Manager may issue a permit to a person with a disability allowing a boat 25 feet or less in length and a boat trailer to be parked in the front driveway of their residence from April through November.
54. 19.51.130 The ordinance revised the number of parking stalls required for three, four and greater than 4 bedroom residential units.
55. 19.51.040 The ordinance provided that all areas intended to be used as a driveway shall be surfaced with materials to control dust and drainage.
56. 19.51.050 The ordinance provided that all areas intended to be utilized for parking shall be surfaced with Bituminous, concrete, or pavers.
57. 19.51.110 The ordinance revised the parking surface requirements for off street parking areas.
58. 19.75.061 The ordinance created a new section titled Zoning Administrator Inspection of Properties for Occupancy Compliance – City Attorney Duties. This ordinance amendment provides for procedures related to inspection of properties for compliance with occupancy regulations.
59. 19.75.080 The ordinance provides additions and changes concerning enforcement of violations and the regulations regarding unlawful activities related to Title 19 in the City of Whitewater.

The full text of the ordinance may be viewed or obtained from the City of Whitewater City Clerk Michele Smith (Phone number 262-473-0102) at the Municipal Building, 312 West Whitewater Street, Whitewater, Wisconsin, 53190, and may be viewed on the City of Whitewater website <http://www.whitewater-wi.gov>.

Michele R. Smith, City Clerk

SECOND READING OF AMENDMENT TO ZONING CODE FOR WHITEWATER STREET PROPERTIES-WATER'S EDGE SOUTH, TAX PARCELS /WESC1 THROUGH /WESC48, IMPOSING RESIDENTIAL OVERLAY ZONING.

SECOND READING OF AN ORDINANCE IMPOSING THE NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do, pursuant to Municipal Code Section 19.69, hereby impose the Non-Family Residential Overlay District Zoning classification on the below properties:

SECTION 1: The Non-Family Residential Overlay District, Section 19.25, is hereby imposed upon the following described properties:

<u>Address</u>	<u>Tax ID#</u>
302 E. Amber Drive	WESC 00029
306 E. Amber Drive	WESC 00030
310 E. Amber Drive	WESC 00031
312 E. Amber Drive	WESC 00032
328 E. Amber Drive	WESC 00033
332 E. Amber Drive	WESC 00034
336 E. Amber Drive	WESC 00035
340 E. Amber Drive	WESC 00036
621 S. Darcy Lane	WESC 00021
625 S. Darcy Lane	WESC 00022
631 S. Darcy Lane	WESC 00023
635 S. Darcy Lane	WESC 00024
641 S. Darcy Lane	WESC 00025
645 S. Darcy Lane	WESC 00026
651 S. Darcy Lane	WESC 00027
655 S. Darcy Lane	WESC 00028
621 S. Waters Edge Dr.	WESC 00048
622 S. Waters Edge Dr.	WESC 00018
623 S. Waters Edge Dr.	WESC 00047
625 S. Waters Edge Dr.	WESC 00046
626 S. Waters Edge Dr.	WESC 00017
627 S. Waters Edge Dr.	WESC 00045
636 S. Waters Edge Dr.	WESC 00016
638 S. Waters Edge Dr.	WESC 00015
640 S. Waters Edge Dr.	WESC 00014
642 S. Waters Edge Dr.	WESC 00013
644 S. Waters Edge Dr.	WESC 00012
648 S. Waters Edge Dr.	WESC 00011
650 S. Waters Edge Dr.	WESC 00010
652 S. Waters Edge Dr.	WESC 00009

654 S. Waters Edge Dr.	WESC 00008
658 S. Waters Edge Dr.	WESC 00007
660 S. Waters Edge Dr.	WESC 00006
664 S. Waters Edge Dr.	WESC 00005
674 S. Waters Edge Dr.	WESC 00004
680 S. Waters Edge Dr.	WESC 00003
684 S. Waters Edge Dr.	WESC 00002
688 S. Waters Edge Dr.	WESC 00001
S. Waters Edge Dr.	WESC 00019
S. Waters Edge Dr.	WESC 00020
S. Waters Edge Dr.	WESC 00037
S. Waters Edge Dr.	WESC 00038
S. Waters Edge Dr.	WESC 00039
S. Waters Edge Dr.	WESC 00040
S. Waters Edge Dr.	WESC 00041
S. Waters Edge Dr.	WESC 00042
S. Waters Edge Dr.	WESC 00043
S. Waters Edge Dr.	WESC 00044
S. Waters Edge Dr.	WESC 00045
S. Waters Edge Dr.	WESC 00046
S. Waters Edge Dr.	WESC 00047
S. Waters Edge Dr.	WESC 00048

SECTION 2: This zoning is imposed on the residential condominium unit only and not on the common elements.

SECTION 3: The official zoning map of the City of Whitewater is hereby amended to show the above action.

SECTION 4: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Kidd, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Singer, Winship, Frawley. NOES: Abbott, Bregant.. ABSENT: None. ADOPTED: May 20, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

WHITEWATER AQUATIC CENTER (“WAC”) ANNUAL REPORT. Board Chair Steve Ryan stated that the aquatic center is governed by a volunteer board consisting of nine members from the City, School District and the community, and is run as a 501(c)3 organization. The center has three full time employees and 33 part time employees. There are currently 807 member contracts with the aquatic center and the center averages 2,100 day passes per month. Since taking the facility over from Mercy Health Care six years ago, the facility has gone from a \$289,000 annual loss to a \$100,000 loss in the first year, and is now breaking even each year since. The largest expense for the Aquatic Center is \$250,000 per year in utilities. Energy usage has consistently gone down, although prices have gone up. UV water treatment for the facility has been in use for an entire year. This has lowered the use of chlorine in the water and also reduced chloramines in the air. Outside air exchange has been cut from 50% to 15%, resulting in a decrease of gas and electric usage. Deep cleaning and repair was completed in August of 2013. New LED lighting was installed in the fitness center for a considerable savings on electricity. Over 400 students will be taking swimming lessons during Summer school this summer. The facility is now 13 years old and has shown that it can succeed. The contract with the City is for 15 years, and discussion has begun between the School District, City and Aquatic Center to make a plan for the future.

WHITEWATER AQUATIC CENTER (“WAC”) REQUEST FOR \$72,000 CONTRIBUTION TOWARDS HVAC IMPROVEMENTS.

City Manager Clapper referenced future needs of the aquatic center, including HVAC controls replacement along with domestic water heat and piping for the locker rooms. Aquatic Center Manager Paula Malone added that this is the final phase of the energy upgrade for the aquatic center. In response to Councilmember Binnie’s question concerning funding from the school district, Malone stated that the school is replacing the lights in the fitness center and outside of the building for at an approximate cost of \$20,000. Malone also stated that with HVAC controls replacement, the heating and air conditioning will be automatically controlled. Councilmember Kidd suggested that a plan for the next number of years be established before council approves individual requests. Council will be discussing Capital Improvement Plan projects at their next meeting on June 3.

WASTEWATER TREATMENT PLANT PROJECT UPDATE. Tim Reel, Wastewater Superintendent, gave an update on the Sanitary Sewer Maintenance plan (SSMP), City Collection System projects, Digester Biogas Feasibility Study and facility planning.

AUTHORIZING PURCHASE OF SANITARY SEWER SLIP LINING SERVICES. Wastewater Treatment Plant Superintendent Reel introduced sewer slip lining services as an alternative to digging up sanitary sewer lines for repair. This product can be used effectively in lines that are relatively straight and free of intrusions for a 50-60% cost savings. The life of the slip lining should be 50 years. The line that is being considered for this treatment is between Whiton and Summit Streets. It was moved by Binnie, and seconded by Winship to approve purchase of sanitary sewer slip lining services from Visu-Sewer of Pewaukee at a cost not to exceed \$20,494. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None.

2015 BUDGET AND STRATEGIC PLAN. City Manager Clapper referenced the budget timeline that was included in the council packet. Clapper also indicated that CVMIC representative Rick Bayer will be able to act as facilitator for a strategic planning meeting with staff and common council members. July 1 was the proposed Strategic Plan / Retreat date, and it was agreed that discussion of the strategic plan be the only item on that evening’s council agenda.

FUTURE AGENDA ITEMS. Councilmember Kidd suggested creating a city task force to evaluate parking and a task force to address stormwater issues.

ADJOURNMENT. It was moved by Singer and seconded by Winship to adjourn the meeting to Closed Session, not to reconvene, 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: Possible sale of real estate at Jefferson Street/Starin Road. AYES: Binnie, Kidd, Abbott, Singer, Winship, Bregant, Frawley. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 9:35 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
ABENDROTH WATER COND						
502	ABENDROTH WATER COND	502-080614	WASTEWATER/LAB SUPPLIES	08/06/2014	44.25	620-62870-340
502	ABENDROTH WATER COND	502-080614	WASTEWATER/OPERATING SU	08/06/2014	60.00	620-62840-340
Total ABENDROTH WATER COND:					104.25	
ALLEN INC, L W						
166	ALLEN INC, L W	096998	WASTEWATER/SCADA ALARM	08/06/2014	10,090.00	620-62810-820
166	ALLEN INC, L W	096998	WASTEWATER/SCADA COMPU	08/06/2014	10,343.00	620-62810-822
Total ALLEN INC, L W:					20,433.00	
AT&T						
1700	AT&T	1700-080614	STREETS/INTERNET	08/06/2014	57.25	100-53100-310
Total AT&T:					57.25	
AT&T LONG DISTANCE						
4746	AT&T LONG DISTANCE	4746-080614	CITY HALL/LONG DISTANCE	08/06/2014	680.66	100-51450-225
4746	AT&T LONG DISTANCE	4746-080614	CABLE/LONG DISTANCE	08/06/2014	1.29	200-55110-225
Total AT&T LONG DISTANCE:					681.95	
BALL, RICHARD						
1033	BALL, RICHARD	33542	STREET/MATS & TOWELS	08/06/2014	181.95	100-53230-340
Total BALL, RICHARD:					181.95	
BOBCAT OF MADISON INC						
6144	BOBCAT OF MADISON INC	01-25392	STORMWATER/#60 SPRING & H	08/06/2014	37.92	630-63310-353
Total BOBCAT OF MADISON INC:					37.92	
BROWN CAB SERVICE INC						
47	BROWN CAB SERVICE INC	1083	CAB SVC/JUNE	08/06/2014	10,391.80	235-51350-295
Total BROWN CAB SERVICE INC:					10,391.80	
CGC INC						
2005	CGC INC	38745	FIELD OF DREAMS/MAY SVC	08/06/2014	771.92	450-57500-863
Total CGC INC:					771.92	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	186348	FINANCE/JULY SVC	08/06/2014	262.00	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					262.00	
DOMINION VOTING SYSTEMS INC						
6089	DOMINION VOTING SYSTEMS I	DVS110658	GEN ADMN/ELECTION HARDW	08/06/2014	525.75	100-51400-242
Total DOMINION VOTING SYSTEMS INC:					525.75	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
DONOHUE & ASSOCIATES INC						
7077	DONOHUE & ASSOCIATES INC	12600-07	WASTEWATER/FACILITY PLAN	08/06/2014	415.00	620-62820-219
Total DONOHUE & ASSOCIATES INC:					415.00	
GABBEY, ROBERT						
1945	GABBEY, ROBERT	AUGUST 2014	FIRE/CELL PHONE REIMBURSE	08/06/2014	20.00	100-52200-225
Total GABBEY, ROBERT:					20.00	
GATEWAY TECHNICAL COLLEGE						
2339	GATEWAY TECHNICAL COLLE	HERO CENTE	POLICE PATROL/ALIGNMENT F	08/06/2014	25.00	100-52110-211
Total GATEWAY TECHNICAL COLLEGE:					25.00	
GENERAL FIRE EQUIPMENT CO IN						
6437	GENERAL FIRE EQUIPMENT C	128931	POLICE REVOLVING FUND/FOR	08/06/2014	550.00	216-52200-820
6437	GENERAL FIRE EQUIPMENT C	128932	POLICE REVOLVING FUND/FOR	08/06/2014	7,045.19	216-52200-820
Total GENERAL FIRE EQUIPMENT CO IN:					7,595.19	
GREAT LAKES TV SEAL INC						
4752	GREAT LAKES TV SEAL INC	16423	WASTEWATER/2014 MH LINING	08/06/2014	12,385.50	620-62810-823
4752	GREAT LAKES TV SEAL INC	16431	WASTEWATER/2014 MH LINING	08/06/2014	1,610.00	620-62810-823
Total GREAT LAKES TV SEAL INC:					13,995.50	
GUS PIZZA PALACE LLC						
601	GUS PIZZA PALACE LLC	6109	CRASH CREW/OPERATING SU	08/06/2014	126.02	100-52210-340
Total GUS PIZZA PALACE LLC:					126.02	
HACH CO						
211	HACH CO	8919303	WASTEWATER/LAB SUPPLEIS	08/06/2014	24.90	620-62870-340
Total HACH CO:					24.90	
JEFFERSON COUNTY CLERK						
7085	JEFFERSON COUNTY CLERK	4-1-14 ELECTI	GEN ADMN/BALLOT COUNT	08/06/2014	174.34	100-51400-310
Total JEFFERSON COUNTY CLERK:					174.34	
JOHNS DISPOSAL SERVICE INC						
42	JOHNS DISPOSAL SERVICE IN	9679	CITY/BULK	08/06/2014	4,187.70	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	9679	CITY/RECYCLING	08/06/2014	6,540.05	230-53600-295
42	JOHNS DISPOSAL SERVICE IN	9679	CITY/REFUSE	08/06/2014	20,964.35	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:					31,692.10	
KB SHARPENING SERVICES INC						
110	KB SHARPENING SERVICES IN	80923	STORMWATER/CHIPPER KNIVE	08/06/2014	34.00	630-63310-353
110	KB SHARPENING SERVICES IN	81030	STORMWATER/LAWN MOWER	08/06/2014	85.00	630-63310-353
Total KB SHARPENING SERVICES INC:					119.00	
KRIZSAN'S TREE SERVICE INC						
394	KRIZSAN'S TREE SERVICE INC	6273	PARKS/STARIN PARK TREE RE	08/06/2014	2,200.00	100-53270-295

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total KRIZZAN'S TREE SERVICE INC:					2,200.00	
LINCOLN CONTRACTORS SUPP INC						
165	LINCOLN CONTRACTORS SUP	J33726	STORMWATER/#64 REPAIRS	08/06/2014	119.13	630-63310-353
165	LINCOLN CONTRACTORS SUP	J34943	STORMWATER/#64 RECOIL	08/06/2014	42.26	630-63310-353
165	LINCOLN CONTRACTORS SUP	J36486	STORMWATER/DIAMOND BLAD	08/06/2014	509.65	630-63310-353
165	LINCOLN CONTRACTORS SUP	J37687	STORMWATER/BELT	08/06/2014	67.23	630-63310-353
165	LINCOLN CONTRACTORS SUP	J37690	STORMWATER/BELT	08/06/2014	67.23	630-63310-353
Total LINCOLN CONTRACTORS SUPP INC:					805.50	
LINDNER & MARSACK SC						
79	LINDNER & MARSACK SC	107181	LEGAL/PHONE CONF J SWAIN	08/06/2014	82.00	100-51300-219
Total LINDNER & MARSACK SC:					82.00	
LOCKHART'S SERVICE						
7290	LOCKHART'S SERVICE	2372	POLICE PATROL/TOWING	08/06/2014	165.00	100-52110-219
Total LOCKHART'S SERVICE:					165.00	
MADISON TRUCK EQUIPMENT INC						
1461	MADISON TRUCK EQUIPMENT I	6-65397	STREET/#65 & #35 CABLE	08/06/2014	235.61	100-53230-352
Total MADISON TRUCK EQUIPMENT INC:					235.61	
MEYER'S AUTO SUPPLY						
176	MEYER'S AUTO SUPPLY	123445	FIRE/VEHICLE REPAIRS	08/06/2014	74.27	100-52200-241
176	MEYER'S AUTO SUPPLY	123704	CRASH CREW/VEHICLE MAINT	08/06/2014	10.05	100-52210-241
176	MEYER'S AUTO SUPPLY	123950	FIRE/#1250 REPAIRS	08/06/2014	27.41	100-52200-241
176	MEYER'S AUTO SUPPLY	124303	WASTEWATER/SPARK PLUG	08/06/2014	2.71	620-62850-357
Total MEYER'S AUTO SUPPLY:					114.44	
MILPORT ENTERPRISES INC						
1408	MILPORT ENTERPRISES INC	208598	WASTEWATER/ALUM	08/06/2014	5,799.51	620-62840-341
Total MILPORT ENTERPRISES INC:					5,799.51	
REESE JR, GERALD						
5670	REESE JR, GERALD	485	SIDEWALK REPAIR/STARIN PA	08/06/2014	575.00	280-57500-805
Total REESE JR, GERALD:					575.00	
S & H TRUCK SERVICE						
388	S & H TRUCK SERVICE	11837	FIRE/#1275 AC REPAIRS	08/06/2014	122.50	100-52200-241
Total S & H TRUCK SERVICE:					122.50	
SURFACE GENERAL CORPORATION						
7291	SURFACE GENERAL CORPORA	1508	PARKS/INFIELD MAINTENANCE	08/06/2014	2,393.01	100-53270-242
Total SURFACE GENERAL CORPORATION:					2,393.01	
TRANS UNION LLC						
1378	TRANS UNION LLC	06452062	POLICE ADMN/PROFESSIONAL	08/06/2014	18.10	100-52100-219

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total TRANS UNION LLC:					18.10	
TRI COUNTY COOLING & HEATING LLC						
5283	TRI COUNTY COOLING & HEATI	1959	WASTEWATER/MODINE IN RBC	08/06/2014	45.00	620-62850-357
Total TRI COUNTY COOLING & HEATING LLC:					45.00	
VANDEWALLE & ASSOCIATES						
27	VANDEWALLE & ASSOCIATES	201406046	PLANNING/JUNE SVC	08/06/2014	2,588.60	100-56300-219
Total VANDEWALLE & ASSOCIATES:					2,588.60	
WAL CO-SHERIFF'S DEPT						
125	WAL CO-SHERIFF'S DEPT	JUNE 2014	COURT/JUNE PRISONER CONF	08/06/2014	60.00	100-51200-293
Total WAL CO-SHERIFF'S DEPT:					60.00	
WALMART COMMUNITY						
1507	WALMART COMMUNITY	1507-080614	ANIMAL CONTROL/LEASH & CO	08/06/2014	23.70	100-51400-218
1507	WALMART COMMUNITY	1507-080614	POLICE ADMN/PAPER PRODUC	08/06/2014	122.05	100-52100-340
1507	WALMART COMMUNITY	1507-080614	POLICE PATROL/ICE & SODA	08/06/2014	10.42	100-52110-340
1507	WALMART COMMUNITY	1507-080614	LIBRARY/OFFICE SUPPLIES	08/06/2014	16.15	220-55110-310
1507	WALMART COMMUNITY	1507-080614	LIBRARY/JUVENILE PROGRAM	08/06/2014	349.98	220-55110-342
1507	WALMART COMMUNITY	1507-080614	WASTEWATER/OPERATING SU	08/06/2014	27.25	620-62840-340
Total WALMART COMMUNITY:					549.55	
WHITEWATER FIRE DEPT						
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/KWIK TRIP	08/06/2014	40.07	100-52200-211
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/C&C EMBROIDERY	08/06/2014	32.00	100-52200-340
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/HILTON HOTELS	08/06/2014	765.93	100-52200-211
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/WALMART	08/06/2014	28.53	100-52200-340
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/WALMART	08/06/2014	27.89	100-52200-211
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/BATTERY JUNCTION	08/06/2014	542.80	100-52200-242
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/AMAZON.COM	08/06/2014	328.80	100-52200-242
284	WHITEWATER FIRE DEPT	JUNE CREDIT	FIRE/MARTINS FLAG CO	08/06/2014	130.26	100-52200-340
284	WHITEWATER FIRE DEPT	LAST OF INDE	FIRE/REPAINT #106	08/06/2014	1,500.00	100-52200-241
Total WHITEWATER FIRE DEPT:					3,396.28	
WHITEWATER LIMESTONE II LLC						
20	WHITEWATER LIMESTONE II LL	147	STORMWATER/BASE	08/06/2014	29.58	630-63310-353
20	WHITEWATER LIMESTONE II LL	157	STORMWATER/BASE	08/06/2014	28.88	630-63310-353
Total WHITEWATER LIMESTONE II LLC:					58.46	
WI DEPT OF JUSTICE						
2105	WI DEPT OF JUSTICE	T17718	POLICE DISPATCH/BADGER NE	08/06/2014	2,251.50	100-52600-295
Total WI DEPT OF JUSTICE:					2,251.50	
WILLISON, DONALD						
457	WILLISON, DONALD	8280	STREET/#21 STARTER	08/06/2014	55.00	100-53230-354
Total WILLISON, DONALD:					55.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
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Grand Totals: 109,149.90

Dated: _____07/30/2014_____

Finance Director: _____DOUG SAUBERT_____

Report Criteria:

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

Whitewater Police Department Consolidated Monthly Report

June 2014



Lisa K. Otterbacher
Chief of Police

**Whitewater Police Department
312 West Whitewater Street
Whitewater, Wisconsin 53190**

Unified Crime Reporting Incidents
Year-to-Date Statistics

	No. of Incidents		Total Amount Lost	
	2014	2013	2014	2013
Murder/Non-Negligent Manslaughter	0	0	\$0	\$0
Sexual Assaults - 1st, 2nd, 3rd, 4th Degree	3	16	\$0	\$0
Total Robbery	2	1	\$410	\$350
Total Burglary	18	26	\$30,767	\$12,253
Total Motor Vehicle Thefts	2	2	\$4,000	\$2,250
Thefts				
Pocket Picking	0	0	\$0	\$0
Purse Snatching	0	0	\$0	\$0
Shoplifting	24	12	\$4,519	\$4,379
From Automoblies	24	8	\$6,560	\$2,865
Automobile Parts/Accessories	4	6	\$350	\$775
Bicycles	3	8	\$365	\$650
From Buildings	26	22	\$5,605	\$8,755
Coin Operated Machine	0	1	\$0	\$1,075
All Other	24	23	\$9,280	\$3,501
Total Thefts	105	80	\$26,679	\$22,000
Grand Total	130	125	\$61,856	\$36,853

Property Amount Stolen and Recovered
Year to Date Statistics

	2014	2013
Property Stolen	\$61,856	\$36,853
Property Recovered	\$28,023	\$18,618
Percentage Recovered/Stolen	45%	51%
Property Stolen Average per Month	\$10,309	\$6,142

Consolidated Monthly Report - June 2014

Comparison of Charges

Charge Totals:	Monthly	Year to Date
Adult	231	1,407
Juvenile	12	97
Combined Total	243	1,504

Charges	This Month	This Year to Date	Last Year to Date	Increase/Decrease
Abuse of Hazardous Substance	0	0	0	SAME
Animal Cruelty	0	0	0	SAME
Animal Ordinance Violations	1	6	6	SAME
Arson	0	2	0	2
Assault (Aggravated)	3	8	8	SAME
Assault (Other)	3	17	14	3
Bail Jumping	4	20	20	SAME
Burglary	0	14	16	-2
Burglary Tools - Possess	0	0	0	SAME
Cause <18 to Listen/View Sex Activity	0	0	2	-2
Cigarette / Tobacco Violation	1	4	0	4
Citations Written for Parking Tickets	0	0	0	SAME
Contribute to Delinquency	0	0	0	SAME
Contribute to Truancy	0	1	5	-4
Controlled Substance - Possession	8	54	33	21
Controlled Substance - Sale / Manufacture	15	22	29	-7
Court Order Violation	5	7	2	5
Criminal Damage	1	10	19	-9
Criminal Trespassing	2	8	6	2
Curfew	1	12	6	6
Disorderly Conduct	22	151	130	21
Duty to Aid Victim/Report Crimes	0	1	0	1
Embezzlement	0	0	0	SAME
Emergency Detention / Protective Custody	0	19	21	-2
Fail to Obey Officer	3	8	3	5
False Imprisonment	1	1	0	1
Fireworks - Sell / Discharge without Permit	0	0	0	SAME
Forgery and Counterfeiting	4	7	0	7
Fraud	0	6	9	-3
Illegal Blood Alcohol Content (IBAC)	2	48	53	-5
Impersonate Peace Officer	0	0	0	SAME
Intentionally Neglect Child	0	6	1	5

Continued on next Page

Consolidated Monthly Report - June 2014

Charges	This Month	This Year to Date	Last Year to Date	Increase/ Decrease
Kidnapping	0	0	0	SAME
Lewd and Lascivious Behavior	0	0	2	-2
Liquor Laws	10	121	86	35
Littering	0	0	2	-2
Mental Harm of Child	0	0	3	-3
Motor Vehicle Theft	0	0	4	-4
Murder and Non-Negligent Manslaughter / Attempt	0	0	0	SAME
Noise	0	16	9	7
Obstruct / Resist Officer	9	30	16	14
Offenses Against Family and Children	0	0	0	SAME
Open Burning Permit Violation	0	1	1	SAME
Operate Auto While Intoxicated	3	58	64	-6
Park Regulations	0	0	2	-2
Pornography / Obscenity	0	0	3	-3
Possess Drug Paraphernalia	6	39	20	19
Prostitution (Enticement)	0	0	2	-2
Reckless Endangering Safety	0	2	0	2
Registered Sex Offender Violations	0	0	0	SAME
Robbery	0	4	0	4
Runaway	0	3	5	-2
Sex Offenses (Other)	1	2	4	-2
Sexual Assault - 1st Degree	1	2	5	-3
Sexual Assault - 2nd Degree	0	2	5	-3
Sexual Assault - 3rd Degree	0	0	1	-1
Sexual Assault - 4th Degree	0	0	1	-1
Stolen Property	0	2	0	2
Theft (Except Motor Vehicle)	9	79	68	11
Throw/Discharge Bodily Fluid at Public Safety Worker	0	1	0	1
Traffic Offenses	112	605	596	9
Traffic Ordinance Violations	0	0	1	-1
Truancy	1	8	16	-8
Warrant Served - Local	3	39	48	-9
Warrant / Pickups for Other Agencies	12	54	42	12
Weapons (Conceal / Possess / Negligent Use)	0	2	1	1
Zoning Violations	0	2	0	2
Total	243	1,504	1,390	114

Consolidated Monthly Report - June 2014

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Calls for Service	640	4,129	3,365
Activity Logs *	13	122	42
Traffic Stops *	244	1,431	1,209
Family Disturbances	5	25	16
Noise Complaints	16	188	184
Animal Complaints	31	148	134
False Alarms	7	40	49

* Officer initiated activities

Motor Vehicle Accidents

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Fatal	0	0	0
Personal Injury	2	18	15
Pedestrian/Bicycle	1	2	1
Hit and Run	5	31	36
Property Damage over \$1000	7	63	69
Property Damage under \$1000	0	33	27
Total	15	147	148

Parking Tickets Issued

Type of Activity/Complaint	This Month	This Year to Date	Last Year to Date
Issued by Patrol Officers	72	1,119	946
Issued by Community Service Officers	114	704	567
Total	186	1,823	1,513

Consolidated Monthly Report - June 2014

Monies Received

Type	This Month	This Year to Date	Last Year to Date
Bicycle Licenses	\$15.00	\$33.00	\$27.00
Citations/Warrant Payments	\$326.80	\$13,691.75	\$11,364.52
License Plate Renewal Service Fee *	\$81.00	\$386.50	\$155.25
Miscellaneous	\$5.59	\$84.62	\$107.80
Parking Honor Box	\$150.25	\$1,867.64	\$1,948.59
Parking Permits	\$6,200.00	\$23,675.00	\$14,205.00
Parking Violations	\$5,625.50	\$47,730.25	\$40,522.02
Total	\$12,404.14	\$87,468.76	\$68,330.18

* These funds are used for crime prevention initiatives.

Overtime Hours

Type	This Month	This Year to Date	Last Year to Date
Administrative Duties	0.000	3.000	10.250
Bike Patrol	0.000	0.000	5.000
County Court	11.500	81.500	104.250
Municipal Court	5.000	33.250	21.000
Data Entry	0.000	5.750	9.750
Foot Patrol	0.000	0.000	3.500
Investigation	8.500	239.750	270.500
Meeting	17.500	76.000	86.000
Officer In Charge	0.000	17.750	122.750
Other *	0.000	24.000	28.500
Parking	0.000	0.000	0.000
Prisoners (Transport/Custody)	5.500	55.000	49.250
Radio Dispatch	32.000	68.250	19.250
Reports	2.500	41.000	56.750
Roll Call	24.000	160.500	164.250
Special Event	7.250	21.750	12.750
Squad Patrol	32.500	356.000	261.000
Traffic	0.000	19.750	7.750
Training	111.250	546.250	388.750
Holidays	0.000	398.500	400.500
Total	257.500	2,148.000	2,021.750

Consolidated Monthly Report - June 2014

WPD Personnel Training

- Between June 3rd and June 11th, all sworn WPD personnel attended Firearms Training in Elkhorn.
- From June 9th to June 12th, Detective Sergeant Winger attended IPBMA Bike Training at UW-Whitewater.
- On June 11th, Detective Meyer attended CyberTip Training in Madison
- On June 12th, Dispatcher Gempler and Millis attended TIME In-service and Recertification in DeForest.
- On June 16th, Records Technician Sahr attended Using Laserfiche Training in Oakbrook, IL.
- From June 16th to June 18th, School Resource Officer Hintz attended School Resource Officer Training Conference in Appleton.
- From June 23rd to June 27th, Detective Meyer attended Internet Crimes Against Children – Undercover Chat Training in Alexandria, VA.
- On June 24th, Captain Uhl attended Training and Standards Record Management System Training in Madison.

Proactive Community Policing and Crime Prevention Presentations and Appearances

- On June 4th, Chief Lisa Otterbacher, Captain Brian Uhl, and Dispatcher Sabrina Ojibway attended a meeting to select additional Emergency Government coordinators.
- On June 4th, Officer Valadez conducted a Summer Safety Speech to students of Lakeview Elementary.
- On June 5th, Officer Valadez conducted a Summer Safety Speech to students of LINCS Elementary.
- On June 5th, Chief Lisa Otterbacher, Captain Brian Uhl, Detective Sergeant Tina Winger, Sergeant Dan Bradford, SRO Saul Valadez, Officer Michele Martin, Officer Jacob Hintz, Officer Derrick Schleis, Officer Jennifer Ludlum, and Records Technician Cathy Swartz participated in the Special Olympics Law Enforcement Torch Run.
- On June 5th, Chief Lisa Otterbacher attended the Whitewater Chamber of Commerce fundraiser and silent auction.
- On June 6th, Officer Valadez presented Sex Crimes to Whitewater High School Health Class students.
- On June 8th, Chief Lisa Otterbacher, Captain Brian Uhl, Officer Jim Elder, Officer Joe Matteson and K9 Boomer, Dispatcher Heidi Gempler, Records Technicians Cathy Swartz and Angela Sahr, Dispatcher Kathy Hogue, CSO Justin Stuppy and Kyle Hathorn, and NSO Brody Fiedler facilitated the K9 5K/10K Run/Walk fundraiser.
- On June 9th, Officer Valadez and Officer Hintz conducted a Summer Safety Speech to students of LINCS Elementary.
- On June 10th, Officer Valadez conducted a Summer Safety Speech to students of LINCS Elementary.
- On June 10th, Chief Lisa Otterbacher attended the quarterly Safety Committee Meeting.
- On June 10th, Chief Lisa Otterbacher was interviewed by a Whitewater High School student concerning bullying on social media sites.
- On June 11th, Chief Lisa Otterbacher attended the WPD retiree HR218 qualifying shoot.
- On June 11th, Lieutenant Gray attended the Half Marathon Race meeting.
- On June 17th, Chief Lisa Otterbacher attended the WILEAG bi-monthly meeting.
- On June 19th, Officer Valadez presented OWI/Texting while Driving to Whitewater High School Driver's Ed students.
- On June 25th, Lieutenant Gray attended the open house for retiring Fort Atkinson Police Chief Tony Brus.



Irvin L. Young Memorial Library
431 W Center St
Whitewater WI 53190
Board of Trustees Regular Meeting
Community Room
Monday, June 16, 2014, 6:30 pm

Present: Anne Hartwick, Julie Caldwell, Richard Helmick, Sharon Knight

Aministrative Staff Present: Stacey Lunsford, Diane Jaroch, Cathy Bloom

1. President Anne Hartwick called the meeting to order at 6:35
2. CONSENT AGENDA Motion by Helmick/Knight to amend Minutes of May 19 for 7)e to "Library Board wishes to continue renting property at 413 W. Center St." Approved.
The consent agenda was approved once change reflected. MSC
(Knight/Helmick) Hartwick, Caldwell Noes: None
3. Acknowledgment of receipt of circulation, service, Mango, and Boopsie statistics reports for May 2014. MSC (Helmick/Hartwick) Caldwell, Knight Noes: None
4. Acknowledgment of receipt of treasurer's reports for May 2014. MSC
(Helmick/Caldwell) Hartwick, Knight Noes: None
5. HEARING OF CITIZEN COMMENTS ~ None
6. OLD BUSINESS
 - a) Library Building Expansion Project ~ Stacey reported on continued communication with architect. August 4 is scheduled presentation on current updated plan.
 - b) Council and Community Communications ~ June 18 City Council meeting includes discussion of capital improvements budget.
7. NEW BUSINESS
 - a) Review and approval of committee to review director's performance evaluation process. Motion approved to create committee, to include Hartwick, Knight and Helmick (unless other director interested).
MSC (Helmick/Hudson) Hartwick, Caldwell, Knight Noes: None
 - b) Review of Irvin L. Young Memorial Library Endowment Fund and board member qualifications. Helmick directs Hartwick to reach out to members to fill positions on endowment board.
 - c) Review of items designated for city auction. Motion made to approve items for city auction MSC (Helmick/Caldwell) Hartwick, Knight Noes: None
 - d) Review of Edge Assessment results. Stacey intends to incorporate into planning process.
 - e) Report on Disaster Planning and training completed.
 - f) Chapter One of *Trustees Essentials* ~ recently completed.
8. DIRECTOR'S REPORT as presented by Stacey Lunsford
 - a) I met with the City Manager Cameron Clapper Assistant City Manager Chris McDonell, an Finance Director Doug Saubert to review the Capital Improvements Projects list on Tuesday, May 27. We will be going ahead with improvements to our heating, ventilation and air conditioning system as part of the Trane project and we will have some repairs and retrofitting done to our roof to try to correct the problem that caused such sever ice damming this winter, resulting in the flooding of Cathy's office.
 - b) I attended the monthly Directors Council meeting in Horicon on Thursday, June 12. Transition plan was released. Staff received a copy of plan. Signs will be posted for patrons. Press releases will be edited by Stacy. Jefferson County director's meeting following lunch that day. Ideas presented to incorporate into outdoor summer activities. More outdoor

activities will be planned for next summer.

9. Adult Services Report for the Month of May 2014

- a) Author Richard Thieme spoke about his book UFOs and Government: a Historical Inquiry on May 1st. Thieme's program was very interesting and informative and prompted many questions by the audience.
- b) We had 5 people attend the Maker Monday program on May 19th. Participants made Wish Bracelets with twine and beads.
- c) Crime Club met on May 28th and discussed the book Adrenaline by Jeff Abbott. I believe this book has prompted an interest in Parkour. Perhaps the Crime Club members will be organizing their own Parkour group.
- d) There were 18 people in attendance for the Maker Space Demonstration event that was held on May 29th. I demonstrated how to use the Cricut Expressions 2 machine for cutting out paper images, and how to solder electrical wires to a circuit board. Susankay Johnson demonstrated how to transfer your VHS tapes to DVD, and vinyl records to CD. Those attending were most interested in using the equipment for transferring their VHS tapes to DVD's. Since having the demonstration program, we have had several people use the Cricut Expressions 2 machine and the equipment for transferring slides to DVD.
- e) Cathy and I met with Bill Bowen from GoStrive. Patrons may once again register for summer library events online at www.gostrive.com or on their mobile device after downloading the GoStrive app.
- f) Cathy and I met with a vendor from Salem Press and Unique Books. Watch the shelves for new items!
- g) May was a busy month, as many of us we were busy planning and preparing for the Summer Reading Program. We have a variety of fun and fascinating programs for all ages planned.

10. Youth Services Board Report for June

- a) For the month of May, there were no storytimes.
- b) Lego Club was held on Tuesday, May 20 and 26 people attended.
- c) Muffins for Mom was held on Saturday, May 10 and there were 36 people in attendance.
- d) On May 13, I attended a youth services meeting in Horicon. Topics discussed were the Battle of the Books, Family Fun Night at Horicon Marsh, and the summer reading program. The workshop also offered the opportunity to work with the Makey Makeys. With the MakeyMakey, you can use various objects to create a keyboard. Our library has purchased two of these and I plan on using them for a Tuesday @ 2:00 program. Kids should have a lot of fun with them.
- e) Anna O'Connor, the summer library assistant, started on Friday, May 2nd.
- f) Most of May, Sherry and I were busy with this year's Summer Reading Program. This year for the preschooler through children entering 4th grade this coming fall, the library will offer:

8/1/2014 3 weekly storytimes, 6 weeks of Tuesdays @ 2:00, weekly performers, a library sleepover,

and a SRP kick-off featuring The Figureheads (a hip hop band from Milwaukee) . We will also have a final performance with Miller and Mike followed by an ice cream social.

- g) For children entering 5th grade or higher this coming fall, the library will offer the reading program, Battle of the Books and three special programs. The young adults can also volunteer at the various programs for the younger children. In August, we take them to Pizza Hut for lunch as a way of saying “thanks”.
- h) Also, I am on the committee for the Family Fun Night at Horicon Marsh. This will be held on Tuesday, July 15. Last year was a huge success and we are hoping that families will have as much fun as they did last year!

11. Board member reports None.

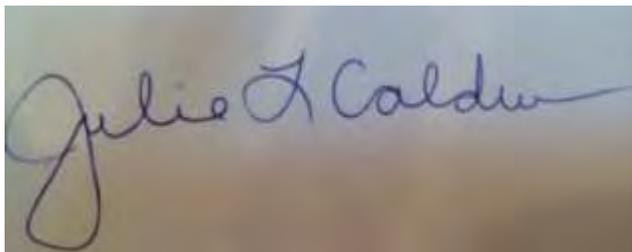
12. Board member requests for future agenda items. Kraege papers.

13. Confirmation of next meeting on July 21, 2014, 6:30 pm

14. Motion made to Adjourn into Closed Session **NOT TO RECONVENE** per Wisconsin State Statute 19.85(1) (c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” MSC (Caldwell/Hartwick) Roll call vote unanimously approved.

Item to be discussed: Annual evaluation of the library director

- i) Minutes submitted by Julie Caldwell, Board of Trustees

A photograph of a handwritten signature in blue ink on a light-colored background. The signature reads "Julie Caldwell" in a cursive script.



PROCLAMATION DECLARING AUGUST AS CHILDREN'S VISION AND LEARNING MONTH

WHEREAS, as children across the State of Wisconsin prepare for the start of another school year, many of them will begin their studies with undiagnosed and untreated vision problems; and

WHEREAS, research shows that vision disorders are the number one handicapping condition of children. In fact, as many as one in four school age children have vision problems, according to the College of Optometrists in Vision Development; and

WHEREAS, all children deserve the opportunity to learn and to achieve their full potential, and

WHEREAS, for the above reasons, public awareness about learning-related vision problems is necessary to ensure that young people receive the prompt vision treatment they need to enhance their lives;

NOW, THEREFORE, I, Cameron Clapper, City Manager of Whitewater, in accord with the Office of the Governor of the State of Wisconsin, and in recognition of the importance of good vision to learning do hereby proclaim August 2014

Children's Vision and Learning Month

And I encourage parents, educators, school nurses and all concerned adults to recognize the critical role good vision plays in the learning process and to work together to help prevent or reduce the impact untreated vision problems can have on our children's ability to read and learn.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING THE GRANTING
OF A DISTRIBUTION EASEMENT TO WE ENERGIES
IN STARIN PARK

WHEREAS, the City of Whitewater has determined that public necessity demands the installation of certain facilities and equipment as described in more detail in the attached distribution easement, and

WHEREAS, in order to install said facilities, We Energies needs a distribution easement granted to it,

Now, therefore, BE IT RESOLVED by the Common Council of the City of Whitewater as follows:

1. The City shall grant the attached easement to We Energies.
2. The City Manager and City Clerk are authorized and directed to sign any and all documents necessary to grant said easement.

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **8/5/2014**

ITEM: Resolution – Starin Park Easement with WE Energies for Treyton’s Field of Dreams

PRESENTER: **Parks & Recreation Director**

PREVIOUS ACTION, IF ANY: N/A

SUMMARY OF ITEM BEING PRESENTED: A new electrical service is being extended as part of the work by WE Energies which requires an easement. The new service will serve the Field of Dreams for electrical needs including the future concession building, field lights, irrigation, and general electric needs of this project.

BUDGET IMPACT, IF ANY: The cost of the new service has been paid for by the Whitewater Community Foundation.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: N/A

STAFF RECOMMENDATION: Approve resolution providing easement to WE Energies

RECOMMENDED MOTION: Approve resolution providing easement to WE Energies

ATTACHMENT(S) INCLUDED (If none, please state that): Easement Agreement & sketch provided by WE Energies

FOR MORE INFORMATION CONTACT:

Matt Amundson

262-473-0122

mamundson@whitewater-wi.gov

**DISTRIBUTION EASEMENT
UNDERGROUND**

Document Number

WR NO. **3610517**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY OF WHITEWATER**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as a strip of land twelve (12) feet in width being part of grantor's premises in the **Northwest ¼ of Section 4, Township 4 North, Range 15 East**, City of Whitewater, Walworth County, Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

1. **Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to the initial installation of facilities, nor to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

/S 00017 & /S 00019
(Parcel Identification Number)

Grantor:

CITY OF WHITEWATER

By _____

(Print name and title): _____

By _____

(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____, _____,
the above named _____, the _____
and _____, the _____
of the CITY OF WHITEWATER, for the municipal corporation, by its authority, and pursuant to Resolution File
No. _____ adopted by its _____ on _____, _____.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

This instrument was drafted by Jeffrey Fowle on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

**RESOLUTION AUTHORIZING THE CITY OF WHITEWATER
TO ENTER INTO A STORM SEWER EASEMENT AGREEMENT**

WHEREAS, the City of Whitewater has determined that public necessity demands the installation of certain facilities and equipment as described in more detail in the attached storm sewer easement, and

WHEREAS, in order to install said facilities, the City of Whitewater needs a storm water easement granted to it,

Now, therefore, **BE IT RESOLVED** by the Common Council of the City of Whitewater as follows:

1. The City shall enter into the attached easement agreement with Gregory G. Meyer and Kristine M. Meyer.
2. The City Manager and City Clerk are authorized and directed to sign any and all documents necessary to grant said easement.

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

Document No.

UTILITY EASEMENT AGREEMENT

Return to:

Parcel Numbers

THIS UTILITY EASEMENT AGREEMENT (*Agreement*) is granted by Gregory G. Meyer and Kristine M. Meyer, (the *Owner*) to the City of Whitewater (the *Utility*).

RECITALS:

A. The Owner is the fee holder of certain real property in the City of Whitewater, Walworth County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibit A (the *Property*).

B. The Utility has requested that the Owner grant a permanent easement (the *Easement*) and temporary construction easement (the *Temporary Construction Easement*) over certain portions of the Property as such portions are described on the attached and incorporated Exhibit B (the *Utility Easement Area*).

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant of Easement. The Owner grants to the Utility, and its licensees, a perpetual easement and right-of-way to construct, reconstruct, maintain, operate, supplement, and remove storm sewer facilities consisting of storm sewer piping, and other related fixtures, equipment, and appurtenances that may from time to time be required, with the right of ingress and egress for the purpose of this grant, over the Utility Easement Area. All improvements shall be located below grade. The Utility agrees to construct all such improvements no later than 07/31/2015 (the *Final Completion Date*).

2. **Temporary Construction Easement.** During the period of construction or installation of improvements within the Property, the Utility shall have a Temporary Construction Easement over those portions of the Property located within 10 feet south of the Utility Easement Area for the purpose of transporting equipment and materials in connection with the construction or installation of improvements within the Property. The Temporary Construction Easement shall expire on the earlier to occur of (a) completion of installation as contemplated in Section 1, above, or (b) the Final Completion Date as specified in Section 1, above.

3. **Indemnification.** The Utility shall indemnify the Owner from and against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property that at any time during the term of this Agreement may be suffered or sustained by any person or entity in connection with the Utility=s activities conducted on the Property, regardless of the cause of the injury, except to the extent caused by the gross negligence or misconduct of the Owner or its agents or employees.

4. **Consistent Uses Allowed.** The Owner reserves the right to use the Easement and the Temporary Construction Easement for purposes that will not interfere with the Utility=s full enjoyment of the Easement rights granted in this Agreement.

5. **Restoration of Surface.** The Utility shall restore the surface disturbed by any construction or maintenance of any equipment located within the Easement or the Temporary Construction Easement to its condition before the disturbance.

6. **Covenants Run with Land.** All terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Owner and the Utility and their respective successors and assigns. The party named as Owner in this Agreement and any successor or assign to the Owner as fee simple owner of the Property shall cease to have any liability under this Agreement with respect to facts or circumstances arising after the party has transferred its fee simple interest in the Property.

7. **Non-Use.** Non-use or limited use of the Easement or Temporary Construction Easement rights granted in this Agreement shall not prevent the benefiting party from later use of the Easement or Temporary Construction Easement rights to the fullest extent authorized in this Agreement.

8. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

9. **Entire Agreement.** This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Walworth County, Wisconsin.

10. **Notices.** All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party=s last known address. If the other party=s address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party=s property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

11. **Invalidity.** If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the

fullest extent permitted by law.

12. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

13. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

14. No Public Dedication. Nothing in this Agreement shall be deemed a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

Dated: _____, 2014.

By:

Gregory G. Meyer, Owner

Kristine M. Meyer, Owner

CITY OF WHITEWATER, Utility

By: _____
Cameron Clapper, City Manager

Michel R. Smith, City Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF WALWORTH

This instrument was acknowledged before me on _____, 2014 by Gregory G. Meyer and Kristine M. Meyer, owners.

Notary Public, State of Wisconsin
My commission expires: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF WALWORTH

This instrument was acknowledged before me on _____, 2014, by Cameron Clapper, City Manager and Michele R. Smith, City Clerk, for the City of Whitewater, Utility.

Notary Public, State of Wisconsin
My commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION

Gregory G. Meyer and Kristine M. Meyer

Lot 32 of Buckingham Estates in the Southeast Quarter (SE1/4) of Section 6, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

EXHIBIT B

**Legal Description
Storm Sewer Easement**

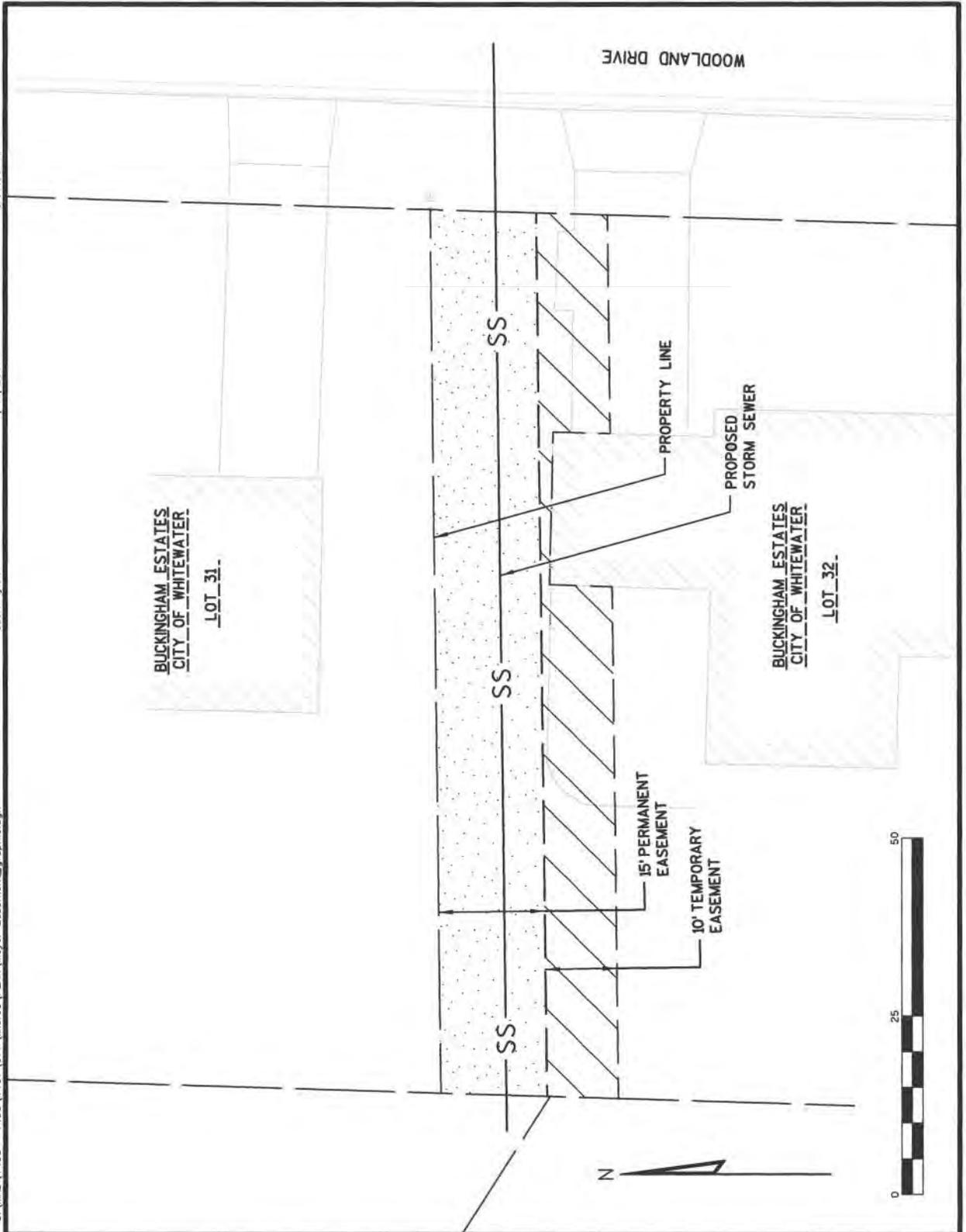
**Owner: Gregory G. Meyer and Kristine M. Meyer
256 Woodland Drive
Whitewater, WI 53190**

A permanent storm sewer easement across Lot 32 of Buckingham Estates in the Southeast 1/4 of Section 6, Township 4 North, Range 15 East, in the City of Whitewater, Walworth County, Wisconsin more particularly described as follows:

The north 15 feet of said Lot 32 of Buckingham Estates.

Said parcel contains 1,875 square feet of land, more or less.

A temporary easement lying 10 feet south of the above described permanent easement is also hereby granted. Said temporary easement excludes all existing structures. Said temporary easement will expire upon completion of construction or 07/31/2015, whichever is earlier.



PERMANENT AND TEMPORARY EASEMENTS

**MEYER EASEMENT EXHIBIT
WOODLAND DRIVE STORM SEWER**

**CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN**



FIGURE NO. 1

JOB # 1407-077

**RESOLUTION AUTHORIZING THE CITY OF WHITEWATER
TO ENTER INTO A STORM SEWER EASEMENT AGREEMENT**

WHEREAS, the City of Whitewater has determined that public necessity demands the installation of certain facilities and equipment as described in more detail in the attached storm sewer easement, and

WHEREAS, in order to install said facilities, the City of Whitewater needs a storm water easement granted to it,

Now, therefore, **BE IT RESOLVED** by the Common Council of the City of Whitewater as follows:

1. The City shall enter into the attached easement agreement with Denay Trykowski.
2. The City Manager and City Clerk are authorized and directed to sign any and all documents necessary to grant said easement.

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

Document No.

UTILITY EASEMENT AGREEMENT

Return to:

Parcel Numbers

THIS UTILITY EASEMENT AGREEMENT (*Agreement*) is granted by Denay Trykowski, (the *Owner*) to the City of Whitewater (the *Utility*).

RECITALS:

A. The Owner is the fee holder of certain real property in the City of Whitewater, Walworth County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibit A (the *Property*).

B. The Utility has requested that the Owner grant a permanent easement (the *Easement*) and temporary construction easement (the *Temporary Construction Easement*) over certain portions of the Property as such portions are described on the attached and incorporated Exhibit B (the *Utility Easement Area*).

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant of Easement. The Owner grants to the Utility, and its licensees, a perpetual easement and right-of-way to construct, reconstruct, maintain, operate, supplement, and remove storm sewer facilities consisting of storm sewer piping, and other related fixtures, equipment, and appurtenances that may from time to time be required, with the right of ingress and egress for the purpose of this grant, over the Utility Easement Area. All improvements shall be located below grade. The Utility agrees to construct all such improvements no later than 07/31/2015 (the *Final Completion Date*).

2. **Temporary Construction Easement.** During the period of construction or installation of improvements within the Property, the Utility shall have a Temporary Construction Easement over those portions of the Property located within 10 feet south of the Utility Easement Area for the purpose of transporting equipment and materials in connection with the construction or installation of improvements within the Property. The Temporary Construction Easement shall expire on the earlier to occur of (a) completion of installation as contemplated in Section 1, above, or (b) the Final Completion Date as specified in Section 1, above.

3. **Indemnification.** The Utility shall indemnify the Owner from and against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property that at any time during the term of this Agreement may be suffered or sustained by any person or entity in connection with the Utility=s activities conducted on the Property, regardless of the cause of the injury, except to the extent caused by the gross negligence or misconduct of the Owner or its agents or employees.

4. **Consistent Uses Allowed.** The Owner reserves the right to use the Easement and the Temporary Construction Easement for purposes that will not interfere with the Utility=s full enjoyment of the Easement rights granted in this Agreement.

5. **Restoration of Surface.** The Utility shall restore the surface disturbed by any construction or maintenance of any equipment located within the Easement or the Temporary Construction Easement to its condition before the disturbance.

6. **Covenants Run with Land.** All terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Owner and the Utility and their respective successors and assigns. The party named as Owner in this Agreement and any successor or assign to the Owner as fee simple owner of the Property shall cease to have any liability under this Agreement with respect to facts or circumstances arising after the party has transferred its fee simple interest in the Property.

7. **Non-Use.** Non-use or limited use of the Easement or Temporary Construction Easement rights granted in this Agreement shall not prevent the benefiting party from later use of the Easement or Temporary Construction Easement rights to the fullest extent authorized in this Agreement.

8. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

9. **Entire Agreement.** This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Walworth County, Wisconsin.

10. **Notices.** All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party=s last known address. If the other party=s address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party=s property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

11. **Invalidity.** If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the

fullest extent permitted by law.

12. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

13. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

14. No Public Dedication. Nothing in this Agreement shall be deemed a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

Dated: _____, 2014.

By:

Denay Trykowski, Owner

CITY OF WHITEWATER, Utility

By: _____

Cameron Clapper, City Manager

Michel R. Smith, City Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF WALWORTH

This instrument was acknowledged before me on _____, 2014 by Denay Trykowski, Owner.

Notary Public, State of Wisconsin
My commission expires: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF WALWORTH

This instrument was acknowledged before me on _____, 2014, by Cameron Clapper, City Manager and Michele R. Smith, City Clerk, for the City of Whitewater, Utility.

Notary Public, State of Wisconsin
My commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION

Denay Trykowski

Lot 31 of Buckingham Estates in the Southeast Quarter (SE1/4) of Section 6, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

EXHIBIT B

Legal Description Storm Sewer Easement

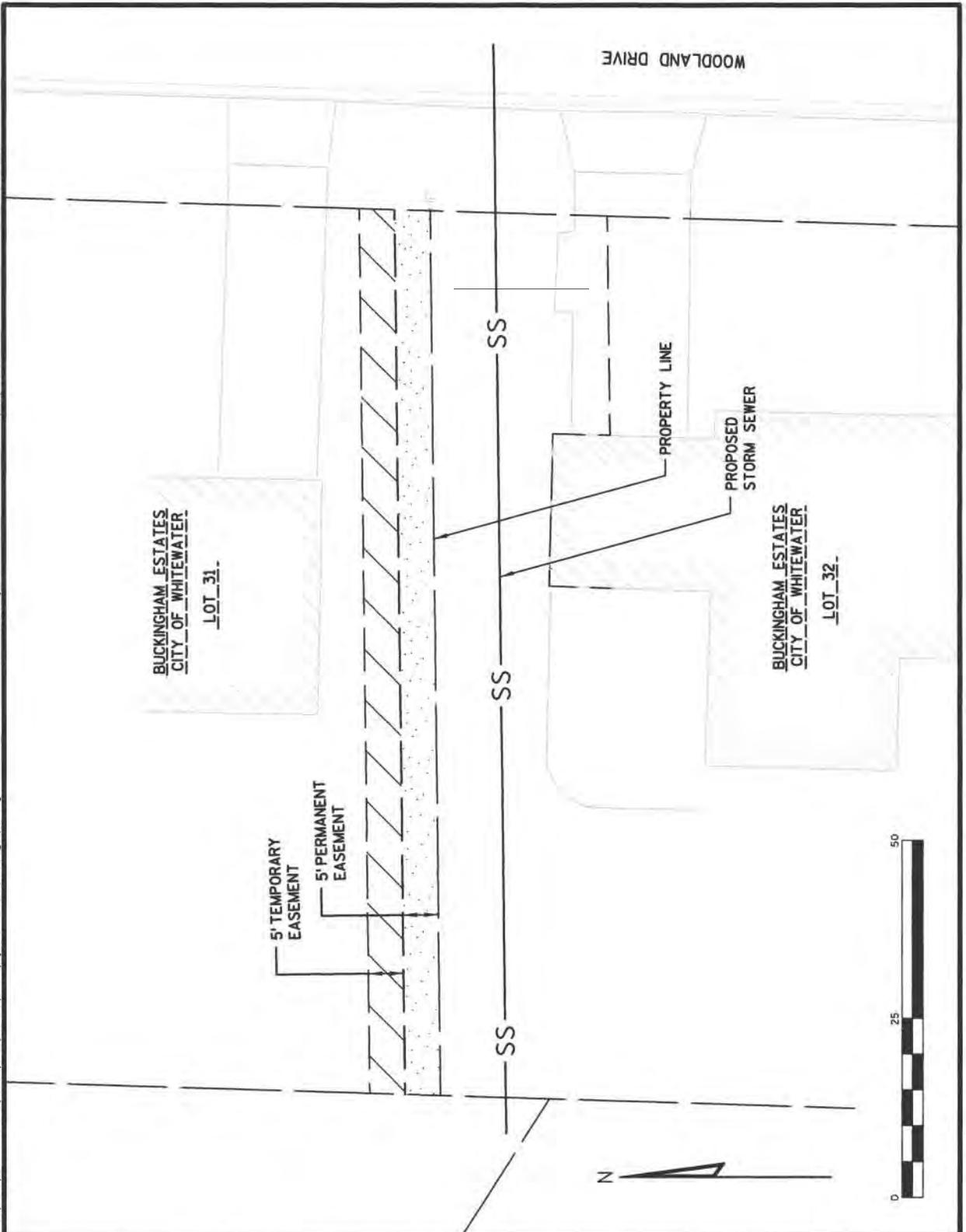
**Owner: Denay Trykowski
 248 Woodland Drive
 Whitewater, WI 53190**

A permanent storm sewer easement across Lot 31 of Buckingham Estates in the Southeast 1/4 of Section 6, Township 4 North, Range 15 East, in the City of Whitewater, Walworth County, Wisconsin more particularly described as follows:

The south 5 feet of said Lot 31 of Buckingham Estates.

Said parcel contains 625 square feet of land, more or less.

A temporary easement lying 5 feet north of the above described permanent easement is also hereby granted. Said temporary easement excludes all existing structures. Said temporary easement will expire upon completion of construction, or 07/31/2015, whichever is earlier.



PERMANENT AND TEMPORARY EASEMENTS

**TRYKOWSKI EASEMENT EXHIBIT
WOODLAND DRIVE STORM SEWER**

**CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN**



FIGURE NO. 1

JOB # 1407-077



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **7/15/14**

ITEM: Ordinance Amendment to Chapter 11.150,
Parking Regulations, relating to parking on Wisconsin St

PRESENTER: **Parks & Recreation Director**

PREVIOUS ACTION, IF ANY: N/A - Council Discussion (4/3/14)

SUMMARY OF ITEM BEING PRESENTED: The Bicycle & Pedestrian plan indicates a significant opportunity to connect the shared use path that runs from Main Street north along Whitewater Creek and the shared use path that originates at Trippe Lake Park and connects through the Waters Edge neighborhood by including on-street accommodations on Wisconsin Street. A letter was sent to property owners along Wisconsin Street and a public information meeting was held on June 26th at Trippe Lake Park to discuss the options available. After much discussion, consensus was reached at the meeting that a 5' bike lane be placed on the east side of Wisconsin Street from its intersection with Milwaukee Street to the Trippe Lake Park entrance. A parking lane of 8' would exist on the west side of the street with two 11.5' travel lanes. The west lane of traffic would be marked as a "sharrow".

BUDGET IMPACT, IF ANY: Estimated cost of the pavement markings is \$3,828

Bike Lane, East side, Clay to Milwaukee, 780 LF @ \$0.60/LF = \$468

Bike Lane Arrows, East Side, 2 EA @ \$80/EA = \$160

Bike Lane Symbol, East Side, 2 EA @ \$100/EA = \$200

Sharrow, West Side, Clay to Milwaukee, No Bid Price, Assume \$500/EA, 2 EA @ \$500 = \$1,000

Sharrow, Both Sides, Clay to Park Entrance, No Bid Price, Assume \$500/EA, 4 EA @ \$500 = \$2,000

Total for above items = \$3,828

Options:

White Line along Park Entrance Road, 470 LF @ \$0.60/LF = \$282

Repaint Crosswalks in Area, 400 LF @ \$5.75/LF = \$2,300

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: N/A

STAFF RECOMMENDATION: Provide direction to Strand to have the needed pavement marking included as part of the East Gate construction project.

RECOMMENDED MOTION: Approve ordinance change removing parking on east side of Wisconsin Street from Milwaukee Street to Clay Street.

ATTACHMENT(S) INCLUDED (If none, please state that):

- Wisconsin Street – Option 1 layout
- Trail Map

FOR MORE INFORMATION CONTACT:

Matt Amundson 262-473-0122

mamundson@whitewater-wi.gov

ORDINANCE NO. _____

**AMENDING SECTION 11.16.150
PARKING RESTRICTIONS CONCERNING WISCONSIN STREET**

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

SECTION 1. Section 11.16.150 Street Index of Parking Restrictions, is hereby amended to include the following:

The East side of Wisconsin Street from Milwaukee Street to Clay Street	11.16.080	No Parking
---	-----------	------------

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: _____
Michele R. Smith, City Clerk

NOES: _____

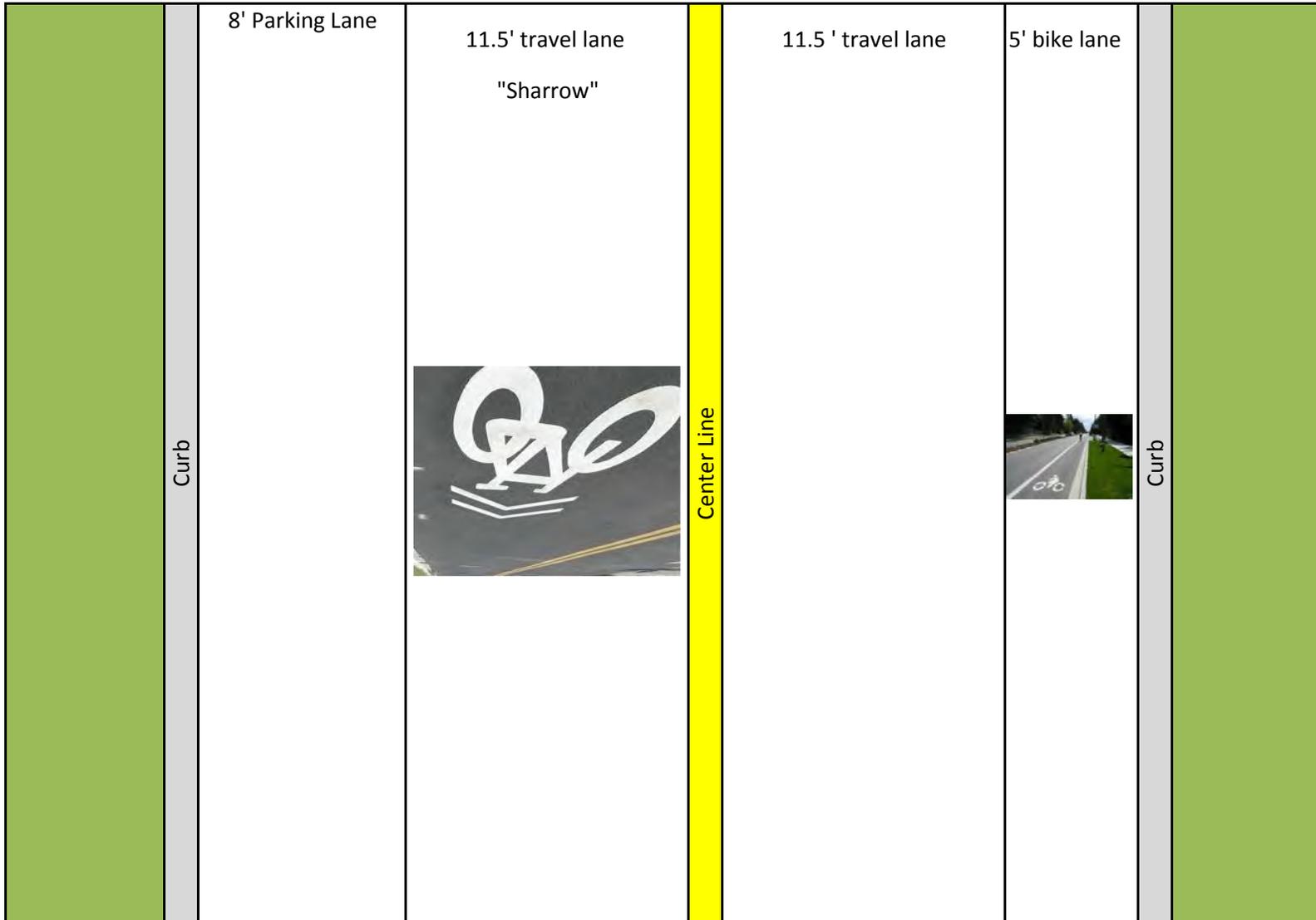
ABSENT: _____
Cameron Clapper, City Manager

ADOPTED:

Wisconsin Street - Option 1

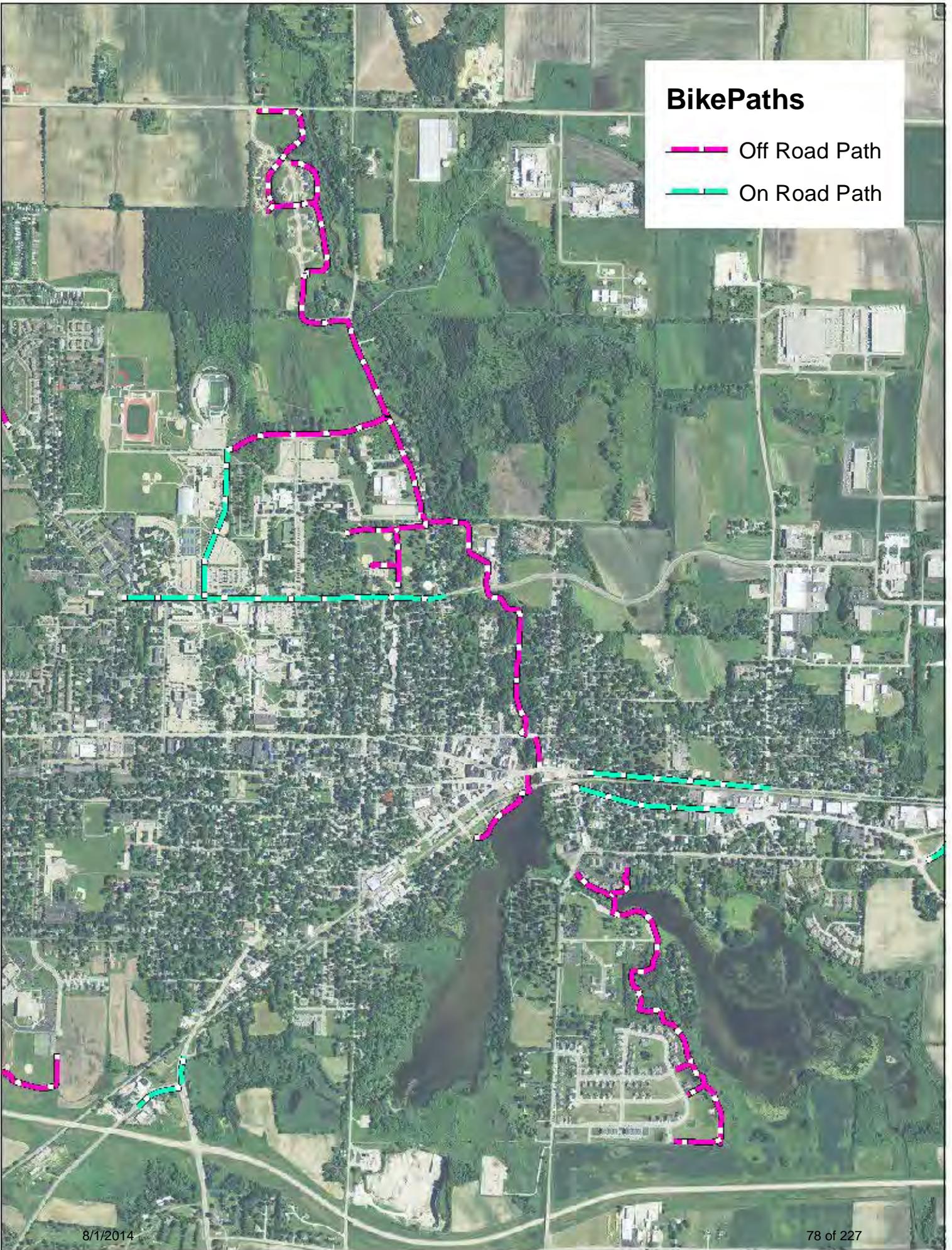
West Side - Homes & American Legion

East Side - Businesses



BikePaths

- Off Road Path
- On Road Path



Harrison, Williams & McDonell, LLP
ATTORNEYS AT LAW

MARTIN W. HARRISON
(Retired)

WALLACE K. McDONELL

452 W. Main Street
P.O. Box 59
Whitewater, WI 53190
262-473-7900

ANDREW FARR ALLEN
(1946-2003)
DAVID C. WILLIAMS

wkm@hmattys.com

FACSIMILE
262-473-7906

Offices also in:
Lake Geneva

July 31, 2014

Michele Smith
City Clerk
312 W. Whitewater St.
Whitewater, WI 53190

RE: Amended Flood Plain Ordinance

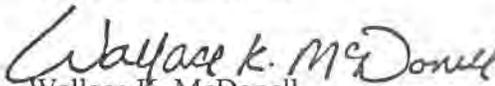
Dear Michele:

Please find enclosed herewith a revised ordinance amending Chapter 19.46 Flood Plain Regulations. There are minor changes from the last draft. The major change is that it now provides for a flood storage section. Please include this with the council packet.

Thank you.

Yours truly,

HARRISON, WILLIAMS,
& MCDONELL, LLP


Wallace K. McDonell

(State Bar No. 01008713)

WKM/cep



| WISCONSIN LAWYERS.
| EXPERT ADVISERS.
| SERVING YOU.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 19.46 (FLOODPLAIN REGULATIONS)
FOR THE CITY OF WHITEWATER, WISCONSIN
(07-31-14 –12:00 noon draft)

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

SECTION 1: Whitewater Municipal Code Chapter 19.46 is hereby amended to read as follows:

19.46.010

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

1.1 STATUTORY AUTHORIZATION

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

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

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

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Neighborhood Services Office, City of Whitewater Municipal Building, 312 West Whitewater Street, Whitewater, Wisconsin, 53190. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS FOR WALWORTH COUNTY : Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel number 550200, dated 09/03/2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated 09/03/14, Volume Nos. 55127C0009E, 55127C0017E, 55127C0028E and 55127C0029E. FIS 55127CV000B
2. Flood Hazard Boundary Map (FHBM), panel number 550200 dated 09/03/2014

Approved by: The DNR and FEMA

(aa) OFFICIAL MAPS FOR JEFFERSON COUNTY:

1. Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432E, 55055C0451E and 55055C04555E, dated June 2, 2009, with corresponding profiles based on the Flood Insurance Study (FIS) dated October 2, 2009, volume number 55127CV000A.

Approved by: The DNR and FEMA

- (b) OFFICIAL MAPS: Based on other studies.

(Reserved to add additional maps based on other studies.)

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

- (d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) LOCATING FLOODPLAIN BOUNDARIES

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

FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

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

(5) REMOVAL OF LANDS FROM FLOODPLAIN

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

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

(8) ABROGATION AND GREATER RESTRICTIONS

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

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing

body and are not a limitation on or repeal of any other powers granted by the Wisconsin

Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Walworth County and Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are

on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

19.46.020

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial

improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this

ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer,

gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any

such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

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

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72- hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used

and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state

Department of Health Services and all other applicable regulations;

- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

19.46.030

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 19.46.051(4) and this ordinance.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

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

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed

area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

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

(a) Adequate floodproofing measures are provided to the flood protection elevation;

and

(b) Construction meets the development standards of s 2.1.

(4) **FILLS OR DEPOSITION OF MATERIALS**

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

(a) The requirements of s. 2.1 are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

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

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

19.46.040

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 19.46.051(4) and this ordinance.

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

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

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such

uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

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

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.

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

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

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

19.46.050

5.0 OTHER FLOODPLAIN DISTRICTS

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

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

(1) APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(2) PERMITTED USES

Pursuant to s. 19.46.051(4) and this ordinance, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s.

19.46.051(3) and this ordinance, provided that all permits or certificates required under s. 7.1 have been issued.

(3) STANDARDS FOR DEVELOPMENT

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

(a) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

1. at or above the flood protection elevation; or
2. two (2) feet above the highest adjacent grade around the structure; or
3. the depth as shown on the FIRM

(b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(4) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

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

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

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

1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT

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

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) PERMITTED USES

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

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

(a) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of a regional flood.

(b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

(c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 8.0 *Amendments* of this ordinance.

(d) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is continuous to other lands lying outside of the floodplain.

19.46.060

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

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

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire

structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance.

Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a

nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s.4.3(1).

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

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

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are

designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 19.46.051(3) and this ordinance.

f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of s. 6.1(2)(h)1a-b and e-g.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 19.46.051(3) and this ordinance.

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

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

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

(b) Meets the requirements of s. 6.1;

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

- (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s.7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using

the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICT

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

19.46.070

7.0 ADMINISTRATION

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

7.1 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

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

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood

elevation for the proposed development is shown on all permit applications.

- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
- (e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

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

(a) GENERAL INFORMATION

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

(b) SITE DEVELOPMENT PLAN

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

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

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE

DEVELOPMENT All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models

must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

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

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;

- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- (1) The City of Whitewater Plan and Architectural Review Commission shall:
 - (a) oversee the functions of the office of the zoning administrator; and
 - (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (2) The City of Whitewater Plan and Architectural Review Commission shall not:
 - (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - (b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

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

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

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

(2) APPEALS TO THE BOARD

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

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

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

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

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

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

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

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area;
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

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

- (a) Permit application data listed in s. 7.1(2);
- (b) Floodway/floodfringe determination data in s. 19.46.051(4) and this ordinance;
- (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
- (d) Other data submitted with the application, or submitted to the Board with the appeal.

- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (a) certified by a registered professional engineer or architect; or
 - (b) meets or exceeds the following standards:
 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (b) Protect structures to the flood protection elevation;
- (c) Anchor structures to foundations to resist flotation and lateral movement; and
- (d) Minimize or eliminate infiltration of flood waters.
- (e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

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

19.46.080

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions

which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 19.46.051(4) and this ordinance and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners

and notify local units of government before the amendment can be approved by the governing body.

19.46.090

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$30.00 (thirty dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

19.46.100

10.0 DEFINITIONS

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and

where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. **BASE FLOOD** – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. **BASEMENT** – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. **BUILDING** – See **STRUCTURE**.
10. **BULKHEAD LINE** – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. **CAMPGROUND** – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. **CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick- up truck, or tent that is fully licensed, if required, and ready for highway use.
13. **CERTIFICATE OF COMPLIANCE** – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. **CRAWLWAYS OR "CRAWL SPACE"** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. **DECK** – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. **DEPARTMENT** – The Wisconsin Department of Natural Resources.
18. **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation;

mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both

the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

27. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation,

wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

37. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
38. **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. **HISTORIC STRUCTURE** – Any structure that is either:
 - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable

of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use.

However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety & Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

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

73. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

74. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.

75. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of

the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or

safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

77. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

- 78. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 79. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 80. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 81. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 82. **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

SECTION 2. The official zoning map of the City of Whitewater is hereby amended to show the above change.

SECTION 3. 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: _____
Cameron Clapper, City Manager

NOES: _____

ABSENT: _____
Michele R. Smith, City Clerk

ADOPTED:



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **07/15/14**

ITEM: **268 S. Prairie Street Rezone Request**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED:

Included with this coversheet are the materials previously provided to the Plan and Architectural Review Commission for the Commission's June 9 meeting. The applicant is requesting an amendment to the Zoning Map which would add the R-2A Overlay District to the existing R-2 zoning for the property. Details related to the proposed addition of the R-2A Overlay District are provided in the planner's memo included with the materials for this item.

Also included for information purposes only is the request made to the Plan and Architectural Review Commission at the June 9 meeting for the granting of a conditional use permit to enable occupancy of up to six (6) unrelated individuals in a residence.

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):

Draft Ordinance

Planners Report

Application Materials

Materials for the CUP Request (FYI Only)

FOR MORE INFORMATION CONTACT:

Cameron Clapper, cclapper@whitewater-wi.gov, 262-473-0100.

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission
 From: Mike Slavney, FAICP, Consulting City Planner
 Date: 3 June 2014
 Re: **Item # 6** Proposed Zoning Map Amendment to Impose the R-2A Residential Overlay District Zoning Classification per Section 19.19 at 268 S. Prairie Street (Tax ID# /CL 00064) for Russell and Courtney Walker.

Summary of Request		
Requested Approvals:	Zoning Map Amendment to Add the R-2A Overlay District	
Location:	268 South Prairie Street	
Current Land Use:	5 or 6-Bedroom Single Family Detached Dwelling Unit	
Proposed Land Use:	Same, but with up to 6 unrelated individuals (up from 3)	
Current Zoning:	R-2 One and Two Family Residential	
Proposed Zoning:	R-2A Overlay District over the Current R-2 Zoning District	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding <i>Zoning</i> and Current Land Uses:		
	North:	
	R-2 Two-Family	
West:	Subject Property	East:
R-2 Single-Family		R-2 Two-Family
	South:	
	R-2 Single-Family	

Description of the Proposal:

This proposal involves a request to amend the Zoning Map to add the R-2A Residential Overlay zoning district to the existing R-2 zoning district for a home at 268 South Prairie Street.

The R-2A Residential Overlay district is established by Chapter 19.19 of the Zoning Ordinance. Adopting the R-2A Residential Overlay district enables the consideration of a Conditional Use Permit, which if approved, would increase the number of permitted unrelated individuals in a non-family household from three to six. No other requirements of the existing R-2 Residential Zoning District are affected.

Current Zoning: R-2 One & Two Family Residence
Proposed Zoning: R-2A Overlay District

The Plan Commission holds the public hearing on a Zoning Map Amendment request, and forwards a recommendation to the Common Council.

PLANNER'S RECOMMENDATIONS:

The existing dwelling is a large home, with three bedrooms on the second floor, and two bedrooms on the first floor, plus a pocket door dividing the living room from a potential extra bedroom in what was once likely the formal entry parlor.

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Zoning Map Amendment to add the R-2A overlay zoning district to the subject property, subject to the finding presented below.

SUGGESTED FINDING TO BE MADE BY THE PLAN COMMISSION

Zoning Map Amendments and other changes to the Zoning Ordinance are addressed by Chapter 19.69.

Subsection 19.69.010 enables the Plan Commission to review and recommend, and the City Council to consider, amendments to zoning district boundaries whenever the public necessity, general welfare or good zoning practice are accomplished.

I note that the subject property is within an area identified as potentially appropriate for the R-2A Overlay Zoning District. The size of the existing dwelling, and the fact that no exterior building modifications (and very minimal interior modification) are being proposed, further indicates the suitability of this building for the proposed R-2A District.

I further note that granting this request for the subject property is consistent with the public necessity and general welfare of the community.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
268 S. Prairie Street	CL 00064	Russell Walker, Courtney Walker

NOTICE IS FURTHER GIVEN that the Plan Commission of the City of Whitewater will hold a public hearing in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, on Monday, June 9, 2014, at 6:00 p.m. to hear any person for or against said change. Opinions for or against said change may also be filed in writing.

The proposal is on file in the office of the Zoning Administrator, 312 W. Whitewater Street, and may be viewed during office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Michele Smith, City Clerk

Dated: May 13, 2014

Publish: in "Whitewater Register"
on May 22, 2014, and May 29, 2014

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A 55600001	KARL N OLSON	JANET E OLSON	651 DARCY LN	WHITEWATER	WI	53190-0000
/A 55600002	D&L TRIEBOLD TRUST		N7618 ENGEL RD	WHITEWATER	WI	53190-0000
/A 91300002	LADWIG & VOS INC		140 LONGMEADOW DR	BURLINGTON	WI	53105-0000
/CL 00050	JEFFREY S PETERSEN TRUST	LAUREL A PETERSEN TRUST	N9211 WOODED COURT	WHITEWATER	WI	53190-0000
/CL 00051	MARK C MAAS	LEXY MAAS	255 S. PRAIRIE ST	WHITEWATER	WI	53190-0000
/CL 00052	SANTOS J BARAJAS		615 HIGH ST	WHITEWATER	WI	53190-0000
/CL 00053	DONNA J HENRY	J PHILIP HENRY	347 S. JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00055	JAMES H MINETTE	BONNIE LAGG MINETTE	254 S. JANESVILLE ST	WHITEWATER	WI	53190-1864
/CL 00056	JEFFREY T ROE	MARC A ROE	7515 STURTEVANT RD	WHITEWATER	WI	53190-0000
/CL 00057	MARC ROE	JEFFREY T ROE	7515 STURTEVANT RD	WHITEWATER	WI	53190-0000
/CL 00058	THOMAS J KLEMENT	KATHRYN S KLEMENT	5315 BLACK WALNUT DR	MCFARLAND	WI	53703-0000
/CL 00059	CAMERY MANAGEMENT LLC		408 PANTHER CT	WHITEWATER	WI	53190-0000
/CL 00060	SOBO PROPERTIES LLC		787 E CLAY ST UNIT 1	WHITEWATER	WI	53190-0000
/CL 00061	ARKI PRAIRIE LLC		W396 53675 HARDSCRABBLE RD	DOUSMAN	WI	53118-0000
/CL 00062	CHAD W CHAPMAN		505 MEADOWVIEW LANE	JOHNSON CREEK	WI	53038-9485
/CL 00063	HARRIET J STRITZEL TRUST		530 SOUTH JANESVILLE AVE	WHITEWATER	WI	53190-0000
/CL 00063A	LINDGREN TRUST		245 S COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00063B	JESUS GOMEZ	BEATRIZ GOMEZ	249 S. COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00063C	RAUL PEREZ SR		267 S COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00063D	MARTIN SOTO	SARAH SOTO	724 W PECK ST	WHITEWATER	WI	53190-0000
/CL 00064	RUSS D WALKER	COURTNEY L WALKER	268 S PRAIRIE ST	WHITEWATER	WI	53190-0000
/CL 00064A	KEVIN MCKINNON	MARSHA MCKINNON	716 W. PECK ST	WHITEWATER	WI	53190-0000
/CL 00065	JOHN J TINCHER TRUST		N1190 COUNTY RD N	WHITEWATER	WI	53190-0000
/CL 00068	WALTER W GOEGLEIN	MARY J GOEGLEIN	256 S. COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00069A	LAND & WATER INVESTMENTS LLC		503 CENTER ST	LAKE GENEVA	WI	53147-0000
/CL 00070	KEITH LEONARD THAYER	MARCIA LYNN THAYER	274 S. COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00078	FIVE REDS MANAGEMENT LLC		408 PANTHER CT	WHITEWATER	WI	53190-0000
/CL 00079	RAYMOND STRITZEL TRUST		530 S. JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00080	APRIL K ARDELT	C/O CARL J KIENBAUM	318 S. JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00081	JOSE SOTO RODRIGUEZ		701 W. PECK ST	WHITEWATER	WI	53190-0000
/CL 00082	TITUS J GREENWOOD	CHRISTINA M GREENWOOD	304 S. JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00083	PAUL KRAHN	SANDRA L KRAHN	812 S. JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00084	CARL KIENBAUM TRUST		318 S JANESVILLE	WHITEWATER	WI	53190-0000
/CL 00085	CARL KIENBAUM TRUST		318 S JANESVILLE ST	WHITEWATER	WI	53190-0000

/CL 00086	ASHLEY A VOIGT	AMANDA L LINDNER	330 JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00094	JCM PROPERTIES LLC		W9668 HOMBURG LN	WHITEWATER	WI	53190-0000
/CL 00101	MATTHEW MITCHELL		550 W. WHITEWATER ST	WHITEWATER	WI	53190-0000
/CL 00102	KEITH MORGAN	MELANIE A MORGAN	S106 W36653 SADDLE RIDGE DR	EAGLE	WI	53119-0000
/CL 00103	ROGER L BARRETT	SHELLI L BARRETT	277 S JANESVILLE ST	WHITEWATER	WI	53190-0000

**CITY OF WHITEWATER
PETITION FOR CHANGE OR AMENDMENT OF ZONING**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

PROCEDURE

1. File the Petition with the City Clerk. Filed on 5-12-14.
2. Class 2 Notices published in Official Newspaper on 5-22-14 & 5-29-14
3. Notices of Public Hearing mailed to property owners on 5-27-14
4. Plan Commission holds PUBLIC HEARING on 6-9-14.
They will hear comments of the Petitioner and comments of property owners. Comments may be made either in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision on the recommendation they will make to the City Council.
6. City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change.

7. The Ordinance is effective upon passage and publication as provided by law.

PLEASE COMPLETE THE FOLLOWING APPLICATION. If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: John Tincher Phone # 920-723-0354
Applicant's Address: 532 W Main Whitewater WI 5519.

Owner of Site, according to current property tax records (as of the date of the application):
Russ & Courtney Walker

Street address of Property: 268 S Prairie
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Legal Description
Com Se Cor Lot 7 BLK 4 Chapman & Ludington Add., W 77', N 59.5', W 25', N 59.5', E To Ne Cor Lot 8, S To Pob. Chapman & Ludingtons Add City Of Whitewater Per Doc. #479463

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)
Name of Individual: _____ Name of Firm: _____
Office Address: _____ Phone: _____
Name of Contractor: _____
Has either the applicant or the owner had any variances issued to them on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with:

EXISTING AND PROPOSED USES:
Current Zoning District or Ordinance to be Amended:
R-2
Proposed Zoning District or Ordinance
R-2 A
Zoning District in which Property is located: R-2
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details. Computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

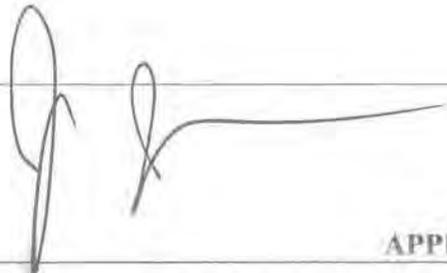
STANDARD	APPLICANT'S EXPLANATION
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	yes
B. The Proposed development will be consistent with the adopted city master plan;	yes
C. The proposed development will be compatible with and preserve the important natural features of the site;	yes
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	yes IT WILL NOT create A NUISANCE

STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	It will not
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	yes they are
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	This is not a landmark
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	It will not There will not be any changes to the exterior of the home only doors installed on bedrooms for 6 tenants

CONDITIONS

The city of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).

[Empty box for conditions]



Applicant's Signature

Date *5-12-14*

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City *5-12-14*

Receipt No. *6.01137*

Received by *J. Wegner*

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties:

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Public Hearing: Recommendation Not Recommended by Plan & Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

To be filled out by the Applicant/Property Owner

Applicant's Information:

Name of Applicant:

John Tincher

Applicant's Mailing Address:

532 W Main

Whitewater WI 53190

Applicant's Phone Number:

920-723-0354

Applicant's Email Address:

John.Tincher@TincherRealty.com

Project Information:

Name/Description of Development:

Address of Development Site:

268 S Prairie St

Tax Key Number(s) of Site:

/CL 00064

Property Owner Information (if different from applicant):

Name of Property Owner:

Russ & Courtney Walker

Property Owner's Mailing Address:

268 S Prairie St

Whitewater WI 53190

Section B: Applicant/Property Owner Cost Obligations

To be filled out by the City's Neighborhood Services Director

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

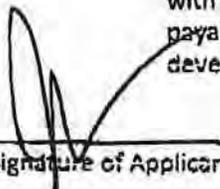
- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost.....\$ _____
- C. Total Cost Expected of Applicant (A+B).....\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

To be filled out by the Applicant and Property Owner

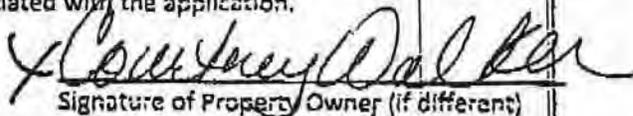
The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.



 Signature of Applicant/Petitioner
 Jon Tincher

 Printed Name of Applicant/Petitioner
 5-12-14

 Date of Signature



 Signature of Property Owner (if different)
 Courtney Walker

 Printed Name of Property Owner (if different)
 5-12-14

 Date of Signature

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission
 From: Mike Slavney, FAICP, Consulting City Planner
 Date: 3 June 2014
 Re: **Item # 7** Proposed Conditional Use Permit to Enable Up to Six Unrelated Persons in a Residence at 268 S. Prairie Street (Tax ID# /CL 00064) for (per Section 19.19) Russell and Courtney Walker.

Summary of Request		
Requested Approvals:	Conditional Use to Enable Up to Six Unrelated Residents	
Location:	268 South Prairie Street	
Current Land Use:	5 or 6-Bedroom Single Family Detached Dwelling Unit	
Proposed Land Use:	Same, but with up to 6 unrelated individuals (up from 3)	
Current Zoning:	R-2 One and Two Family Residential	
Proposed Zoning:	R-2A Overlay District over the Current R-2 Zoning District	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding Zoning and Current Land Uses:		
	North:	
	R-2 Two-Family	
West:	Subject Property	East:
R-2 Single-Family		R-2 Two-Family
	South:	
	R-2 Single-Family	

Description of the Proposal:

This proposal involves a request to approve a Conditional Use Permit to increase the number of permitted unrelated individuals in a non-family household from three to six. No other requirements of the existing R-2 Residential Zoning District are affected.

The existing dwelling is a large home, with three bedrooms on the second floor, and two bedrooms on the first floor, plus a pocket door dividing the living room from a potential extra bedroom in what was once likely the formal entry parlor. The proposed modifications under the Conditional Use Permit would be minimal:

First Floor: Close of the pocket door. Add a closet to two bedrooms.

Other Floors: No changes.

Site Work: No changes.

The provided drawings indicate that a concrete pad area is available to park 6 vehicles. Two of these parking spaces are tandem – being located behind the other four. This will create complications if the 6 tenants have more than 4 passenger vehicles.

The Plan Commission holds the public hearing on a Conditional Use Permit, and makes the final determination of approval, approval with conditions, or denial.

PLANNER’S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Conditional Use Permit to Enable Up to Six Unrelated Persons in a Residence at 268 S. Prairie Street; subject to the recommendations and findings presented below:

Suggested Conditions of Approval:

1. Provide for six on-site parking spaces in a paved parking lot in which no parking space is “parked in” by another vehicle. Said parking lot should take access via a standard paved residential driveway in a location from the corner that is acceptable to the Director of Public Works;
2. Bring the exterior of all buildings on the site into full conformance with the Building Code and the City’s Property Maintenance Code; and,
3. Any other conditions identified by City Staff or the Plan Commission.

Suggested Findings are presented on the following page.

SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050).

Analysis of Proposed Conditional Use Permit for: 268 South Prairie Street		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	This project will involve no exterior building modifications and maintains the number of bedrooms currently in the dwelling.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	All utilities are adequate. The required formal parking lot will address traffic concerns.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	No exemptions or variances are being requested.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposal does not change the single-family use of the property.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use and density requirements of the R-2A District and the Comprehensive Plan.



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
 and Building Inspections*

www.whitewater-wi.gov
 Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

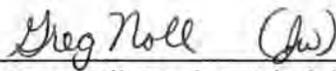
TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 9th day of June 2014 at 6:00 p.m. to hold a public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 268 S. Prairie Street for Russ and Courtney Walker.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



 Greg Noll, Zoning Administrator



Neighborhood Services Department
Planning, Zoning, GIS, Code Enforcement
and Building Inspections

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 268 Sparie
Owner's Name: Russ & Courtney Walker
Applicant's Name: John Tinch
Mailing Address: 532 W Main W
Phone #: 262-473-4175 Email: John.Tinch@TinchRealty.com
Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions):

Existing and Proposed Uses:

Current Use of Property:

Zoning District: R-2

Proposed Use: R-2A

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4)** full size, **Twenty (20)** 11x17, and **1 Electronic Copy** (include color where possible) site plan copies, drawn to scale and dimensioned.

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	It will Not
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	yes
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	yes
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	<p>yes - There will ^{will} Not Be Any changes to The Exterior of This Home only Interior Bed Room Doors For 6 Tenants</p>

**Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature:

Date:

Printed:

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. \$100.00 fee filed on 5-12-14. Received by: Dwegner Receipt #: 6.011137
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 5-29-14.
- 3) Notices of the Public Hearing mailed to property owners on 5-27-14.
- 4) Plan Commission holds the PUBLIC HEARING on 6-9-14. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

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Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

John Tincher

Applicant's Mailing Address:

532 W Main

Whitewater WI 53190

Applicant's Phone Number:

920-723-0354

Applicant's Email Address:

John.Tincher@TincherRealty.com

Project Information:

Name/Description of Development:

Address of Development Site:

268 S Prairie St

Tax Key Number(s) of Site:

/ CL 00064

Property Owner Information (if different from applicant):

Name of Property Owner:

Russ & Courtney Walker

Property Owner's Mailing Address:

268 S Prairie St

Whitewater WI 53190

Section B: Applicant/Property Owner Cost Obligations

To be filled out by the City's Neighborhood Services Director

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

To be filled out by the Applicant and Property Owner

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Signature of Applicant/Petitioner

Jon Tinsche
Printed Name of Applicant/Petitioner

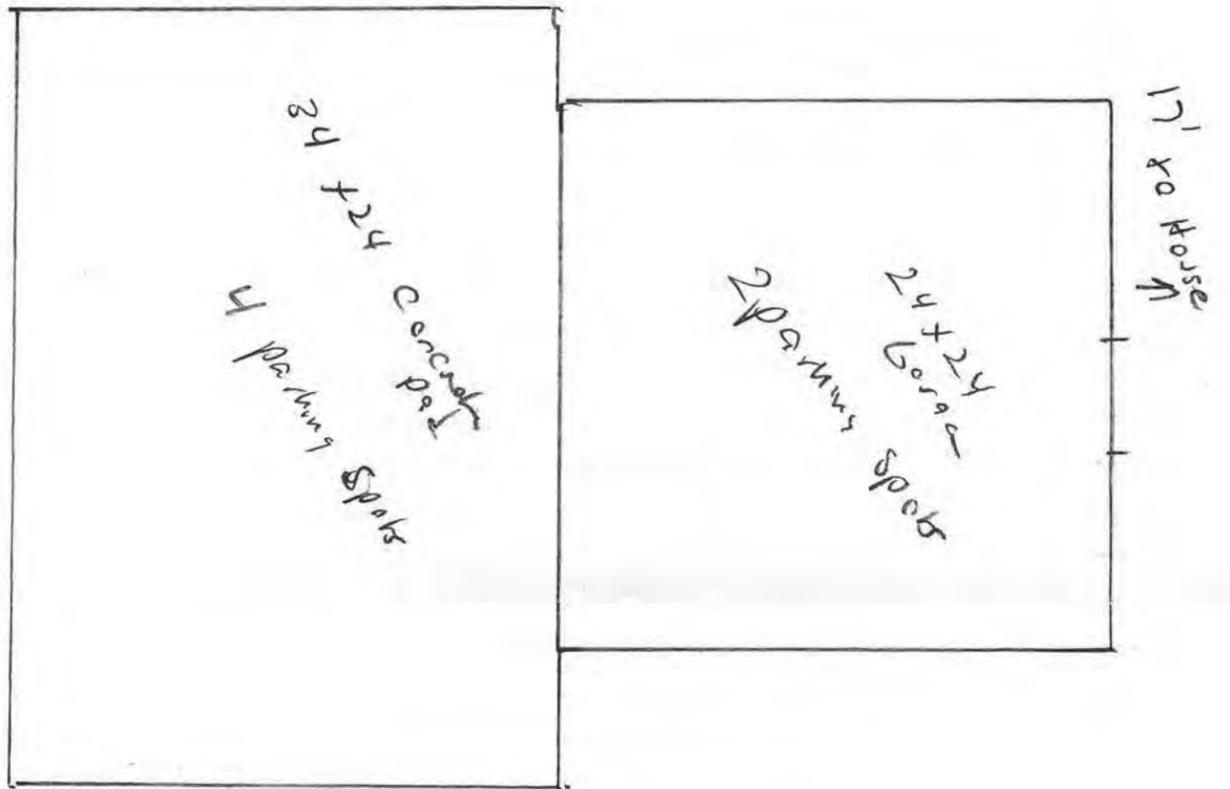
5-12-14
Date of Signature

Signature of Property Owner (if different)

Courtney Walker
Printed Name of Property Owner (if different)

5-12-14
Date of Signature

South

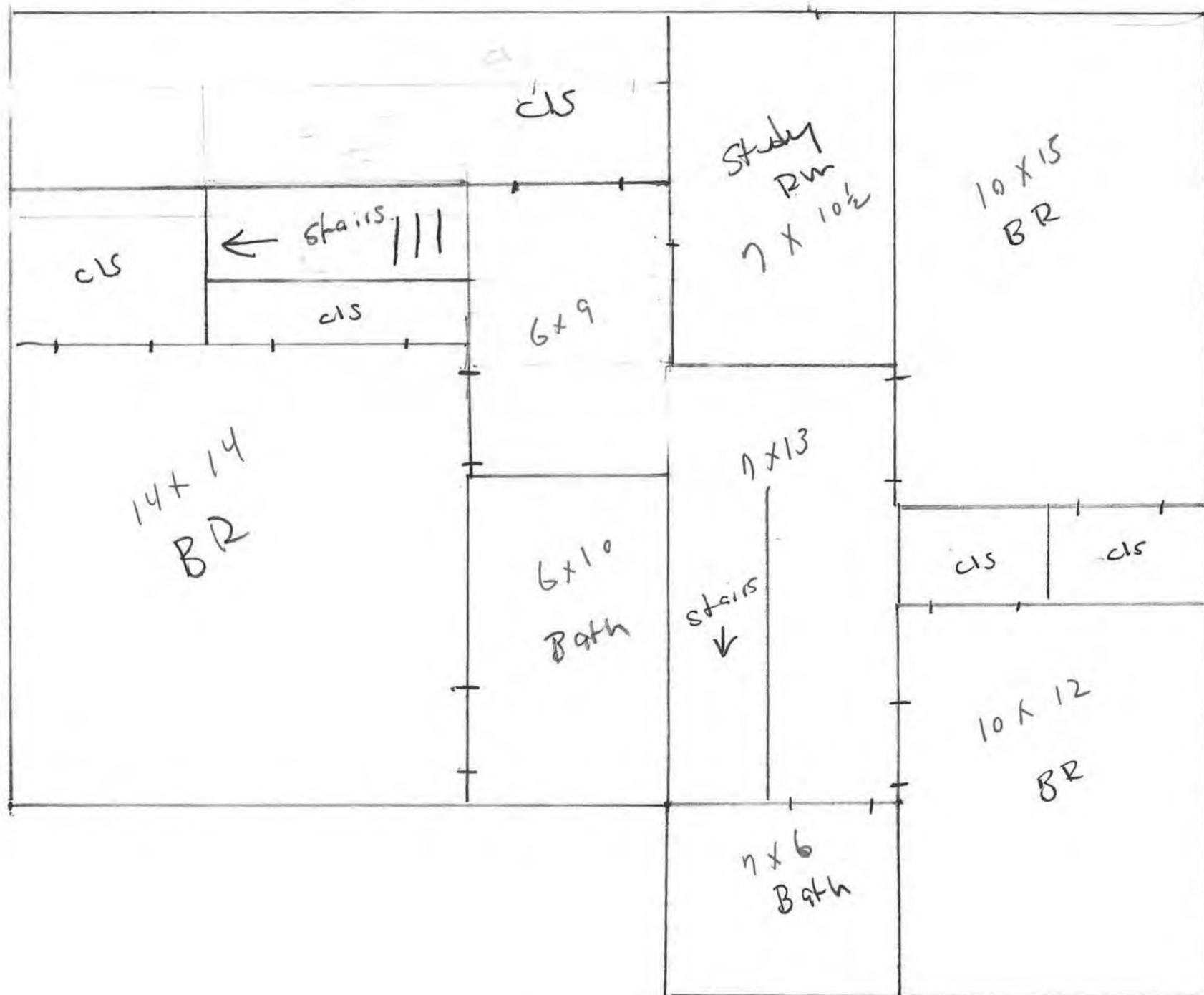


House to
S. Lehigh
1.3M



2nd Flr

No Changes
ON
2nd Flr



W



30' to hot bike

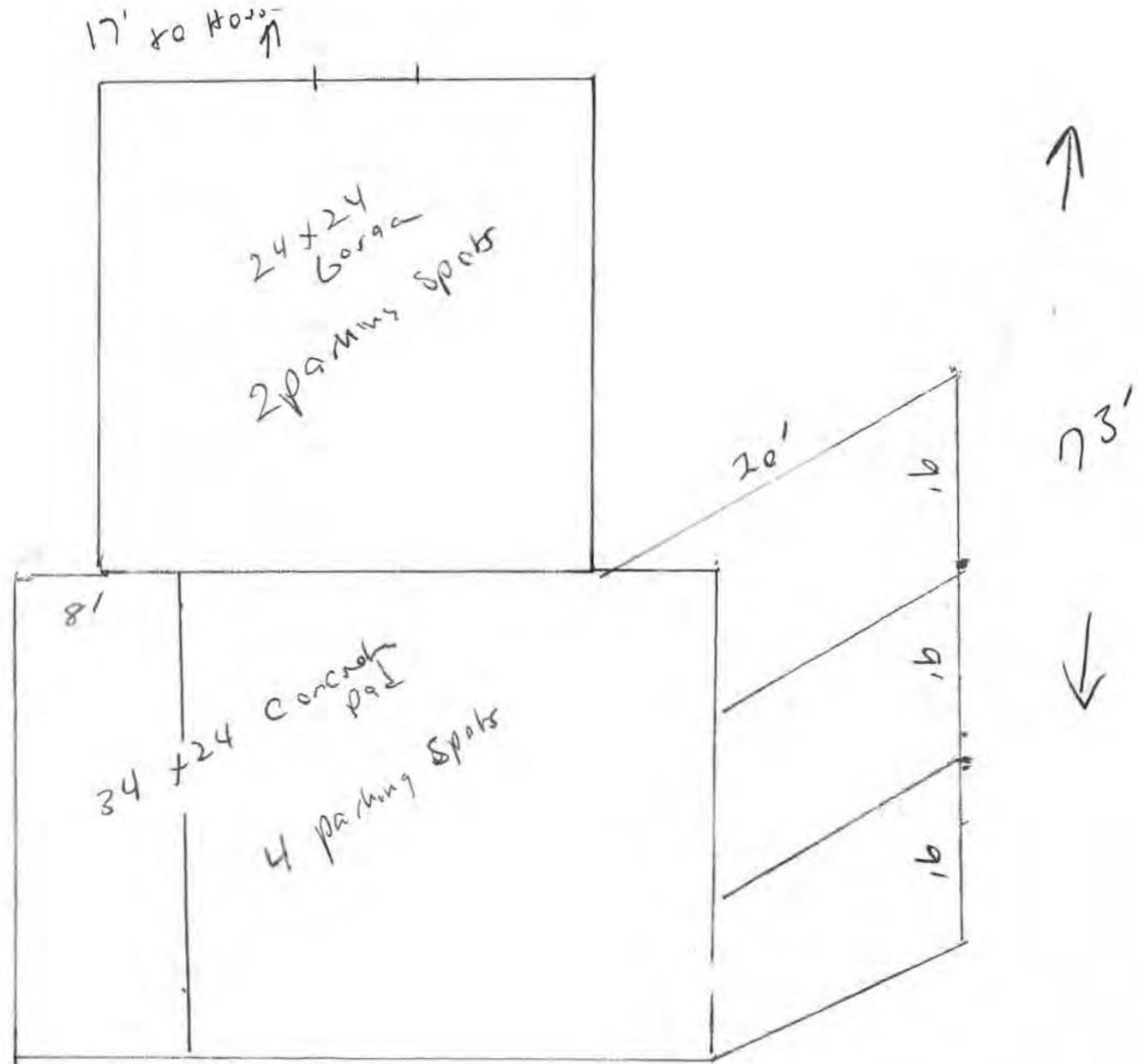


24x16
Deck

4x17

Porch
7 1/2 x 12

Kitchen
13 x 17



ORDINANCE NO. _____
AN ORDINANCE IMPOSING THE R-2A
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PRPERTY
IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overly District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
268 S. Prairie Street	/CL 00064

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

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

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **07/15/14**

ITEM: **727 W. Center Street Rezone Request**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED:

Included with this coversheet are the materials previously provided to the Plan and Architectural Review Commission for the Commission's July 14 meeting. The applicant is requesting an amendment to the Zoning Map which would add the R-2A Overlay District to the existing R-2 zoning for the property. Details related to the proposed addition of the R-2A Overlay District are provided in the planner's memo included with the materials for this item.

Also included for information purposes only is the request made to the Plan and Architectural Review Commission at the July 14 meeting for the granting of a conditional use permit to enable occupancy of up to seven (7) unrelated individuals in a residence.

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):

Draft Ordinance

Planners Report

Application Materials

Materials for the CUP Request (FYI Only)

FOR MORE INFORMATION CONTACT:

Cameron Clapper, cclapper@whitewater-wi.gov, 262-473-0100.

To: City of Whitewater Plan and Architectural Review Commission
 From: Mike Slavney, FAICP, Consulting City Planner
 Date: 8 June 2014
 Re: **Item #7** Proposed Zoning Map Amendment to Impose the R-2A Residential Overlay District Zoning Classification per Section 19.19 at 727 W. Center Street (Tax ID# /CL 00027) for Anne and Ben McCready.

Summary of Request		
Requested Approvals:	Zoning Map Amendment to Add the R-2A Overlay District	
Location:	727 W. Center Street	
Current Land Use:	5-Bedroom Single Family Detached Dwelling Unit	
Proposed Land Use:	Same, but with up to 7 unrelated individuals (up from 3)	
Current Zoning:	R-2 One and Two Family Residential	
Proposed Zoning:	R-2A Overlay District over the Current R-2 Zoning District	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding <i>Zoning</i> and Current Land Uses:		
	North:	
	R-3 Single-Family	
West:	Subject Property	East:
R-2 Single-Family		R-2 Single-Family
	South:	
	R-2 Single-Family	

Description of the Proposal:

This proposal involves a request to amend the Zoning Map to add the R-2A Residential Overlay zoning district to the existing R-2 zoning district for a home at 727 W. Center Street.

The R-2A Residential Overlay district is established by Chapter 19.19 of the Zoning Ordinance. Adopting the R-2A Residential Overlay district enables the consideration of a Conditional Use Permit, which if approved, would increase the number of permitted unrelated individuals in a non-family household from three to seven. Occupancy by more than five unrelated individuals requires both a conditional use permit and documentation that the property meets the State of Wisconsin Rental Unit Efficiency Standards, which is further described in Subsection 19.19.030.

No other requirements of the existing R-2 Residential Zoning District are affected.

Current Zoning:	R-2 One and Two Family Residence
Proposed Zoning:	R-2A Overlay District

The Plan Commission holds the public hearing on a Zoning Map Amendment request, and forwards a recommendation to the Common Council.

PLANNER’S RECOMMENDATIONS:

The existing dwelling is a large home, with three bedrooms on the second floor, and two bedrooms on the first floor. There is a two-car garage at the south side of the property, which is connected to a paved driveway that is 33 feet wide and 21 feet deep. There is also a curb cut from the previous driveway, taking access to South Cottage Street.

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Zoning Map Amendment to add the R-2A overlay zoning district to the subject property, subject to the finding presented below.

SUGGESTED FINDING TO BE MADE BY THE PLAN COMMISSION

Zoning Map Amendments and other changes to the Zoning Ordinance are addressed by Chapter 19.69.

Subsection 19.69.010 enables the Plan Commission to review and recommend, and the City Council to consider, amendments to zoning district boundaries whenever the public necessity, general welfare or good zoning practice are accomplished.

I note that the subject property is within an area identified as potentially appropriate for the R-2A Overlay Zoning District. The size of the existing dwelling, and the fact that no exterior building modifications are being proposed, further indicates the suitability of this building for the proposed R-2A District.

I further note that granting this request for the subject property is consistent with the public necessity and general welfare of the community.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
727 W. Center Street	CL 00027	Benjamin McCready, Anne McCready

NOTICE IS FURTHER GIVEN that the Plan Commission of the City of Whitewater will hold a public hearing in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, on Monday, July 14, 2014, at 6:00 p.m. to hear any person for or against said change. Opinions for or against said change may also be filed in writing.

The proposal is on file in the office of the Zoning Administrator, 312 W. Whitewater Street, and may be viewed during office hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

Michele Smith, City Clerk

Dated: June 16, 2014

Publish: in "Whitewater Register"
on June 19, 2014, and June 26, 2014

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: BENJAMIN & ANNE MCCREADY
Applicant's Address: 727 W. CENTER ST.
WHITEWATER Phone # 262 473 0922

Owner of Site, according to current property tax records (as of the date of the application):
BEN & ANNE MCCREADY

Street address of property: 727 W. CENTER ST.

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: _____
Name of Firm: _____
Office Address: _____
Phone: _____

Name of Contractor: _____

Has either the applicant or the owner had any variances issued to them, on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Current Zoning District or Ordinance to be Amended:
CURRENT - R2

Proposed Zoning District or Ordinance
R2-A OVERLAY

Zoning District in which property is located: R-2

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located: _____

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	YES
B. The proposed development will be consistent with the adopted city master plan;	<u>YES!</u>
C. The proposed development will be compatible with and preserve the important natural features of the site;	<u>YES!</u>
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	IT WILL NOT.

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p>IT WILL NOT.</p>
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	<p>YES.</p>
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	<p>NA</p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p>IT WILL NOT.</p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).


Applicant's Signature

6/11/14
Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City 6-11-14 Receipt No. 6.011217
Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 7-1-14
Date set for public review before Plan & Architectural Review Board: 7-14-14

ACTION TAKEN:

Public Hearing: _____ Recommendation _____ Not Recommended by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.

6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

BEN & ANNE MCCREADY

Applicant's Mailing Address:

727 W. CENTER ST.

WHITEWATER

Applicant's Phone Number:

262 473 0922

Applicant's Email Address:

mccready@idcnet.com

Project Information:

Name/Description of Development:

Address of Development Site: 727 W. CENTER ST.

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner's Mailing Address: _____

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application Fee.....\$ _____

B. Expected Planning Consultant Review Cost\$ _____

C. Total Cost Expected of Applicant (A+B)\$ _____

D. 25% of Total Cost, Due at Time of Application.....\$ _____

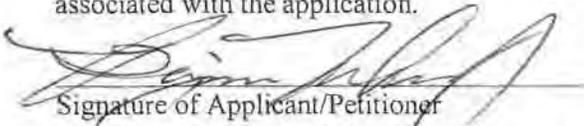
E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.


Signature of Applicant/Petitioner

BENJAMIN MCCREADY
Printed Name of Applicant/Petitioner

6/11/14
Date of Signature

Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

Date of Signature

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission
 From: Mike Slavney, FAICP, Consulting City Planner
 Date: 8 June 2014
 Re: **Item #8** Proposed Conditional Use Permit to Enable Up to Seven Unrelated Persons in a Residence (per Section 19.19) at 727 W. Center Street (Tax ID# /CL 00027) for Anne and Ben McCready.

Summary of Request		
Requested Approvals:	Conditional Use to Enable Up to Seven Unrelated Residents	
Location:	727 W. Center Street	
Current Land Use:	5-Bedroom Single Family Detached Dwelling Unit	
Proposed Land Use:	7-Bedroom Single Family Detached Dwelling Unit, with up to 7 unrelated individuals	
Current Zoning:	R-2 One and Two Family Residential	
Proposed Zoning:	R-2A Overlay District over the Current R-2 Zoning District	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding Zoning and Current Land Uses:		
	North:	
	R-3 Single-Family	
West:	Subject Property	East:
R-2 Single-Family		R-2 Single-Family
	South:	
	R-2 Single-Family	

Description of the Proposal:

This proposal involves a request to approve a Conditional Use Permit to convert two large common rooms on the second floor to bedrooms, and to increase the number of permitted unrelated individuals in a non-family household from three to seven. Additional on-site parking spaces are also requested.

The existing dwelling is a large home with three bedrooms on the second floor, and two bedrooms on the first floor. There is a two-car garage at the south side of the property, which is connected to a paved driveway that is 33 feet wide and 21 feet deep. There is also a curb cut from the previous driveway, taking access from S. Cottage Street. The proposed modifications under the Conditional Use Permit include:

First Floor: Add a closet to each of the two bedrooms.

Second Floor: Convert the two large central rooms into two additional bedrooms and provide a closet for all five bedrooms on the second floor. Wall-off balconies on east and west sides of the floor plan.

Site Work: Allow for seven parking spaces in a combination acceptable to the Plan Commission.

In order to provide the proposed seven bedrooms with one parking space per bedroom, it is necessary to provide parking in the existing paved area and it is necessary to create a new parking area.

I have worked with the applicant to develop a site plan and seven legal parking spaces. There are several ways to park legally on the site. As this is a Conditional Use Permit, the Plan Commission can recommend that one or more of these options may be used.

There are three options for providing parking using the existing paved area taking access from S. Cottage Street:

Option 1, 3 parking spaces: Provide 3 parking spaces in the existing driveway, with no changes to the site or additional pavement modification.

Option 2, 5 parking spaces: In addition to Option 1, provide 2 (tandem) parking spaces in the existing garage.

Option 3, 4 parking spaces: Demolish the existing garage and expand the current driveway (widen from 24' to 33' and deepen from 21' feet to 33') to provide 4 parking spaces. The driveway will need to be flared so that the driveway opening does not exceed 24 feet in width at the right-of-way, and the driveway opening will need to be shifted a few feet to the north.

There are two options for providing parking by creating a new paved area taking access from W. Center Street:

Option A, 3 parking spaces: Provide 3 parking spaces in a new driveway (measuring 24' wide and 18' deep) in the front yard (on Center Street), on the northeast part of the lot.

Option B, 4 parking spaces: Provide 4 parking spaces in a new parking lot in the front yard (on Center Street), on the northeast part of the lot, measuring 33' wide and 33' deep. The driveway will need to be flared so that the driveway opening does not exceed 24 feet in width at the right-of-way.

I have determined that all of these options fit in their proposed locations and comply with all of the requirements of the zoning district.

The Plan Commission holds the public hearing on a Conditional Use Permit, and makes the final determination of approval, approval with conditions, or denial.

PLANNER’S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Conditional Use Permit to Enable Up to Seven Unrelated Persons in a Residence at 727 W. Center Street; subject to the recommendations and findings and conditions presented below:

Suggested Conditions of Approval:

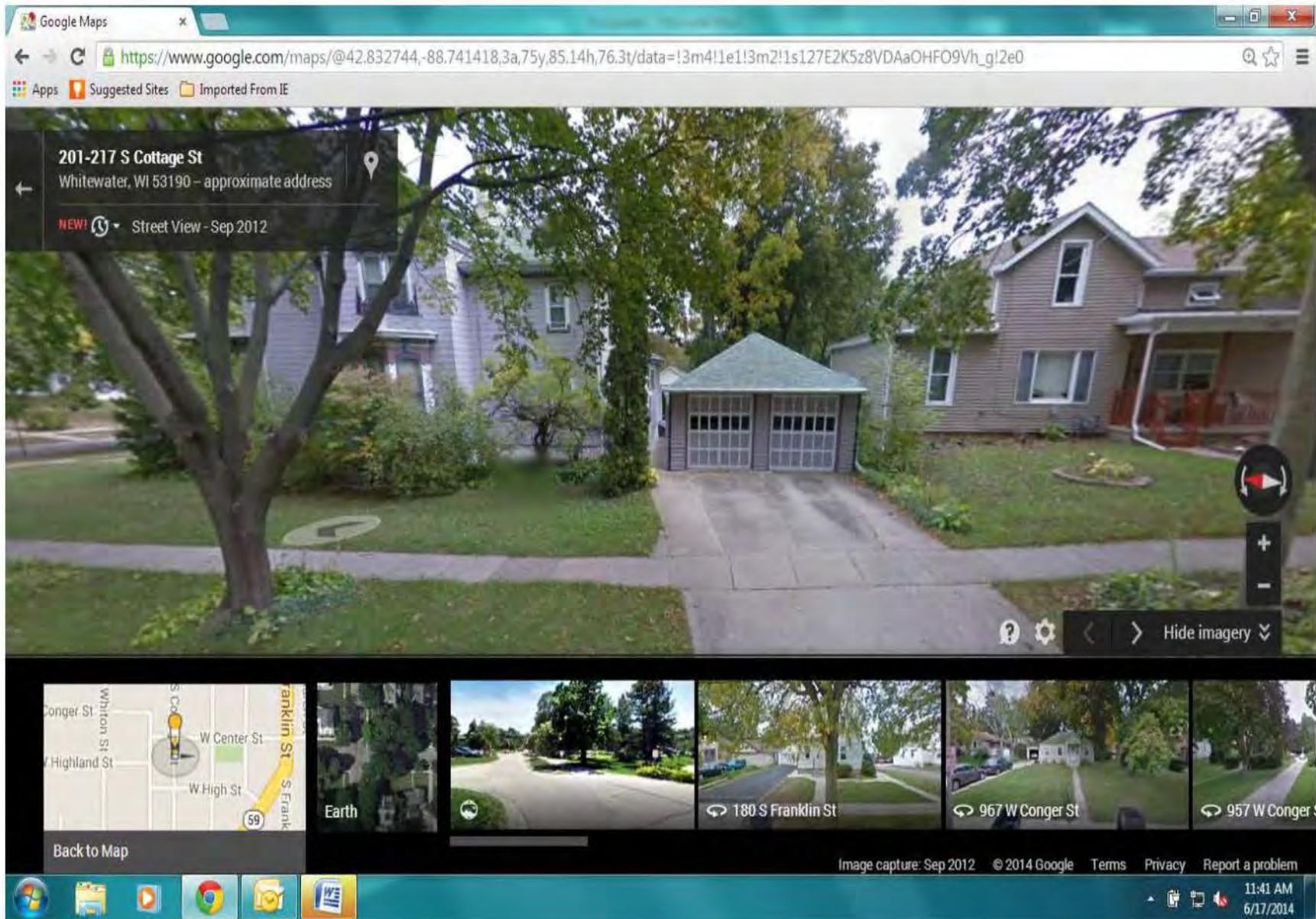
1. Provide for on-site parking as recommended by the Plan Commission. Specifically, the Plan Commission recommends the following arrangement of parking spaces:
 - a. On South Cottage Street: *(Plan Commission to select)*
 - b. On West Center Street: *(Plan Commission to select)*
2. Provide an Updated Site Plan that accurately depicts the following:
 - a. All property lines;
 - b. The building footprint;
 - c. The location of all current paved areas and accessory structures including the garage and deck; and
 - d. The location of all proposed paved areas and the delineation of parking spaces.
 - e. The Site Plan shall be subject to final approval by City Staff prior to the commencement of any site work.
3. Bring the buildings on the site into full conformance with the Building Code and the City’s Property Maintenance Code; and,
4. Any other conditions identified by City Staff or the Plan Commission.

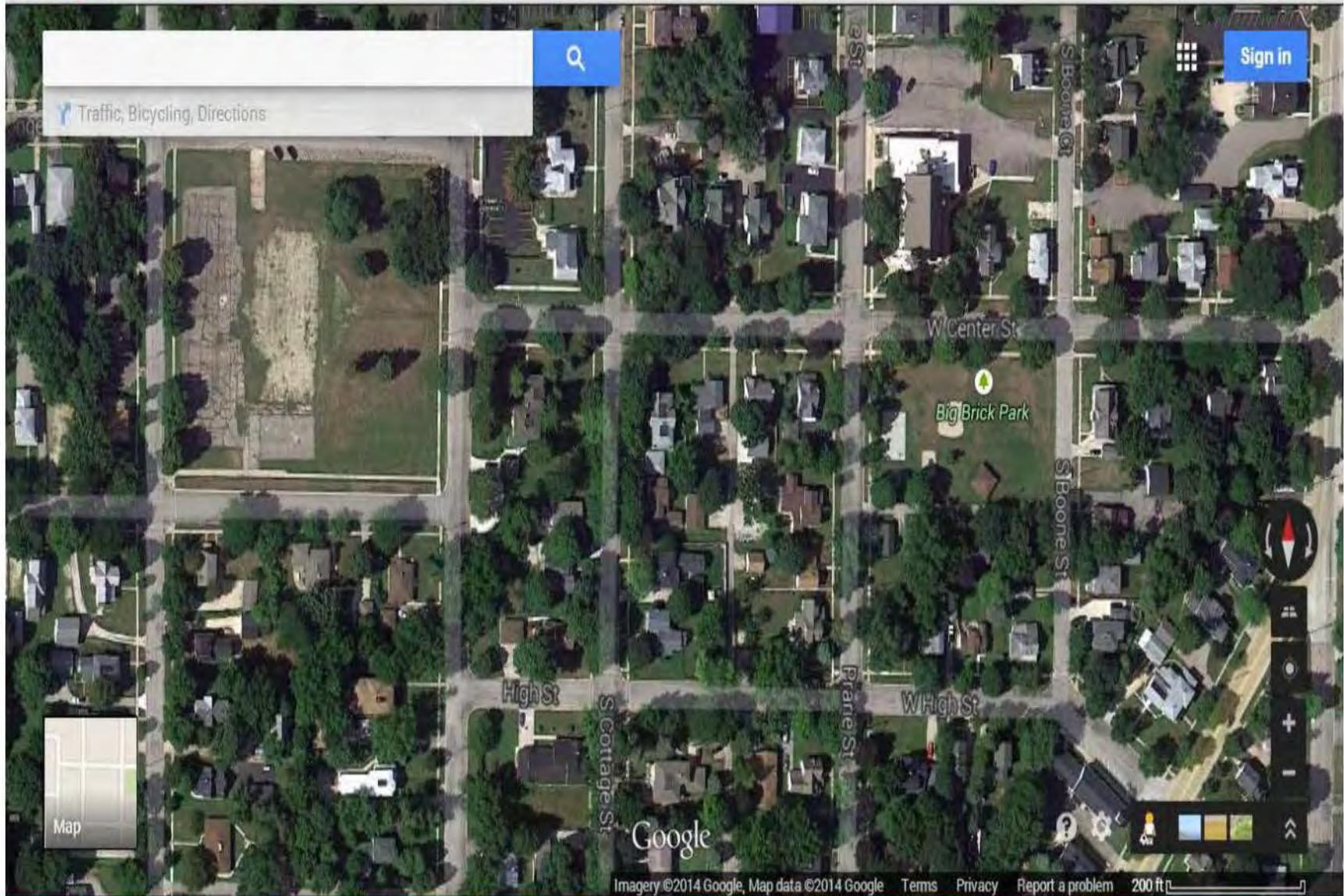
Suggested Findings are presented on the following page.

SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050).

Analysis of Proposed Conditional Use Permit for: 727 W. Center Street		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	The proposed land use is similar to surrounding land uses.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	The proposed parking areas meet the requirements of the zoning code. No changes are proposed to utilities, access roads, drainage, or landscaping.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	All regulations are complied with, and no exemptions or variances are being requested.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Possibly	The Comprehensive Plan recommends the site for the preservation of single-family housing, but the Plan allows for other housing types as well.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use and density requirements of the R-2A Overlay Zoning District and the Comprehensive Plan.





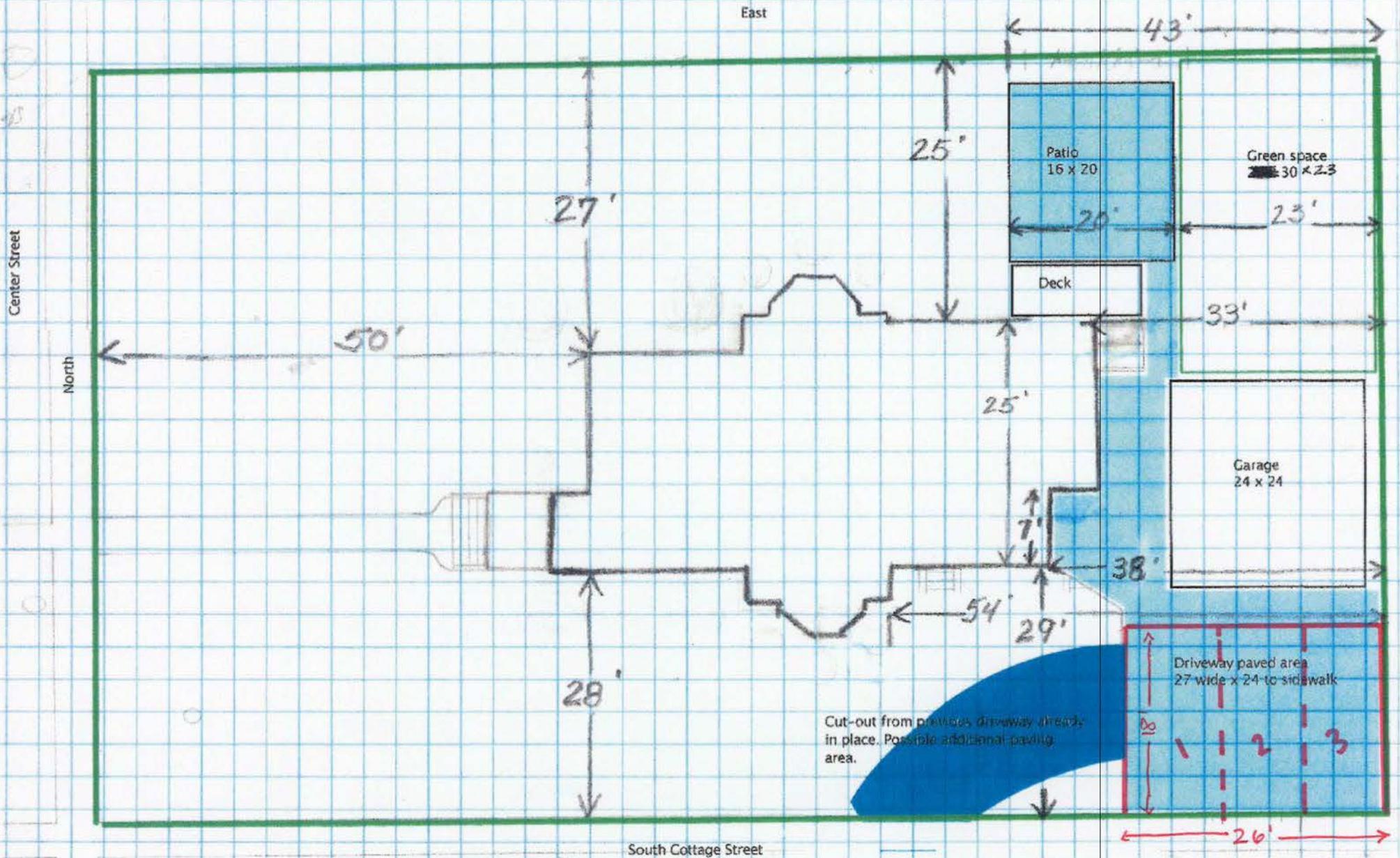
Scale: 1:3.3 feet

Lot size 76 x 134 = 10,184 square feet
(78 feet along south lot line)

Original house plan outlines
Lot line angles outward slightly to the back of the lot line

McCready House and Lot 727 W. Center St.

Option 1



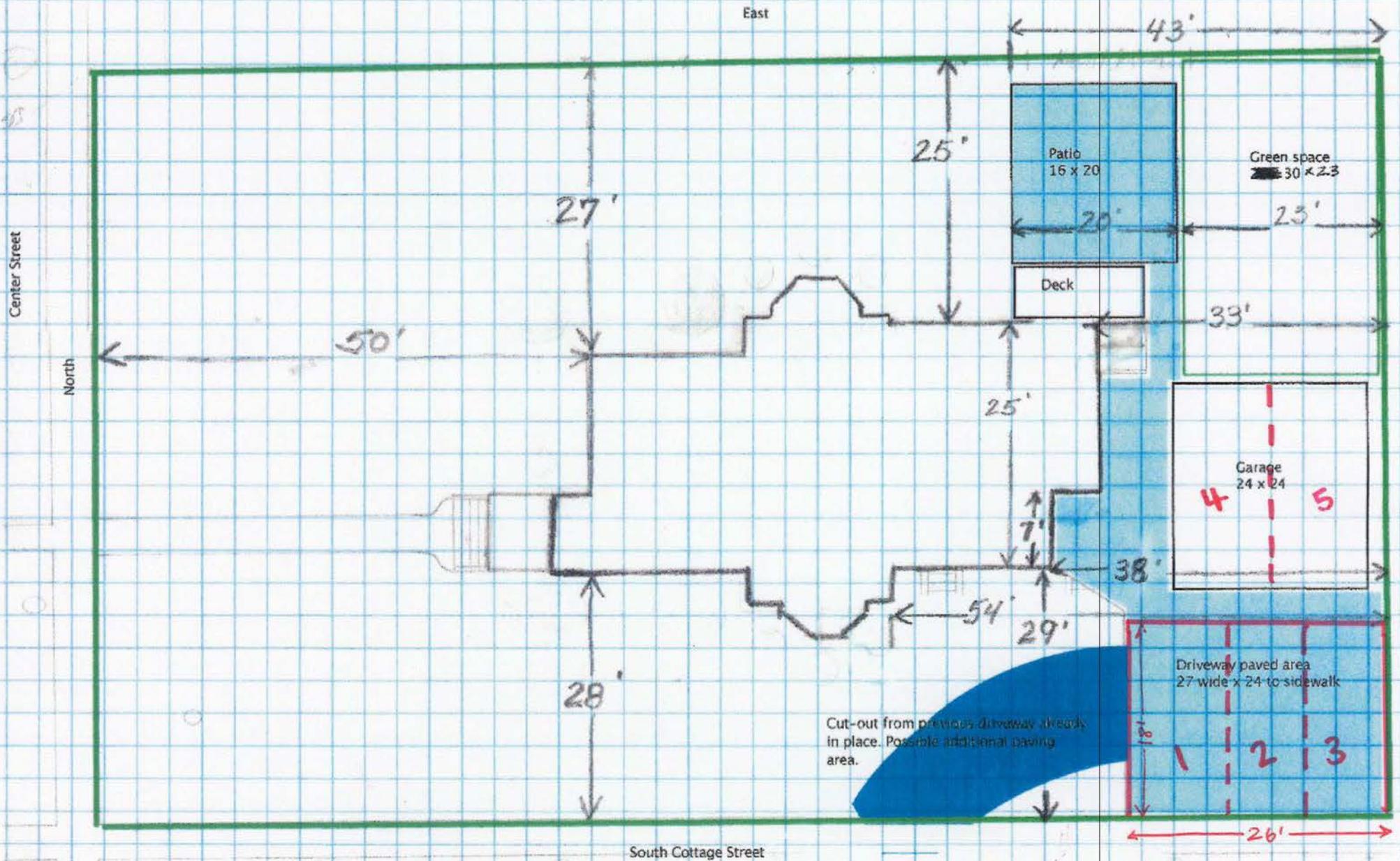
Scale: 1:3.3 feet

Lot size $76 \times 134 = 10,184$ square feet
(78 feet along south lot line)

Original house plan outlines
Lot line angles outward slightly to the back of the lot line

McCready House and Lot 727 W. Center St.

Option 2



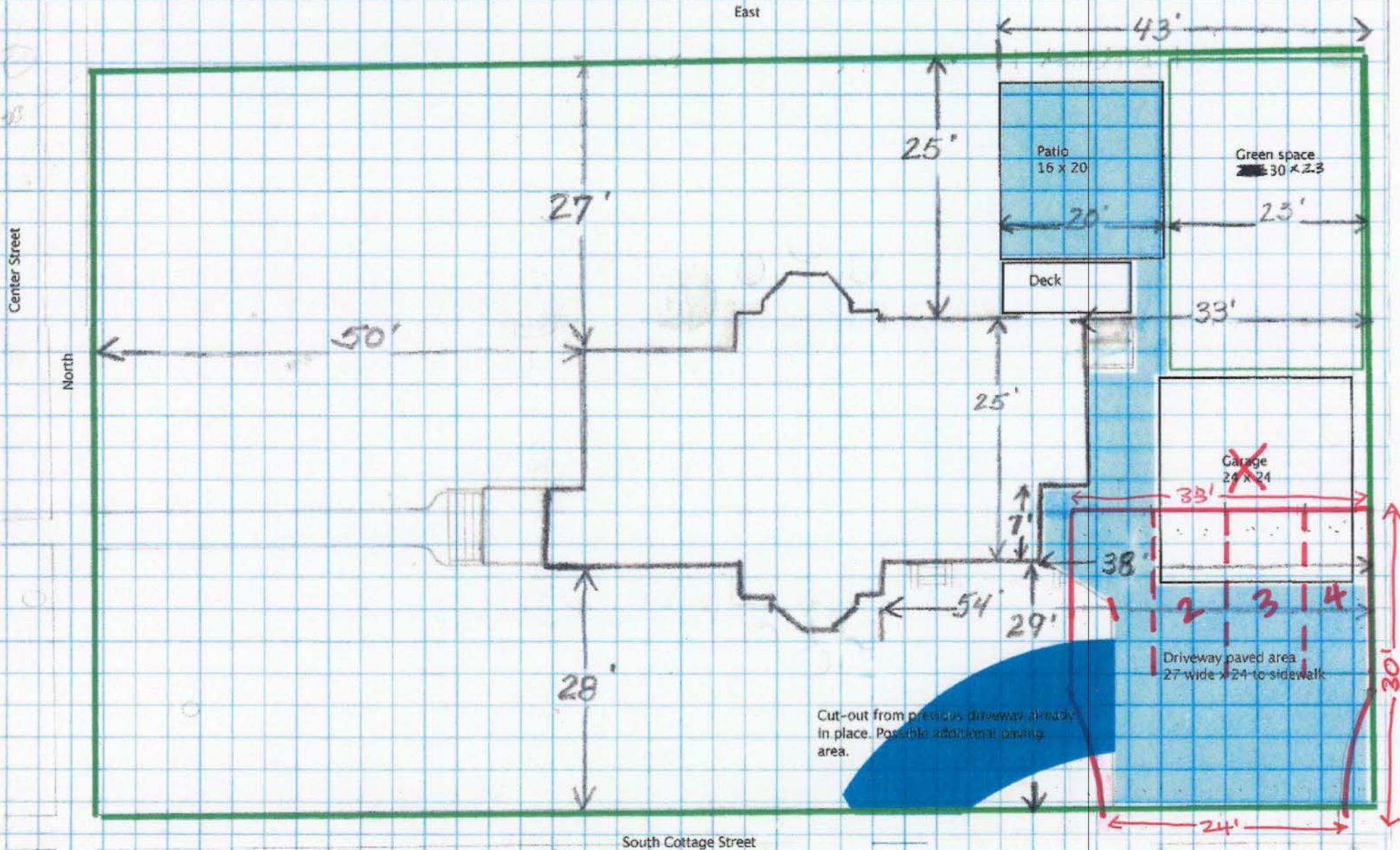
Scale: 1:3.3 feet

Lot size 76 x 134 = 10,184 square feet
(78 feet along south lot line)

Original house plan outlines
Lot line angles outward slightly to the back of the lot line

McCready House and Lot 727 W. Center St.

Option 3



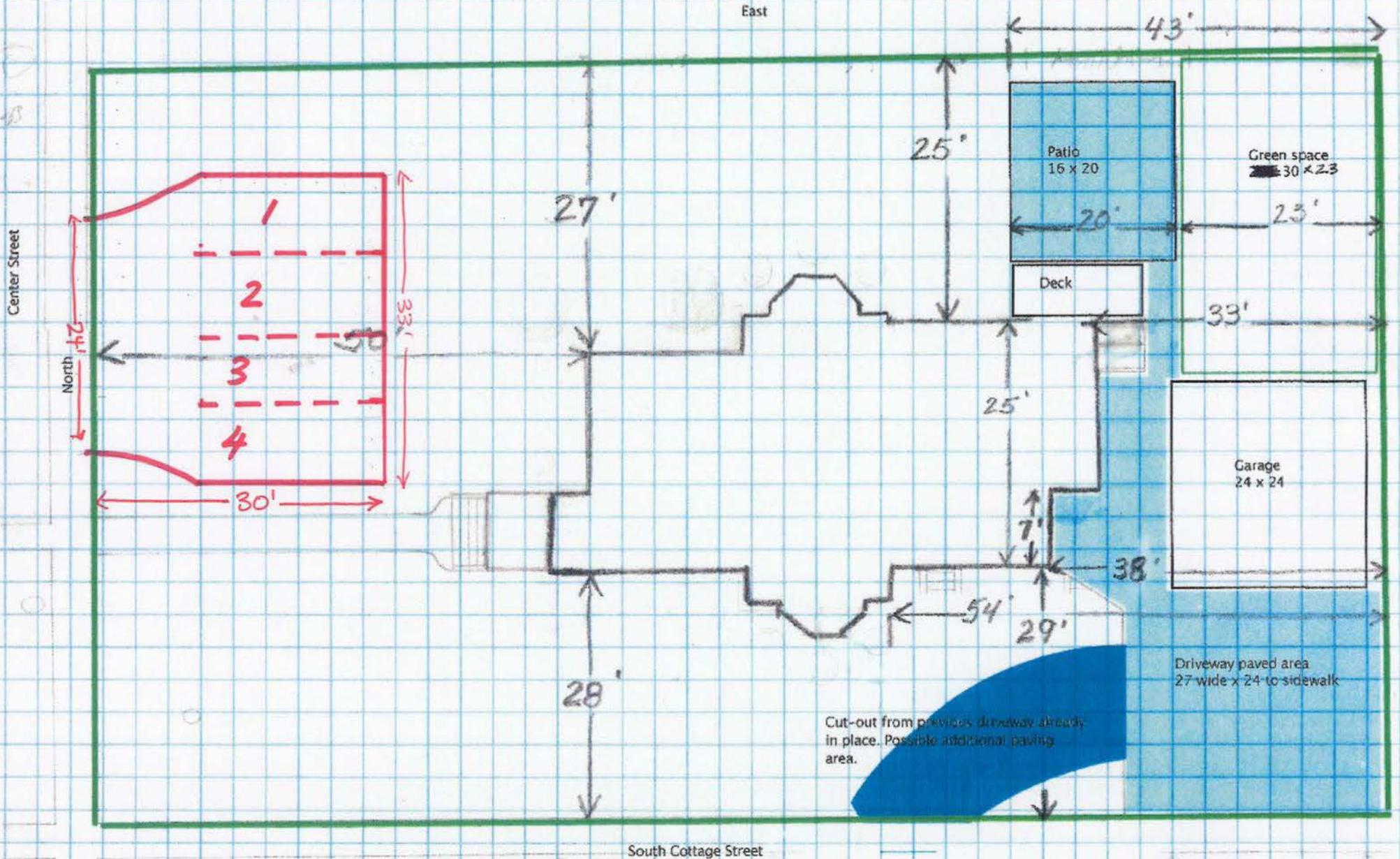
Scale: 1:3.3 feet

Lot size $76 \times 134 = 10,184$ square feet
(78 feet along south lot line)

Original house plan outlines
Lot line angles outward slightly to the back of the lot line

McCready House and Lot 727 W. Center St.

Option B



Cut-out from previous driveway already in place. Possible additional paving area.

8



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

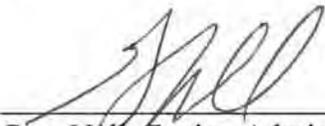
TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 14th day of July 2014 at 6:00 p.m. to hold a public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 7 unrelated persons to live in the house located at 727 W. Center Street for Benjamin and Anne McCready.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



Greg Noll, Zoning Administrator

TaxKey	Owner1	Owner2	Address1	Address2	City	State	Zip
/A 55600001	KARL N OLSON	JANET E OLSON	651 DARCY LN		WHITEWATER	WI	53190-0000
/BIR 00001A	WHITON HIGHLAND RENTALS LLC		W9597 BREIDSAN HILL DR		WHITEWATER	WI	53190-0000
/CL 00010	FIRST UNITED METHODIST CHURCH		145 S. PRAIRIE ST		WHITEWATER	WI	53190-0000
/CL 00014	MAIN STREET WHITEWATER LLC		W9597 BREIDSAN HILLS DR		WHITEWATER	WI	53190-0000
/CL 00015	FRED M CERKONEY	SUSAN L CERKONEY	724 W. CENTER ST		WHITEWATER	WI	53190-0000
/CL 00015A	FRED M CERKONEY	SUSAN L CERKONEY	724 W CENTER ST		WHITEWATER	WI	53190-0000
/CL 00016	718 CENTER LLC		7330 E SCHMIDT RD		FORT ATKINSON	WI	53538-0000
/CL 00017	JAMES D UHRICH	BRADLEY D LOWREY	7330 E SCHMIDT RD		FORT ATKINSON	WI	53538-0000
/CL 00018	KACHEL 150 SOUTH PRAIRIE, LLC		PO BOX 239		WHITEWATER	WI	53190-0000
/CL 00019	DLK ENTERPRISES INC		PO BOX 239		WHITEWATER	WI	53190-0000
/CL 00020	DLK 136 SOUTH COTTAGE LLC		PO BOX 239		WHITEWATER	WI	53190-0000
/CL 00021	DLK 148 SOUTH COTTAGE LLC		PO BOX 239		WHITEWATER	WI	53190-0000
/CL 00022	DLK 158 SOUTH COTTAGE LLC		PO BOX 239		WHITEWATER	WI	53190-0000
/CL 00023	JAMES STEWART TRUST	CLAIRE SWART TRUST	745 W CENTER ST		WHITEWATER	WI	53190-0000
/CL 00024	LADWIG & VOS INC		140 LONGMEADOW DR		BURLINGTON	WI	53105-0000
/CL 00025	LADWIG & VOS INC		140 LONGMEADOW DR		BURLINGTON	WI	53105-0000
/CL 00026	THOMAS L DRUCKER	LIZABETH BRANDT	230 S COTTAGE ST		WHITEWATER	WI	53190-0000
/CL 00027	BENJAMIN MCCREADY	ANNE GRAY MCCREADY	727 W CENTER ST		WHITEWATER	WI	53190-0000
/CL 00027A	BRENDA J SCHUMACHER		719 W CENTER ST		WHITEWATER	WI	53190-0000
/CL 00028	TERRI JO BARRETT		217 S COTTAGE ST		WHITEWATER	WI	53190-0000
/CL 00029	MICHAEL P CIARDO	PATTI J CIARDO	221 S COTTAGE ST		WHITEWATER	WI	53190-0000
/CL 00030	ROBERT A JANKE		229 COTTAGE ST		WHITEWATER	WI	53190-0000
/CL 00031	LADWIG & VOS INC		140 LONGMEADOW DR		BURLINGTON	WI	53105-0000
/CL 00031A	RAYMOND L KRAMER		224 S PRAIRIE ST		WHITEWATER	WI	53190-0000
/CL 00032	D&R PARTNERSHIP LLC		PO BOX 266	W8619 WILLIS RAY RD	WHITEWATER	WI	53190-0000
/CL 00033	DONALD R GASTROW	DIANE K STREHLOW	2006 CATALINA PL		MARSHALLTOWN	IA	50158-0000
/CL 00034	CAMDEN MANAGEMENT LLC		408 PANTHER CT		WHITEWATER	WI	53190-0000
/CL 00035	JT SCHOOL DIST #1 CITY OF WHITEWATER		PO		WHITEWATER	WI	53190-0000
/CL 00036	KEVIN SPRY	JUDITH K SPRY	233 S PRAIRIE ST		WHITEWATER	WI	53190-0000
/CL 00063A	LINDGREN TRUST		245 S COTTAGE ST		WHITEWATER	WI	53190-0000
/CL 00067	KELLY M S STRAIT		244 S COTTAGE ST		WHITEWATER	WI	53190-0000
/WUP 00228	WARHAWK REAL ESTATE FOUNDATION		800 W MAIN ST		WHITEWATER	WI	53190-0000



Neighborhood Services Department
Planning, Zoning, GIS, Code Enforcement
and Building Inspections

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 727 W. CENTER ST. WHITEWATER
Owner's Name: BEN & ANNE MCCREADY
Applicant's Name: SAME (BEN & ANNE)
Mailing Address: 727 W. CENTER ST.
Phone #: 262 473 0922 Email: mccready@idcnet.com
Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

Existing and Proposed Uses:

Current Use of Property: SINGLE FAMILY
Zoning District: R-2
Proposed Use: R-2A OVERLAY (7 OCCUPANTS)

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	IT WILL NOT. IN FACT, IT WILL BE MORE IN KEEPING WITH THE NEIGHBORHOOD
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	ALREADY EXIST.
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	YES.
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	<u>YES!</u>

**Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: 
 Printed: BEN MCCREEDY

Date: 6/11/14

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on 6-11-14. Received by: J. Wegner Receipt #: 6.011217
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on July 3, 2014.
- 3) Notices of the Public Hearing mailed to property owners on July 1, 2014
- 4) Plan Commission holds the PUBLIC HEARING on July 14, 2014. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Tips for Minimizing Your Development Review Costs: A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

****Note:** The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant: BEN & ANNE MCCREADY

Applicant's Mailing Address: 727 W. CENTER ST.
WHITEWATER WI 53190

Applicant's Phone Number: 262 473 0922

Applicant's Email Address: mccready@idcnet.com

Project Information:

Name/Description of Development: _____

Address of Development Site: _____

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner's Mailing Address: _____

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the Neighborhood Services Department -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____

E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant’s costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant’s proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

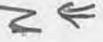

 Signature of Applicant/Petitioner
BENJAMIN MCCREADY
 Printed Name of Applicant/Petitioner
 6/11/14
 Date of Signature

 Signature of Property Owner (if different)

 Printed Name of Property Owner (if different)

 Date of Signature

8/1/2014



14 x 15
Bedroom

Closet

13 x 15
Dining Room

18 x 12
Kitchen

Closet

18 x 12
Bedroom

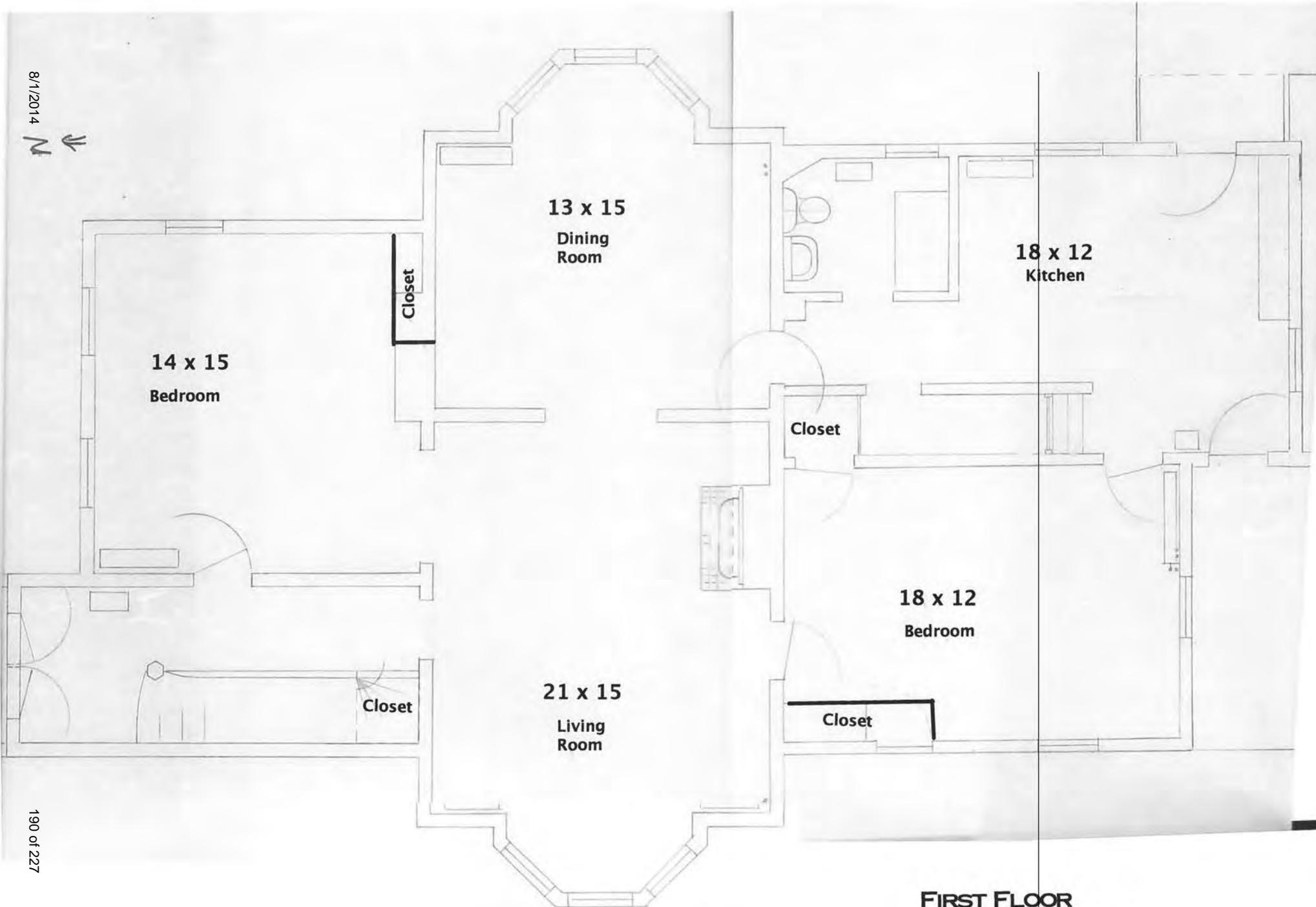
Closet

21 x 15
Living Room

Closet

190 of 227

FIRST FLOOR
727 W. CENTER ST.





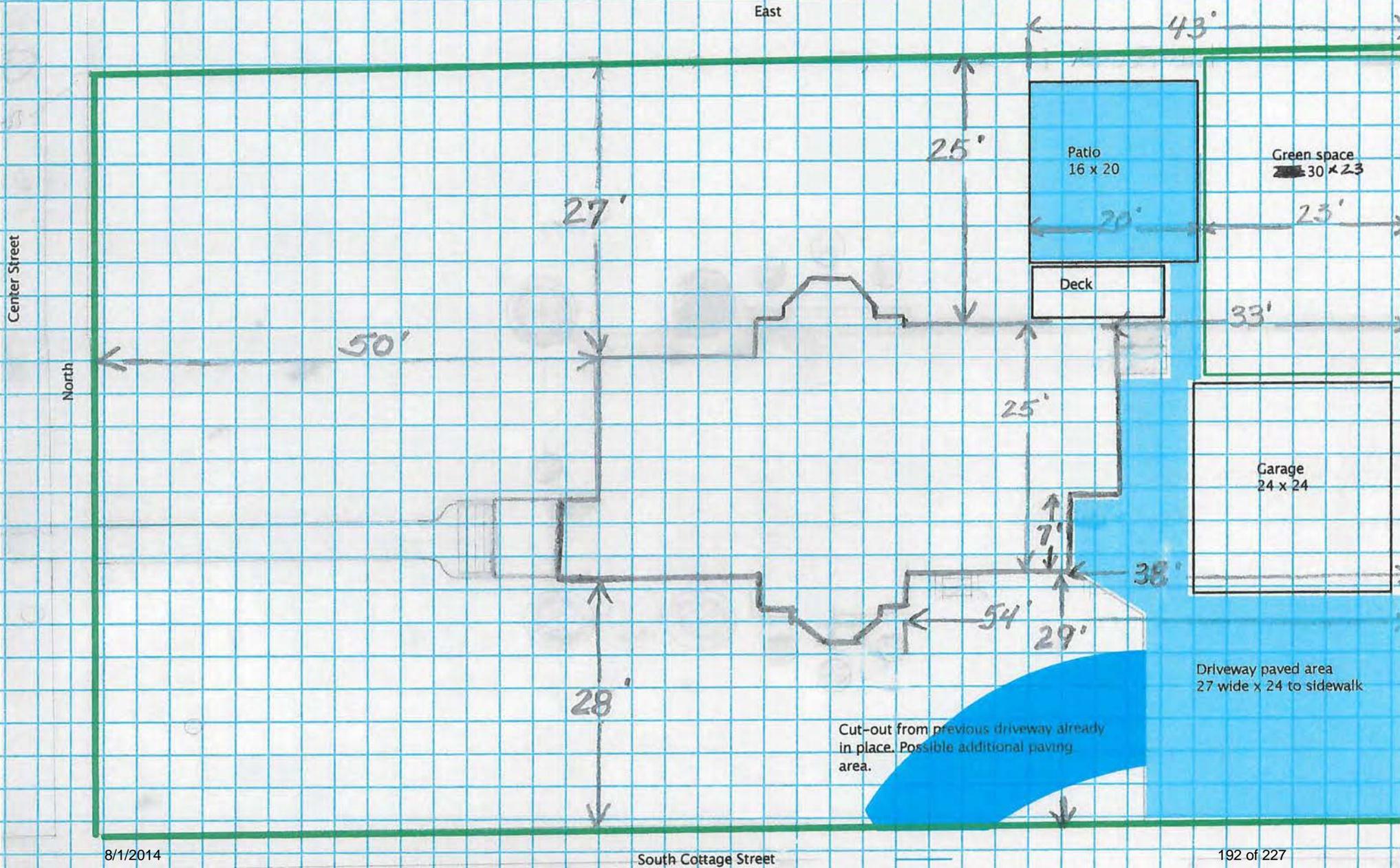
**SECOND FLOOR
727 W. CENTER ST.**

Scale: 1:3.3 feet

Lot size 76 x 134 = 10,184 square feet
(78 feet along south lot line)

Original house plan outlines
Lot line angles outward slightly to the back of the lot line

McCready House and Lot 727 W. Center St.



MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission
From: Mike Slavney, FAICP, Consulting City Planner
Date: 8 July 2014
Re: **Item #9** Conditional Use Permit Amendment at 523 N. Tratt Street

Description of the Proposal:

On September 9, 2013, the Plan Commission reviewed and recommended the approval of a conditional use permit to build a two-story duplex on a vacant lot located at 523 North Tratt Street. This request was approved by the Common Council. The Statement of Use dated June 16, 2014, provided by the applicant, explains the project well. The application includes updated to-scale floor plans, updated building elevations, an updated site plan, as well as the originally approved site plan.

The applicant seeks to change the design of the duplex from a two-story building to a split-level ranch style building.

PLANNER'S RECOMMENDATIONS:

The proposed site plan has been reviewed and recommended for approval by City Staff.

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed site plan.

ORDINANCE NO. _____
AN ORDINANCE IMPOSING THE R-2A
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PRPERTY
IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overly District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
727 W. Center Street	/CL 00027

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

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

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 19.25.050
NON-CONFORMING USE AND REGISTRATION IN
THE R-O OVERLAY DISTRICT

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

Section 1: Whitewater Municipal Code Chapter 19.25, Section 19.25.050 Non-conforming use and registration, is hereby amended to read as follows:

19.25.050 Non-conforming use ~~and registration.~~

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

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

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

**In re the Matter of the Application
for a Class B Beer and Liquor License:**

of

**ROBERT SWEET, d/b/a THE DOWNSTAIRS
SPORTS BAR**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

The above matter having come on for hearing before the City of Whitewater Alcohol Licensing Review Committee on July 22, 2014, at 6:00 P.M.; the City of Whitewater Police Department appeared by Captain Brian Uhl; the applicant, Robert Sweet, d/b/a The Downstairs Sports Bar, having appeared by representative Robert Sweet; and the Alcohol License Committee members Patrick Singer, Stephanie Abbott, and Sarah Bregant having convened for said hearing; the Committee having heard the testimony of the witnesses and received exhibits.

NOW, THEREFORE, we, the members of the Alcohol Licensing Committee, hereby make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That an application for a new Class B Beer and Liquor License having been filed by Robert Sweet, d/b/a The Downstairs Sports Bar, 204 West Main Street, City of Whitewater, Walworth Co., WI; and
2. Pertinent records of the appropriate local and state agencies have been searched as of this date, and the attached information was found.
3. The Whitewater Police Department recommends denial of the license.
4. The applicant has an extensive history of alcohol related violations.
5. That the standards set forth in Whitewater Ordinance No. 5.20.027 (attached) have been considered.
6. The applicant's establishment will not likely provide a substantial positive economic impact on the City as is sought under Whitewater Ordinance No. 5.20.027.

RECOMMENDATION

Based upon the above Findings of Fact and Conclusions of Law, the City of Whitewater Alcohol Licensing Committee makes the following recommendation:

1. That the City Council deny the issuance of a Class B Beer and Liquor License to Robert Sweet, d/b/a The Downstairs Sports Bar .

Dated this _____ day of July, 2014.

Stephanie Abbott, Chairman
Alcohol Licensing Committee
City of Whitewater, Wisconsin

MEMORANDUM

TO: Michele Smith, City Clerk

FROM: Lisa K. Otterbacher, Chief of Police

DATE: July 22, 2014

REF: ALCOHOL BEVERAGE LICENSE APPLICATION
Ly Brewery
204 West Main Street
Agent: Robert A Sweet

Effective July 22, 2014, the following information is being supplied on an official basis concerning the license application of the above named party. Only that information which would bear upon this application is recorded. Traffic Violations are excluded.

Pertinent records of the appropriate local and state agencies have been searched as of this date with the following results:

Whitewater Police Department

03/10/12 Licensee Responsible for Actions of Employees - Underage Person on Premises
02/04/12 Licensee Responsible for Actions of Employees - Underage Person on Premises
06/03/11 Licensee Responsible for Actions of Employees - Underage Person on Premises
05/27/11 Licensee Responsible for Actions of Employees - Underage Person on Premises
05/27/11 Licensee Responsible for Actions of Employees - Underage Person on Premises
05/27/11 Licensee Responsible for Actions of Employees - Underage Person on Premises
05/27/11 Licensee Responsible for Actions of Employees - Underage Person on Premises
09/19/10 Licensee Responsible for Actions of Employees - Underage Person on Premises
08/25/10 Licensee Responsible for Actions of Employees - Furnish Alcohol to Underage Persons
02/19/07 Tavern Selling Alcohol to Intoxicated Person
02/09/06 Operating While Under the Influence
02/09/06 Illegal Blood Alcohol Concentration
07/12/04 Disorderly Conduct - Objectionable Conduct
07/12/04 Operating While Under the Influence
07/12/04 Illegal Blood Alcohol Concentration
04/28/00 Licensee Responsible for Actions of Employees - Underage Person on Premises
02/26/00 Licensee Responsible for Actions of Employees - Underage Person on Premises
02/26/00 Licensee Responsible for Actions of Employees - Underage Person on Premises
06/11/98 Operating While Under the Influence
06/11/98 Illegal Blood Alcohol Concentration

LKO/cas

(Ord. 1177 §1, 1990; Ord. 1135 §3, 1985; Ord. 1035 §2(part), 1984).

5.20.027 Licensing standards for considering new alcohol license applications.

- A. Alcohol License Review Committee Review. All new (as opposed to renewal) applications for open "Class A" sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and open "Class B" sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the alcohol license review committee (at times hereafter referred to as the ALRC) before the application is acted upon by the common council. The ALRC shall recommend that the council grant, deny, or grant with conditions each license. The common council shall consider the recommendation of the ALRC when considering license applications. The term "open" in this subsection shall mean an application for a license that has not been issued for at least twenty-four hours, and therefore is an open and available license. This section is not intended to apply when a license holder surrenders a license pursuant to a contract to transfer the business associated with the license, and the same license is issued immediately to the purchasing party.
- B. Staff input. The ALRC and the common council shall consider the below listed factors in reviewing and judging the adequacy of applications. Appropriate city staff shall review the application in the context of these factors and report to the committee. The city staff may include the city manager, the police department, the fire department, the community development authority, the city clerk's office, the city attorney's office, the neighborhood services director's office, the department of public works office, and any other staff as deemed necessary or desirable. It shall not be required that all of the foregoing participate in any particular recommendation, rather it is the intent that the make-up of the staff involved be flexible to meet the needs of each particular situation.
- C. Factors to be considered. The ALRC in making its recommendation, and the council in making its decision, shall consider the following factors:

1. Factors to be considered for reviewing new license applications:
 - a. Economic development considerations. The council finds that while all of the factors listed below are important considerations in licensing issuance decisions, economic development consideration should be a primary factor in the decision. In considering the economic development impact of an application, the ALRC and the council will favor license applications that support important additional desirable development, such as businesses that provide high quality employment opportunities, businesses that provide attractive entertainment opportunities, or establishments that feature high quality restaurants.

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

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

- b. Character of applicant, agent, managerial personnel, and owners.
 - c. Experience of applicant and manager in operating a licensed establishment.
 - d. History of applicant and manager in operation of licensed establishments.
 - e. History of premises.
 - f. Design, type, and size of the proposed establishment.
 - g. Proximity to other licensed establishments.
 - h. Proximity to residential buildings or areas.
 - i. Ability of police department to ensure public safety at this location.
 - j. Condition of building/premises.
 - k. Compatibility of proposed use with the surrounding neighborhood.
 - l. Zoning and land use considerations.
 - m. Likely impact on property values.
 - n. Any other relevant considerations.
- D. Ranking applications. When deciding between applications, those applications which best meet the listed factors shall be judged as superior to other applications. If there are multiple applications pending for licenses, whether the licenses are available or not, the timing of the filing of the application shall not create any preference. If more than one license application is pending for any particular license, the alcohol licensing committee shall recommend which application, if any, in order of priority, should be granted.

(Ord. No. 1726A, § 1, 4-21-2009; Ord. No. 1762A, § 1, 4-20-2010)

5.20.031 Non-alcohol events—Underaged persons.

Final

<

IN RE THE "CLASS B" ALCOHOL LICENSE OF THE DOWNSTAIRS SPORTS BAR
LLC, ROBERT A. SWEET, AGENT, FOR 204 WEST MAIN STREET

AGREEMENT

04-11-12 - 9:00 a.m. Draft

WHEREAS, Robert A. Sweet, the agent for the Downstairs Sports Bar LLC, located at 204 West Main Street, City of Whitewater, Walworth County, State of Wisconsin, has been issued 7 citations charging that underage persons were allowed on the premises on 4 separate dates; and

WHEREAS, Robert A. Sweet has agreed to plead no contest to 5 of said citations; and

WHEREAS, the Chief of Police of the City of Whitewater and the City Attorney of the City of Whitewater intended to bring forward a request to the Common Council to suspend, revoke, or non-renew said license; and

WHEREAS, the City Attorney and the attorney for Robert A. Sweet entered into negotiations concerning license action and have reached an agreement concerning license action, subject to the approval of the Common Council of the City of Whitewater.

Now, therefore, **IT IS HEREBY AGREED** as follows:

1. Downstairs Sports Bar LLC, "Class B" beer and liquor alcohol license for the premises located at 204 West Main Street in the City of Whitewater shall be suspended for the month of June 2012, and shall not be renewed for the months of July and August, 2012.

2. The "Class B" license for said premises shall, when granted, be issued with the following conditions:

- a. Digital video cameras will be mounted so as to cover the entire premises with monitors located in the office and images will be stored for at least 30 days and will be made available upon request to the Whitewater Police Department.
- b. Licensee, its agents and employees may not sell, dispense or give away alcohol to any person who is under the influence of alcohol beverages as that term is defined in sec. 346.63(1)(a), Wis. Stats., nor shall such a person be permitted to be on the premises.
- c. Licensee will produce written training and policy manuals. These documents will include, but not be limited to: liquor laws; guidance on determining when a person is under the influence of alcohol as defined in sec. 346.63(1)(a), Wis. Stats., and the refusal to serve or allow such person on the premises; guidance on when to call the police; procedures and responsibilities assigned to create a "no drugs" atmosphere; specific training on determining a patron's age; and specific policies and procedures to be used in allowing patrons entrance into any part of the licensed establishment.
- d. Prior to hiring any bartender or bouncer, Licensee shall check the CCAP record of that person including case detail available on CCAP and shall inform the police chief or designee of the full name and date of birth of the prospective employee and the potential of hiring that person, the purpose of which is to allow the police department to share any potential concerns with Licensee regarding law enforcement information that may have a bearing upon employment suitability.
- e. At all times when open for business, Licensee shall require every patron entering the premises, who appears to be under the age of 30, to show an official identification card and to swipe such card through an electronic device whose purpose is to determine whether the identification card is valid and that the person presenting the card is of legal drinking age. The information on said device shall be stored for at least 30 days and will be made available upon request to the Whitewater Police Department.

2. The alcohol license is eligible to be issued on September 1, 2012, and shall be issued on that date, but only if the premises passes a Police Department inspection that verifies that all of the items required by the above conditions have been installed or implemented.

3. This agreement does not prohibit the establishment from being open during the months of June, July and August for non-alcohol related business.

Wallace K. McDonell 4-12-12

Wallace K. McDonell, City Attorney Date
(State Bar No. 01008713)

DOWNSTAIRS SPORTS BAR LLC

Robert A. Sweet for Robert Sweet 4-12-12
Robert A. Sweet, Agent Date

MURPHY DESMOND S.C.,
Attorneys for the Downstairs Sports Bar LLC

By: Richard Petri 4-12-12
Richard Petri Date
(State Bar No. 1012373)

THE ABOVE AGREEMENT HAS BEEN REVIEWED BY THE ALCOHOL LICENSING COMMITTEE AND THE ALCOHOL LICENSING COMMITTEE RECOMMENDS:

- COMMON COUNCIL APPROVAL OF ABOVE AGREEMENT
- COMMON COUNCIL REJECTION OF ABOVE AGREEMENT

CITY OF WHITEWATER
ALCOHOL LICENSING COMMITTEE

By: [Signature] 4/17/12
Chairman Date

THE ABOVE AGREEMENT IS APPROVED BY THE COMMON COUNCIL OF THE CITY OF WHITEWATER ON APRIL 17, 2012, AND IS ADOPTED AS THE ACTION OF THE COMMON COUNCIL.

CITY OF WHITEWATER COMMON COUNCIL

By: [Signature] 4/17/12
Council President Date
By: Michele Smith 4-17-12
City Clerk Date

**In re the Matter of the Application
for a Class "B" Beer and Class C Wine License:**

of

**GARRETT W. WITTERHOLT, d/b/a
TACO FRESCO**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

The City of Whitewater Alcohol Licensing Review Committee having met on July 22, 2014, for the purpose of considering Garrett W. Witterholt's application for a Class "B" Beer and Class C Wine license; and the Committee having heard testimony and received information, and having been fully advised in the premises, hereby makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On December 15, 2012, the applicant, Garrett W. Witterholt, was found guilty of Underage Alcohol Consumption and Failure to Prevent Underage Alcohol Consumption, and a charge of Possession of Drug Paraphernalia was dismissed.
2. On July 24, 2012, the applicant, Garrett W. Witterholt, was found guilty of Furnish Alcohol to Underage Persons and Underage Consumption Alcohol Consumption.
3. The applicant's conduct has shown an inability to abide by City of Whitewater ordinances and State statutes, and he does not have the appropriate ability to handle the responsibility that the license requires.

RECOMMENDATION

Based upon the above and foregoing Findings of Fact and Conclusions of Law, it is hereby recommended that Garrett W. Witterholt, d/b/a Taco Fresco, be denied a Class "B" Beer and Class C Wine license in the City of Whitewater.

Dated this _____ day of July, 2014.

Committee Chairman
Alcohol Licensing Committee
City of Whitewater, Wisconsin

WHITEWATER POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Michelle Smith, City Clerk
FROM: Lisa K Otterbacher, Chief of Police
DATE: February 17, 2014
SUBJECT: Alcohol Beverage License Disapproval Memorandum
Garrett W Witterholt - Taco Fresco
CC:

Effective 02/17/2014, the following information is being supplied on an official basis concerning the Original Alcohol Beverage License application of Garrett W Witterholt. Pertinent records of the local and state agencies have been searched as of this date with the following results: (Only that information which would bear upon this application is recorded. Traffic violations are excluded.)

WHITEWATER POLICE DEPARTMENT

12/15/12 Possession of Drug Paraphernalia – Dismissed
12/15/12 Underage Alcohol Consumption – Guilty
12/15/12 Fail to Prevent Underage Alcohol Consumption – Guilty
07/24/12 Furnish Alcohol to Underage Persons – Guilty
07/24/12 Underage Consumption Alcohol Consumption – Guilty

It should be noted that Garrett W Witterholt was issue a Beverage Operator's license on July 16, 2014 for his employer, Gus' Pizza, and on July 24th he was arrested on that premise. The following is an excerpt from WPD Incident 20121702:

"On Tuesday, July 24, 2012 at about 4:12a.m., I, Officer Weston, responded to Gus's Pizza, 139 W. Center St., in regards to a noise complaint possibly involving the Juke box. Upon arrival, I found that the Juke box was on with loud music, and that three subjects were inside drinking beer and eating pizza, after hours. The subjects refused to answer the door and hid. A key holder responded, opened the door, and the three subjects were taken into custody. Subsequent an investigation, Garrett Witterholt was issued for furnishing alcohol to underage persons and underage alcohol consumption - on licensed premises... Witterholt was found to be a manager of Gus's Pizza..."

And then on December 15th of that same year, he was arrested at his residence for an underage alcohol party. The following is an excerpt from WPD Incident 20122981:

"On Saturday, December 15, 2012, at 1:40am, I, Officer Erickson, was dispatched to 329 W. Main St. for a report of loud music and voices. An underage alcohol party was broken up. The residents, Garrett W. Witterholt ... were cited for underage alcohol consumption. Witterholt was additionally cited for failing to prevent underage alcohol consumption and possession of drug paraphernalia."

WALWORTH COUNTY SHERIFF'S OFFICE

01/26/14 Disorderly Conduct – case still open

01/26/14 Simple Battery – case still open

Garrett W Witterholt failed to mention on his application that he was arrest on 01/26/14 by the Walworth County Sheriff's Office for Disorderly Conduct and Simple Battery.

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

Based on the above information, this licensee would not qualify for a license due to those arrests and/or convictions cited, which substantially relate to the circumstances of the particular job or licensed activity as required under Chapter 125. However, the council has the discretion whether or not to issue a license.

LKO/cas

In re the Matter of the Application
for a Beverage Operator's License:

of

TRICIA LYNN PELLERINO

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

The City of Whitewater Alcohol Licensing Review Committee having met on July 22, 2014, for the purpose of considering Tricia Lynn Pellerino's application for a beverage operator's license; and the Committee having heard testimony and received information, and having been fully advised in the premises, hereby makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On July 11, 2012, the applicant, Tricia Lynn Pellerino, was found guilty of Possess/Illegally Obtained Prescription, a misdemeanor, and another charge of Manufacture/Deliver Schedule I, II Narcotics, a felony, was dismissed.
2. The applicant has taken responsibility for her past violations and has been a law abiding citizen for two years.

RECOMMENDATION

Based upon the above and foregoing Findings of Fact and Conclusions of Law, it is hereby recommended that Tricia Lynn Pellerino be granted a beverage operator's license in the City of Whitewater.

Dated this _____ day of July, 2014.

Committee Chairman
Alcohol Licensing Committee
City of Whitewater, Wisconsin

PARCEL (4)

ADJUSTMENT

\$18,325

CORRELATION OF COMPENSATION DUE TO THE OWNER:

Before Value	\$1,955,600
After Value	<u>-\$1,937,175</u>
Total Loss in Value/Damages	\$ 18,425
Additional Compensation	<u>+\$ 2,850</u>
Total Compensation Due to the Owner	\$ 21,275

1 of 3

Parcel (4) AFTER REQUIRED ADJUSTMENTS

7/2014

ALLOCATION OF COMPENSATION:

EXISTING RIGHT OF WAY - None	=	\$ 0
NEW RIGHT OF WAY - None	=	\$ 0
HIGHWAY EASEMENT - 1,132 sf. (0.026 acre) x \$188,950/acre = \$4,912.70 Rounded to \$4,925	=	\$ 4,925
SITE IMPROVEMENTS - 15 sf. of concrete driveway area and approximately 196 square feet of asphalt driveway area	=	\$ 450
LANDSCAPING - 681 square feet of lawn area and 240 square feet of stone mulch in the highway easement area; and 540 square feet of stone mulch, 5 deciduous trees, 22 yew bushes and 2 juniper bushes	=	\$13,050
TEMPORARY LIMITED EASEMENT - (0.15 acre x \$188,950/acre) x 1.82% = \$515.83 rounded x 5.5 years = \$2,837.07 Rounded To \$2,850	=	\$ 2,850
TOTAL COMPENSATION	=	\$21,275

2 of 3

Parcel (4) PRIOR TO NEEDED WisDOT REVISIONS
7/2013

ALLOCATION OF COMPENSATION:

EXISTING RIGHT OF WAY - None	=	\$ 0
NEW RIGHT OF WAY - None	=	\$ 0
HIGHWAY EASEMENT - 67 sf. (0.002 acre) x \$188,950/acre = \$377.90 Rounded to \$400	=	\$ 400
SITE IMPROVEMENTS - 15 sf. of concrete driveway area and approximately 52 square feet of asphalt driveway area	=	\$ 175
LANDSCAPING - None	=	\$ 0
TEMPORARY LIMITED EASEMENT - (0.15 acre x \$188,950/acre) x 1.89% x 4.42 years = \$2,367.68 Rounded To \$2,375	=	\$ 2,375
TOTAL COMPENSATION	=	\$ 2,950

3 of 3

OFFERING PRICE REPORT AND SUBMITTAL

LPA1894 02/07 (Replaces LPA2001) Ch. 32 Wis. Stats.

Date 9/3/13 Original Appraisal , 7/3/14 Revised Appraisal	Region SE Region
To Jim Spice	
From James R. McCarthy	
Owner Kowalski et al (Kowalski (vendor) Mills (purchaser))	

We are submitting and recommending the following parcel for approval. The objective review meets the required guidelines. The areas and interests agree with the right of way plat; the owner(s) were given the opportunity to accompany the appraiser; the date of opinion corresponds to the last inspection date; all math calculations are correct or have been noted in the attached appraisals; and the certificate of appraiser is included.

Review Comments: None.

ACQUISITION OF

Fee Simple 0.0 acres/sq. ft.	Permanent Limited Easement acres/sq. ft.
Highway Easement 0.04 (acres)/ sq. ft.	Temporary Interest 0.08 (Acres) acres/sq. ft.
Access Rights <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other

X Cameron Clapper X Date: _____

APPROVED BY City of Whitewater

Having made a complete review of this property, an analysis of the appraisal(s) submitted, and in consideration of all supporting material included, it is my opinion that the total loss or damage is:

James R. Spice 7/8/2014 \$ 12,400⁰⁰
 Review Appraiser Date

Project ID 3110-06-20	County Walworth	Parcel No. 6
--------------------------	--------------------	-----------------

PARCEL 6 ADJUSTMENT

TLE Conclusion: Based on the conclusions above, the diminution in value to the #250 temporary limited easement area is calculated as follows:

TLE Area	0.08 acres
Unit Value Conclusion	x \$188,950/acre
Fee Simple Value of TLE Area	\$15,116
Weighted Average Land Rate	x 1.82% =
Rounded Annual TLE	\$275.11 rounded
TLE Term	x 5.5 years rounded
TLE Diminution in Value	\$1,513.11 rounded Rounded To \$1,525

SEPARATE ENTITY: Based on Wisconsin State Law, just compensation must be based on the higher amount resulting from considering the property on a before and after basis or as the part taken considered separately. It must be determined whether the higher amount resulted from the before and after basis or from that part taken considered separately. In this appraisal the result is the same because there is no damage to the remaining property.

We have considered the property evaluated in this appraisal, both from the before and after approach, as well as, the part taken. We have concluded from the result of this comparison, that the value of the part taken does not exceed the value attained by the before and after approach.

CORRELATION OF COMPENSATION DUE TO THE OWNER:

Before Value	\$498,650
After Value	\$487,775
Total Loss in Value/Damages	<u>\$ 10,875</u>
Additional Compensation	<u>\$ 1,525</u>
Total Compensation Due to the Owner	<u>\$ 12,400</u>

1 of 3

Parcel 6 AFTER REQD ADJUSTMENT

ALLOCATION OF COMPENSATION:

7/26/14

EXISTING RIGHT OF WAY - None	=	\$ 0
NEW RIGHT OF WAY - None	=	\$ 0
HIGHWAY EASEMENT - 0.04 acre x \$188,950/acre = \$7,558 Rounded to \$7,575	=	\$ 7,575
SITE IMPROVEMENTS - Approx. 30 sf. of concrete service walk located near Station 101+40, approximately 5 sf. of concrete service walk located near Station 102+60 and approximately 12 sf. of the asphalt driveway in the northeastern corner of this site	=	\$ 200
LANDSCAPING - Approx. 1,695.40 sf. of lawn area, 1 deciduous tree and 80 lineal feet (approx. 200 sf) timber retaining wall	=	\$ 3,100
TEMPORARY LIMITED EASEMENT - (0.08 acre x \$188,950/acre) x 1.82% = \$275.11 rounded x 5.5 years = \$1,513.11 Rounded To \$1,525	=	\$ 1,525
TOTAL COMPENSATION	=	\$12,400

2 of 3

Parcel ⑥ PRIOR TO NEEDED ADJUSTMENT
7/2013

SEPARATE ENTITY: Based on Wisconsin State Law, just compensation must be based on the higher amount resulting from considering the property on a before and after basis or as the part taken considered separately. It must be determined whether the higher amount resulted from the before and after basis or from that part taken considered separately. In this appraisal the result is the same because there is no damage to the remaining property.

We have considered the property evaluated in this appraisal, both from the before and after approach, as well as, the part taken. We have concluded from the result of this comparison, that the value of the part taken does not exceed the value attained by the before and after approach.

CORRELATION OF COMPENSATION DUE TO THE OWNER:

Before Value	\$495,400
After Value	-\$484,525
Total Loss in Value/Damages	\$ 10,875
Additional Compensation	\$ 1,275
Total Compensation Due to the Owner	\$ 12,150

ALLOCATION OF COMPENSATION:

EXISTING RIGHT OF WAY - None	=	\$ 0
NEW RIGHT OF WAY - None	=	\$ 0
HIGHWAY EASEMENT - 0.04 acre x \$188,950/acre = \$7,558 Rounded to \$7,575		\$ 7,575
SITE IMPROVEMENTS - Approx. 30 sf. of concrete service walk located near Station 101+40, approximately 5 sf. of concrete service walk located near Station 102+60 and approximately 12 sf. of the asphalt driveway in the northeastern corner of this site	=	\$ 200
LANDSCAPING - Approx. 1,695.40 sf. of lawn area, 1 deciduous tree and 80 lineal feet (approx. 200 sf) timber retaining wall	=	\$ 3,100
TEMPORARY LIMITED EASEMENT - (0.08 acre x \$188,950/acre) x 1.89% x 4.42 years = \$1,262.75 Rounded To \$1,275	=	\$ 1,275
TOTAL COMPENSATION	=	\$12,150

3 of 3

**DISCOVER WHITEWATER SERIES
HALF MARATHON & 5K
SUNDAY, SEPT. 21, 2014, CLOSURE SPECIFICS**

DWS EVENT START TIMES

Walworth /Court, runners headed west

- 7:57 am Half Marathon Wheelchair Division
- 8:00 am Half Marathon (Corralled Start) and Half Marathon Relay

Walworth/Douglas, runners headed West

- 8:10 am W3 *Be Active Today!* 5K Wheelchair Division
- 8:15 am W3 *Be Active Today!* 5K

ON WWHS SITE ONLY

- 9:45 am W3 *Fit Kid Shuffle*



CLOSURE SPECIFICS

1. FULL CLOSURE-SOUTH ELIZABETH STREET

SOUTH of the intersection of Walworth Ave/South Elizabeth (the area that enters the high school).

Estimated Closure: 5 am.

Duration: Until 1:30 pm 9/21

****Handicapped/crew/volunteer/vendor entrance parking will be directed in/out a specific way from WWHS**

****We will be communicating / putting measures in place to ensure residents in the cul-de-sac on the east side of the WWHS have a way to get out during event day, while also ensuring the safety of runners.**

2. FULL CLOSURE-WALWORTH AVE.,

Starting at Woodland Street, both lanes EAST up to and including the Janesville/Walworth Street Intersection.

NOTE: Small section **Woodland, EAST to South Elizabeth portion** will be reopened after the start line is disassembled. **Walworth and South Elizabeth intersection closed to traffic headed south ONLY.** Traffic may approach intersection and head NORTH on Elizabeth after start line clean-up is finished.

Estimated Closure: 5 am

Duration of Walworth Closure east of Elizabeth: 4.5 to 5 hours

3. PARTIAL CLOSURE Walworth headed west, NORTH LANE ONLY from Woodland Street WEST (South lane open from Indian Mounds to Woodland) to Indian mounds for the Half Marathon start.

Estimated Closure 4:30 a.m.

Duration: closure estimated until 8:45 to 9 am.

FULL closure from intersection of Elizabeth/Walworth to Janesville remains in effect per above.

4. FULL CLOSURE-Walworth Ave will be closed for the duration of the event west of Janesville /Walworth intersection through the intersection of South Elizabeth and Walworth, as well as the small section of South Elizabeth, south of Walworth Ave, up to the tennis courts) for the safety of the half marathon finishers.

Closure: 4.5-5 hours from half marathon (open) start at 8am, until 1pm or until crew has come through to remove course materials)

5. PARTIAL CLOSURE-BURR OAK

- Intersection of Fremont/Burr Oak to Last (South) Roundabout

- **Estimated Closure:** 7:30am
 - **Duration:** 9am or whenever last Half Runner has finished and course materials removed.
- 6. FULL CLOSURE-UNIVERSITY/SCHWAEGER**
- **Estimated Closure:** 7:30 am
 - **Duration:** 8: 25 am or whenever last Half Runner has finished and course materials removed.
- 7. PARTIAL CLOSURE-MAIN ST.**
- **Estimated Closure:** 5am
 - **Duration:** 9am or whenever the last Half Runner & last 5K Runner has finished and course materials removed.
- 8. PARTIAL CLOSURE-TRATT ST.**
- **Estimated Closure:** 5am
 - **Duration:** 8:35am or whenever the last Half Runner has finished and course materials removed.
- 9. PARTIAL CLOSURE-COUNTY U**
- **Estimated Closure:** 5am
 - **Duration:** 9:15am or whenever last Half Runner has finished and course materials removed.
- 10. PARTIAL CLOSURE-FREMONT ST.**
- **Estimated Closure:** 5am
 - **Duration:** 9:30am or whenever last Half Runner has finished and course materials removed.
- 11. PARTIAL CLOSURE-STARIN RD.**
- **Estimated Closure:** 5am
 - **Duration:** 9:45am or whenever last Half Runner has finished and course materials removed.
- 12. PARTIAL CLOSURE-BUSINESS/TECH. PARK FROM STARIN RD.**
- **Estimated Closure:** 5am
 - **Duration:** 10:15am or whenever last Half Runner has finished and course materials removed.
- 13. PARTIAL CLOSURE-BLUFF RD.**
- **Estimated Closure:** 5am
 - **Duration:** 10:30am or whenever last Half Runner has finished and course materials removed.
- 14. PARTIAL CLOSURE-CLAY ST.**
- **Estimated Closure:** 5am
 - **Duration:** 10:45am or whenever last Half Runner has finished and course materials removed.
- 15. PARTIAL CLOSURE-WISCONSIN ST.**
- **Estimated Closure:** 5am
 - **Duration:** 11am or whenever last Half Runner has finished and course materials removed.
- 16. PARTIAL CLOSURE-WILLIS RAY RD.**
- **Estimated Closure:** 5am
 - **Duration:** 11:30am or whenever last Half Runner has finished and course materials removed.
- 17. PARTIAL CLOSURE-FRANKLIN ST.**
- **Estimated Closure:** 5am
 - **Duration:** 11:45am or whenever last Half Runner has finished and course materials removed.

18. PARTIAL CLOSURE-PRINCE ST,

- **Estimated Closure:** 5am
- **Duration:** 8:45am or whenever last 5K Runner has finished and course materials removed.

**WISCONSIN MAIN STREET COMMUNITIES AGREEMENT
BETWEEN
THE WISCONSIN ECONOMIC DEVELOPMENT CORPORATION
AND
DOWNTOWN WHITEWATER, INC.**

This Agreement is entered into pursuant to Chapter 238 of the Wisconsin Statutes between the Wisconsin Economic Development Corporation (“WEDC”) and Downtown Whitewater, Inc. (the “Designated Local Entity”).

WITNESSETH

WHEREAS, Wisconsin Statute § 238.127 authorizes WEDC to administer a state main street program to coordinate state and local participation in programs offered by the National Main Street Center, Inc., created by the National Trust for Historic Preservation, to assist in the planning, managing and implementing programs for the revitalization of business areas;

WHEREAS, WEDC has been designated as a Main Street Program Coordinating Member by the National Main Street Center, Inc., created by the National Trust for Historic Preservation, and has entered into agreements with the National Main Street Center enabling WEDC to administer the National Main Street Program in Wisconsin; and

WHEREAS, WEDC has determined that the Designated Local Entity is eligible to participate in the Wisconsin Main Street Program and the Designated Local Entity is in its 8th year of participating in the Wisconsin Main Street Program.

NOW, THEREFORE, for valid consideration, the receipt of which is hereby acknowledged, and in consideration for the promises and covenants in this Agreement, WEDC and the Local Program agree as follows:

1. Definitions. For purposes of this Agreement, the following terms shall have the following meanings:

(a) “Agreement” means this agreement, to include all documents required to be delivered contemporaneously with the execution and delivery of this Agreement, and the attached Exhibits, together with any future amendments executed in compliance with Paragraph 19 of this Agreement.

(b) “Application” means the materials submitted by the Designated Local Entity to WEDC relating to the Local Program’s designation as a Main Street Community.

(c) “Effective Date” means July 1, 2014.

(d) “Local Executive Director” means the person identified by the Designated Local Entity as responsible for the day-to-day administration of the Wisconsin Main Street Program. For Local Programs with populations equal to or greater than five thousand (5,000), the Local Executive

Director shall be a full-time position and for Local Programs with populations less than five thousand (5,000), the Local Executive Director may be a part-time position. The Local Executive Director shall be the Local Program's point of contact for local businesses, property owners, and WEDC.

(e) "Local Program" means the Designated Local Entity's program for the revitalization of its Main Street District, as described in the Designated Local Entity's Application and approved by WEDC.

(f) "Main Street District" means the area in which the Designated Local Entity may carry out its Local Program, the boundaries of which are approved by WEDC.

(g) "Main Street Eight Guiding Principles" means the following eight principles identified by NMSC: comprehensive, incremental, self-help, partnerships, identifying and capitalizing on existing assets, quality, change, and implementation.

(h) "Main Street Four Points" means NMSC's organization, promotion, design, and economic restructuring, which comprise NMSC's foundational economic development tool.

(i) "NMSC" means the National Main Street Center, Inc.

(j) "WEDC" means the Wisconsin Economic Development Corporation, together with its successors and assigns.

(k) "Wisconsin Main Street Program" means WEDC's program, designated by NMSC as a "Main Street Program" and authorized by Wisconsin Statute 238.127, to assist Local Designated Entities in planning, managing, and implementing programs for the revitalization of business areas.

2. Term. The term of this Agreement shall be for a period of one year, beginning on July 1, 2014, and ending on June 30, 2015. The parties understand that WEDC's license agreement with NMSC is set to expire on December 31, 2014. In the event a new license agreement is not executed, WEDC will provide written notice to the Designated Local Entity and this Agreement will be immediately amended or terminated.

3. Designated Local Entity's Obligations. The Designated Local Entity shall:

(a) Commit to participating actively in the Wisconsin Main Street Program, and operate a Local Program based on a strong historic preservation ethic.

(b) Execute a sub-license agreement with WEDC, attached to this Agreement as Exhibit A, on the use of the "Main Street" name, trademark, and logo; and comply with NMSC's policies on the use of its trademarks and logos.

(c) Maintain an annual membership with NMSC.

(d) Concentrate Local Program activities within the Main Street District.

(e) Maintain a volunteer board of directors comprised of members representing downtown and business interests to oversee the continuing development of the Local Program.

(f) Employ a Local Executive Director for the Local Program, and develop a job description which sets forth the responsibilities and compensation of the Local Executive Director.

(g) Maintain worker's compensation insurance for the Local Executive Director.

(h) Maintain a downtown office with internet access and e-mail capability to enable the Local Executive Director to appropriately communicate with WEDC and others.

(i) Require the Local Executive Director to participate in all relevant training sessions, including attendance at a majority of the Wisconsin Main Street Program-sanctioned events. Events must be attended in their entirety and expenses related to attending the events will be paid by the Local Program. If the Local Program is temporarily without a Local Executive Director, another representative shall be sent to the event(s) on behalf of the Local Program.

(j) At WEDC's option, allow WEDC to participate in interviews of new Local Executive Directors.

(k) Promote and encourage board member and volunteer attendance at local, state, and national training opportunities identified by WEDC.

(l) Maintain an annual Local Program budget. For Local Programs with populations equal to or greater than five thousand (5,000), the minimum Local Program budget shall be seventy thousand dollars (\$70,000), and for Local Programs with populations less than five thousand (5,000), the minimum Local Program budget shall be forty thousand dollars (\$40,000). The Local Program budget should provide for the necessary travel and operating budget for the Local Executive Director to carry out his/her duties.

(m) Implement a comprehensive, four-point approach to downtown revitalization following NMSC's Main Street Four Points and Main Street Eight Guiding Principles.

(n) Maintain one standing committee for each of the Main Street Four Points. Each such standing committee shall have a chairperson and meet regularly.

(o) Submit to WEDC an annual work plan based on the Main Street Four Points, which shall include vision and mission statements.

(p) At the request of WEDC, assist in arrangements for WEDC and NMSC to visit the Local Program for technical assistance, public relations, and other purposes.

(q) Notify WEDC of any changes to the contact information for the Designated Local Entity, Local Program, Local Executive Director, or president of the board of directors.

(r) Submit monthly performance reports to WEDC by the tenth (10th) day of each month, and annual accreditation reports to WEDC in such form and manner as is acceptable to WEDC.

4. WEDC's Obligations. WEDC shall:

(a) Designate a staff person to act as a liaison with the Local Program and handle all communications between and among the Designated Local Entity, Local Program, NMSC, and WEDC.

- (b) Provide assistance in interviewing, hiring, and training new Local Executive Directors.
- (c) Plan and conduct a two-day Local Executive Director training orientations for new Local Executive Directors.
- (d) Plan and implement workshops and training sessions on downtown revitalization topics based on the needs of all Local Programs participating in the Wisconsin Main Street Program.
- (e) Perform an annual accreditation review to ensure that the Designated Local Entity and Local Program continues to meet NMSC's accreditation standards.
- (f) Provide individual technical assistance for businesses and property owners within the Local Program's Main Street District.
- (g) Provide the Local Program with relevant and available local market analysis and information to facilitate the Local Program's initiatives.
- (h) Plan and coordinate an annual Wisconsin Main Street Program awards night to honor volunteers and projects among the Local Programs.
- (i) Provide information, advice, and technical assistance to the Local Executive Director, as requested by the Local Executive Director.
- (j) Provide access to an online resource library and discussion group.
- (k) Provide additional technical assistance and services tailored to the Local Program's year of participation in the Wisconsin Main Street Program, as follows:
 - (i) For the Local Program's first year of participation in the Wisconsin Main Street Program: a kickoff visit, board training, Local Executive Director training, visioning sessions, training for committees responsible for each of the Main Street Four Points, work planning session, local market study, NMSC membership, scholarship to the NMSC conference, up to five (5) design renderings, and two (2) NMSC roadway signs.
 - (ii) For the Local Program's second year of participation in the Wisconsin Main Street Program: three-day resource team, NMSC membership, scholarship to the NMSC conference, and up to five (5) design renderings.
 - (iii) For the Local Program's third year of participation in the Wisconsin Main Street Program: issue-specific technical visit, two-day progress visit, fund raising workshop, NMSC membership, scholarship to the NMSC conference, and up to five (5) design renderings.
 - (iv) For the Local Program's fourth year of participation in the Wisconsin Main Street Program: issue-specific technical visit, NMSC membership, scholarship to the NMSC conference, and up to five (5) design renderings.

- (v) For the Local Program's fifth year of participation in the Wisconsin Main Street Program: issue-specific technical visit, NMSC membership, scholarship to the NMSC conference, and up to five (5) design renderings.
- (vi) For the Local Programs participation beyond year five: progress visits every two to three (2-3) years, rotating regional technical assistance visits, and up to three (3) design renderings.

5. Local Program's Warranties and Representations. In addition to the other provisions of this Agreement, the Designated Local Entity hereby warrants and represents to the best of its knowledge that as of the date of this Agreement:

(a) The Designated Local Entity is in compliance with all laws, regulations, ordinances and orders of public authorities applicable to it, the violation of which would have a material, adverse effect on the Designated Local Entity's ability to perform its obligations under this Agreement.

(b) The undersigned officer of the Designated Local Entity is fully authorized to execute and deliver this Agreement on behalf of the Designated Local Entity and Local Program.

(c) In making these warranties and representations, the Designated Local Entity has not relied on any information furnished by WEDC.

(d) The Designated Local Entity's warranties and representations herein are true and accurate as of the Effective Date of this Agreement, and shall survive the execution thereof.

6. Cancellation and Rescheduling of Events. WEDC reserves the right to cancel on-site services or events scheduled for the Local Program if the Local Executive Director and a majority of the individuals designated by WEDC to participate in the service or event do not commit to participating at least forty-eight (48) hours in advance of the scheduled service or event. The Local Program will be responsible for rescheduling the service or event to ensure compliance with their obligations under this Agreement.

7. Termination. Either party may terminate this Agreement without cause upon thirty (30) days prior written notice to the other party. If WEDC finds that the Designated Local Entity and/or Local Program is not in compliance with any requirements of the Wisconsin Main Street Program as outlined in this Agreement, and as required by NMSC, WEDC shall have the right to immediately terminate this Agreement and withhold further services.

8. Wisconsin Public Records Law and Confidential Documents.

(a) The Designated Local Entity understands that this Agreement and other materials submitted to WEDC may constitute public records subject to disclosure under Wisconsin's Public Records Law, §§ 19.31-.39.

(b) Except as otherwise required or provided by court order, legal process or applicable law including §§ 19.31-.39, WEDC shall not, without the Designated Local Entity's consent, reveal or disclose to any non-government person or entity financial or other information or materials provided by the Designated Local Entity if the Designated Local Entity has indicated that such information or materials are sensitive and should be kept confidential. The Designated

Local Entity must indicate that such materials are to be protected under this paragraph by marking the documents "confidential."

(c) If the Designated Local Entity contends that any document provided to WEDC is exempt from disclosure under Wisconsin's Public Records Law, for reasons including that the document qualifies as a trade secret under § 134.90, the Designated Local Entity shall:

- (i) Clearly mark the document as not subject to disclosure under the Public Records Law. If the Designated Local Entity contends the document is a trade secret under § 134.90, the Designated Local Entity shall specifically mark the documents as "Confidential Trade Secrets."
- (ii) Provide WEDC with a concise, written explanation describing the basis for contending the document is not subject to the Public Records Law.
- (iii) If applicable, provide WEDC with two copies of the document the Designated Local Entity contends is exempt – a clean copy and a copy with the exempted information redacted.

(d) WEDC agrees to notify the Designated Local Entity if it receives a public records request for documents marked under Paragraph (c).

9. Additional Requirements.

(a) **Project Records.** The Designated Local Entity shall prepare, keep and maintain such records as may be reasonably required by WEDC to validate the Local Program's performance under this Agreement and the performance reports provided to WEDC.

(b) Inspection.

- (i) WEDC and its respective agents, shall, upon 48 hours advance written notice to the Designated Local Entity, have the right to enter the Designated Local Entity's premises, during normal business hours, to inspect the Designated Local Entity's operations documentation relating to this Agreement, provided, however, that such access does not unreasonably disrupt the normal operations of the Designated Local Entity.
- (ii) The Designated Local Entity shall produce for WEDC's inspection, examination, auditing and copying, upon reasonable advance notice, any and all records which relate to this Agreement.
- (iii) WEDC reserves the right to conduct a physical site visit.

(c) **Nondiscrimination in Employment.** Consistent with Wis. Stat. § 16.765: In connection with the performance of work under this contract, Designated Local Entity agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in § 51.01(5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including

apprenticeship. Except with respect to sexual orientation, Designated Local Entity further agrees to take affirmative action to ensure equal employment opportunities. Designated Local Entity agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

(d) **Consolidation or Merger.** During the term of this Agreement, the Designated Local Entity shall provide written notice to, and obtain approval from, WEDC prior to any assignment, consolidation or merger with or into any other unrelated corporation or business entity.

(e) **Public Announcement.** The Designated Local Entity agrees to work with WEDC in making a public announcement of this Agreement.

10. Conflicts. In the event of any conflict between the provisions of this Agreement and any accompanying documents, the terms of this Agreement control.

11. Choice of Law. THIS AGREEMENT AND ALL MATTERS RELATING TO IT OR ARISING FROM IT – WHETHER SOUNDING IN CONTRACT LAW OR OTHERWISE – SHALL BE GOVERNED BY, AND SHALL BE CONSTRUED AND ENFORCED PURSUANT TO, THE LAWS OF THE STATE OF WISCONSIN.

12. Venue, Jurisdiction. Any judicial action relating to the construction, interpretation, or enforcement of this Agreement, or the recovery of any principal, accrued interest, court costs, attorney's fees and other amounts owed hereunder, shall be brought and venued in the U.S. District Court for the Western District of Wisconsin or the Dane County Circuit Court in Madison, Wisconsin. EACH PARTY HEREBY CONSENTS AND AGREES TO JURISDICTION IN THOSE WISCONSIN COURTS, AND WAIVES ANY DEFENSES OR OBJECTIONS THAT IT MAY HAVE ON PERSONAL JURISDICTION, IMPROPER VENUE OR FORUM NON CONVENIENS.

13. Waiver of Right to Jury Trial. EACH PARTY WAIVES ITS RIGHT TO A JURY TRIAL IN CONNECTION WITH ANY JUDICIAL ACTION OR PROCEEDING THAT MAY ARISE BY AND BETWEEN WEDC AND THE DESIGNATED LOCAL ENTITY CONCERNING OR RELATING TO THE CONSTRUCTION, INTERPRETATION OR ENFORCEMENT OF THIS AGREEMENT, OR THE RECOVERY OF ANY PRINCIPAL, ACCRUED INTEREST, COURT COSTS, ATTORNEY'S FEES AND OTHER AMOUNTS THAT MAY BE OWED BY THE DESIGNATED LOCAL ENTITY HEREUNDER.

14. LIMITATION OF LIABILITY. THE DESIGNATED LOCAL ENTITY HEREBY WAIVES ANY RIGHT IT MAY HAVE TO CLAIM OR RECOVER FROM WEDC ANY SPECIAL, EXEMPLARY, PUNITIVE, CONSEQUENTIAL, OR DAMAGES OF ANY OTHER NATURE OTHER THAN ACTUAL DAMAGES INCURRED OR SUFFERED BY DESIGNATED LOCAL ENTITY.

15. Severability. The invalidity of any provision of this Agreement shall not affect the validity of the remaining provisions, which shall remain in full force and effect to govern the parties' relationship.

- 16. WEDC Not a Joint Venturer or Partner.** WEDC shall not, under any circumstances, be considered or represented to be a partner or joint venturer of the Designated Local Entity or any beneficiary thereof.
- 17. Captions.** The captions in this Agreement are for convenience of reference only and shall not define or limit any of the terms and conditions set forth herein.
- 18. No Waiver.** No failure or delay on the part of WEDC in exercising any power or right under this Agreement shall operate as a waiver, nor shall any single or partial exercise of any such power or right preclude any other exercise of any other power or right.
- 19. Entire Agreement.** This Agreement embodies the entire agreement of the parties concerning WEDC's and the Designated Local Entity's obligations related to the subject of this Agreement. This Agreement may not be amended, modified or altered except in writing signed by the Designated Local Entity and WEDC. This Agreement supersedes all prior agreements and understandings between the parties related to the subject matter of this agreement.

IN WITNESS WHEREOF, WEDC and the Designated Local Entity have executed and delivered this Agreement effective the date set forth next to WEDC's signature below.

WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

By: _____ Date _____
Reed E. Hall,
Secretary and CEO

DOWNTOWN WHITEWATER, INC.

By:  _____ Date 7-31-14
Dave Saalsaa
President

Notices to the Local Program hereunder shall be effective upon mailing by first class mail, postage prepaid, and addressed to the following person and address or such other person and address as the Local Program may designate in writing:

Downtown Whitewater, Inc.
P.O. Box 688
Whitewater, WI 53190
Attn: Tamara Brodnicki

Notices to WEDC hereunder shall be effective upon mailing by first class mail, postage prepaid, and addressed as follows:

Wisconsin Economic Development Corporation
Division of Credit & Risk
P.O. Box 1687
Madison, WI 53701
Attn: Wisconsin Main Street Communities
Contract # FY15-AC3977

ENDORSED BY:

WHITEWATER, WI

By: _____ Date _____
Cameron Clapper
City Manager

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning Approx. 9-15 20 14 :
ending 6-30 20

Applicant's Wisconsin Seller's Permit Number: <u>004-0003421219-01</u>	
Federal Employer Identification Number (FEIN): <u>55 #</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$
TOTAL FEE	\$

TO THE GOVERNING BODY of the: Town of } Whitewater
 Village of }
 City of }
County of Walworth Aldermanic Dist. No. (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Rocha, Clara 602 N. Walton, Whitewater, WI

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>Clara Rocha</u>	<u>602 Walton Dr., Whitewater, WI</u>	<u>53190</u>
Directors/Managers			

3. Trade Name Karinas Mexican Restaurant Business Phone Number (262) 472-9492
4. Address of Premises 1170 W. Main St. Post Office & Zip Code Whitewater, WI

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? None Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state and date of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
10. Legal description (omit if street address is given above):
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? n/a
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] n/a - already completed Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776]. Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license

SUBSCRIBED AND SWORN TO BEFORE ME
this 23 day of July, 20 15
Nancy Stanford
(Clerk/Notary Public)
My commission expires 8-21-17

X
(Official of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Official of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

8/1/2014 Victor: phone 262-751-1201 ONLY CHANGE: Relocation of Restaurant. 227 of 227