

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

January 20, 2009

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None.

ADMINISTRATION OF OATH OF OFFICE TO ALDERMANIC DISTRICT 1 APPOINTEE. Newly-appointed Councilmember Allen was sworn in by the City Clerk. Allen was appointed to fill out the unexpired term of Craig Stauffer at the January 6, 2009 council meeting.

It was moved by Taylor and seconded by Allen to approve the Council minutes of 12/16/2008, 12/18/2008 and 1/6/2009; to acknowledge receipt and filing of the Irvin L. Young Memorial Library minutes of 12/8/2008, the Report of manually-produced checks for December, 2008, and the Plan Commission minutes of October 20, 2008. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Taylor and seconded by Allen to approve payment of city invoices in the sum of \$351,182.62. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

STAFF REPORTS: None

HEARING OF CITIZEN COMMENTS. Dr. Roy Nosek requested to address the Council as a citizen. He expressed dismay at the fact that there seems to be reluctance by the citizenry to run for Council. Nosek suggested that Council candidates consider not using campaign signs. Resident Sam Martino asked if the City Attorney would explore this request and felt it could be considered denial of free speech rights. Councilmember Nosek indicated that participation in his request was voluntary and not being proposed as a mandate.

COMMON COUNCIL ANNOUNCEMENTS. Councilmember Kienbaum expressed that placement of political signs is the right of a citizen. Councilmember Taylor stated that the Board and Commission members who have taken the newly-required oath of office have responded positively to the procedure. Councilmember Nosek again stated that his request for Council candidates to not use political signs was suggested as a voluntary measure.

RESOLUTION SUPPORTING PARTICIPATION IN "THE BIG READ PROGRAM". Request to participate in the National Endowment for the Arts' "Big Read: Mock on the Rock: month was presented. Participation would consist of encouraging citizens to read "To Kill a Mockingbird" in April, 2009, as well as being engaged in other Big Read activities.

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
WHITEWATER SUPPORTING PARTICIPATION IN “THE BIG READ”
PROGRAM
“MOCK ON THE ROCK”**

WHEREAS: April 2009 is declared “Big Read: Mock on the Rock” Month in our community to demonstrate our commitment to improving the literacy of students and citizens.

WHEREAS: The book “To Kill a Mockingbird” by Harper Lee is recognized as a national literary classic and a story that would be of interest to our citizens.

WHEREAS: The National Endowment for the Arts (NEA) recognizes the critical national importance of improving literacy in students and the general public. The nation’s biggest literacy campaign, the Big Read, is an attempt to demonstrate the need for a literate and engaged citizenry.

WHEREAS: A broad community effort to improve literacy will provide for a diverse range of activities and events that will encourage a spectrum of our citizens to read “To Kill a Mockingbird” and be engaged in other Big Read activities.

WHEREAS: Our city and library appreciates the importance of reading, and will join the Big Read effort in April 2009 to promote the reading of “To Kill a Mockingbird” by Harper Lee.

WHEREAS: Our city will take up the challenge and with our schools and libraries endeavor to have the highest percentage of participation to win the Mockingbird Trophy.

WHEREAS: Our city recognizes the efforts of the NEA and efforts across our own region and community to ensure that every citizen is an active, literate participant in community discourse.

Resolution introduced by Councilmember Taylor, who moved its adoption. Seconded by Councilmember Allen.

AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None.
ABSENT: None. ADOPTED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CH. 19.51.080 TO ALLOW UP TO FIVE VEHICLES (PER UNIT) TO PARK IN SIDE AND FRONT YARDS OF PROPERTIES IN R-3 ZONING DISTRICTS. As previously directed by Council, the proposed ordinance that would allow up to five vehicles to park on the front or side yards of properties zoned R-3 was presented. Plan Commission proposed an ordinance that added language allowing parking at single family residences to be increased to the

number of motor vehicles licensed to occupants of that property. A lengthy discussion ensued. Councilmember Taylor argued that if five people can legally reside at a premises, then five cars should be allowed to park there, too. The ordinance refers only to front and side yard parking, and does not relate to rear yards. Councilmember Nosek stated that the proposed ordinance will legally permit additional unsightly automobiles to park at residences. It was moved by Taylor and seconded by Allen to approve the ordinance as presented. It was then moved by Binnie and seconded by Taylor to amend the last portion of paragraph “d” to read “one per licensed driver legally occupying the property not to exceed five vehicles.” A vote was taken on the amendment. AYES: Allen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: Nosek. ABSENT: None. Amendment passes. A vote was then taken on the now-amended ordinance. AYES: Allen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: Nosek. ABSENT: None.

ORDINANCE AMENDING SUBSECTION 19.51.080 (front and side yard parking limitations) OF CHAPTER 19.51 OF THE WHITEWATER MUNICIPAL CODE.

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

Section 1951.080 of Chapter 19.51 of the Whitewater Municipal Code is hereby amended to read as follows:

Section 19.51.080: Front and side yard parking limitation.

- A. In all residential districts, except as provided in sub-sections B, C and D below or as otherwise allowed by a previously granted zoning permit, not more than three vehicles shall be parked in any combination of the front or side yard area. In no case shall vehicles be parked closer than three feet to any abutting property line (except for shared parking areas for which a zoning permit has been granted) or any lawn or landscaped area. All parking must take place in legally established and maintained parking areas or driveways outside of any required vehicular circulation areas.
- B. A legally established two-family dwelling may have up to six vehicles parked in any combination of the front and side yard area.
- C. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or otherwise allowed by a zoning permit, not more than five vehicles may be parked in any combination of the front or side yard area.
- D. The number of vehicles allowed within front and side yard areas of lots occupied by single family residences may be increased to one per licensed driver legally occupying the property, not to exceed five vehicles.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Taylor. AYES: Allen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: Nosek. ABSENT: None. FIRST READING APPROVED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING CH. 19.21 TO REZONE LINDSEY COURT PROPERTIES TO R-3. Plan Commission held a public hearing regarding rezoning of the Lindsey Court properties and approved the rezone unanimously. After adoption of the ordinance, it was moved by Binnie and seconded by Taylor to waive the requirement for a second reading of the ordinance. AYES: Taylor, Nosek, Binnie, Singer, Kienbaum. NOES: Stewart, Allen. ABSENT: None. The requirement for a second reading of the ordinance was waived.

**AMENDING THE CITY OF WHITEWATER ZONING MAP
AND ZONING CLASSIFICATION OF CERTAIN PROPERTY
IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do, pursuant to Whitewater Municipal Code §19.69.010, hereby ordain as follows:

SECTION 1: The following parcels on Lindsey Court, which are currently zoned R-1 (One Family Residence) Zoning District, are hereby rezoned to R-3 (Multi-family Residence) Zoning District:

Tax Parcel Numbers /BH 00005 (134 N. Lindsey Court), /BH 00006 (142 N. Lindsey Court), /BH 00007 (148 N. Lindsey Court), /BH 00008 (156 N. Lindsey Court), /BH 00010 (151 N. Lindsey Court), /BH 00012 (135 N. Lindsey Court), in the City of Whitewater, Walworth County, Wisconsin.

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

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

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: January 20, 2009. (SECOND READING WAIVED)

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 11.16.010 REGARDING PARKING TIME LIMITS. Councilmember Singer had recommended that parking time limitations be eliminated for evening and weekend hours.

ORDINANCE AMENDING TITLE 11.16.010 REGARDING PARKING

TIME LIMITS

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

Section 1. Whitewater Municipal Code, Chapter 11.16, Section 11.16.010, is hereby amended to read as follows:

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time periods specified in 11.16.031 (fifteen-minute parking); 11.16.065 (thirty-minute parking), and 11.16.070 (two-hour parking). Unless otherwise stated in the table set forth in Section 11.16.150, these parking time limitations shall only apply on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 8:00 a.m. until 5:00 p.m., and shall not apply on Sundays and legal holidays.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Allen. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CH. 11.16.150 REGARDING 15 MINUTE PARKING STALLS ON BLACKHAWK DRIVE AND CENTER STREET.

AN ORDINANCE AMENDING CHAPTER 11.16.150, CONCERNING STREET INDEX OF PARKING RESTRICTIONS

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

Whitewater Municipal Code Chapter 11.16, Section 11.16.150, is hereby amended as follows:

SECTION 1: The 15-minute restriction set forth concerning the south side of Blackhawk Drive, specifically 25 feet south and 25 feet west of the eastern terminus (cul-de-sac), shall be enforced 7 days a week, 24 hours per day.

SECTION 2: The 15-minute restriction set forth concerning the south side of Center Street, the 6 stalls in front of 213 Center Street (Post Office) shall be enforceable Monday through Friday 8:00 a.m. to 5:00 p.m. and from 8:00 a.m. until 12:00 noon on Saturdays.

Ordinance introduced by Councilmember Allen. Seconded by Councilmember Binnie. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING CHAPTER 11.50
CONCERNING PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.**

**AN ORDINANCE AMENDING CHAPTER 11.50, CONCERNING
PARKING FOR PERSONS WITH PHYSICAL DISABILITIES**

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

SECTION 1: Chapter 11.50 shall now be titled “Parking for Persons with Physical Disabilities.

SECTION 2: Whitewater Municipal Code Chapter 11.50.015 is hereby amended to read as follows:

11.50.015 Parking in designated stalls restricted.

- (a) The provisions of Wisconsin Statute §346.505 are hereby adopted by reference, as though fully set forth herein, inclusive of all future amendments to any provisions of that section of the Wisconsin Statutes.
- (b) The use of a disabled parking space, whether publicly or privately owned, which has been designated by a sign or other markings, is restricted to vehicles with DIS (disabled) plates; DIS VET plates; or displaying the identification card issued to physically disabled persons by the Wisconsin (or other state) Department of Transportation.
- (c) It is unlawful for any vehicle, other than those specified in 11.50.015 (a) or (b), to use, obstruct, block or otherwise limit the use of a parking space, whether publicly or privately owned, which has been designated for disabled parking only by a sign or other markings, regardless of whether or not the space has been designated “disabled parking only” in Section 11.50.010.
- (d) Except as provided in Wisconsin Statute §346.505(3), the owner of a vehicle involved in a violation of Section 11.50.015 shall be liable for the violation regardless of whether or not the owner was the actual operator of the vehicle.

SECTION 3: Whitewater Municipal Code Chapter 11.50, Section 11.50.010, is hereby amended as follows:

The text outside of the table shall read as follows:

11.50.010 Parking for people with physical disabilities only. The following parking spaces shall be designated for people with physical disabilities only:

SECTION 4: Whitewater Municipal Code Chapter 11.50, Section 11.50.010, is hereby amended as follows:

The text and provisions in the table concerning handicapped parking on Starin Road is hereby deleted.

SECTION 5: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING TITLE 11 REGARDING GENERAL PARKING FORFEITURES.

ORDINANCE AMENDING TITLE 11 REGARDING GENERAL PARKING FORFEITURE AMOUNTS.

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

Section 1: Whitewater Municipal Code, Chapter 11.56, Sub-section 11.56.010(4), is hereby amended to read as follows:

(4) Parking. The forfeiture for violation of parking regulations provided in this title, unless otherwise specifically provided for in this title, and except as otherwise provided by adoption and reference in Chapter 11.04 of this title, shall be no less than twenty nor more than one hundred five dollars.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Allen. AYES: Allen, Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. ABSENT: None. ADOPTED: January 20, 2009

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING TITLE 11 REGARDING SUBSECTION 11.56.030 REGARDING PARKING FORFEITURE INCREASES FOR LATE PAYMENT.

ORDINANCE AMENDING TITLE 11 REGARDING SUBSECTION 11.56.030 REGARDING PARKING FORFEITURE INCREASES FOR LATE PAYMENT.

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

Section 1: Whitewater Municipal Code, Chapter 11.56, Subsection 11.56.030, is hereby amended to read as follows:

11.56.030 Parking forfeitures.

- (a) Any person charged with violating any parking provision of Title 11 of this code shall be notified that he or she has the right to contest the citation by requesting, in writing to the clerk of municipal court, within seven days of issuance, an appearance in the city municipal court. If such request is made a date shall be assigned.
- (b) The use of the parking ticket system in which the defendant pays the stipulated amount instead of appearing in court is extended to parking offenses under Title 11 of this code. The forfeiture, stipulated amount and increased forfeiture amount shall be as follows:
 - (1) The forfeiture for any person who fails to pay a forfeiture as indicated on the citation within seven days after issuance shall be increased by 50%.
 - (2) The forfeiture for any person who fails to pay a forfeiture as indicated on the citation within thirty days after issuance shall be doubled.
 - (3)(c) Any person requesting an appearance within seven days after issuance, shall have the right to a trial and shall be given a date of hearing on the issue of whether or not the party is guilty of the charge.
 - (4)(d) If a party has requested the appearance in writing within seven days, the party shall not be subject to the increased forfeiture provided for herein, even if there is a finding of guilty.

Ordinance introduced by Councilmember Taylor, who moved its adoption. Seconded by Councilmember Allen. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CH. 1.21.010 SCHEDULE OF DEPOSITS (GENERAL PARKING VIOLATIONS).

ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.

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

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

Chapter or Section Number	Offense	Deposits and Costs
11.56.010 (4)	General Parking Violations	1 st offense - \$20 plus statutory penalty Assessment, jail assessment, Court costs and crime lab assessment

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

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Allen. AYES: Allen, Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. ABSENT: None. ADOPTED: January 20, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF CONTRACT WITH STRAND ASSOCIATES FOR CENTER STREET PROJECT ENGINEERING SERVICES. DPW Director Fischer stated that the Capital Improvement Plan includes the reconstruction of Center Street, from Fourth to Franklin. The project includes complete reconstruction of the street, curb and gutter, spot sanitary sewer replacement and complete replacement of the water main. Slight widening of the street will be done to accommodate parallel parking on the south side of Center Street in front of the Library. The Library Board voted in favor of the design that would provide for parallel parking on the south side of Center Street. The project is estimated at a cost of \$298,000. Approval of the Strand Associates engineering fee in a sum not to exceed \$41,000 was requested. Councilmember Kienbaum stated that it would not be wise to take on such a project in these hard economic times. It was moved by Allen and seconded by Stewart to approve the engineering services proposal with Strand Associates, for a sum not to exceed \$41,000. AYES: Allen, Nosek, Binnie, Singer, Stewart. NOES: Taylor, Kienbaum. ABSENT: None.

APPROVAL OF PROPOSAL WITH CIVIC SYSTEMS FOR COMPUTER SOFTWARE AND CONVERSION SERVICES. The proposal for conversion of current financial software was presented. The current software was purchased through Civic in 2001. As noted at budget time, updates to the system are needed. It was moved by Taylor and seconded by Allen to accept the proposal. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF TRANSFER OF AGENT FOR LLP, LLC TO LACEY REICHWALD, OWNER OF THE SWEET SPOT COFFEE SHOPPE. It was moved by Taylor and seconded by Allen to approve transfer of Agent for the Class B Beer and Liquor license to Lacey Reichwald. Lacey has purchased the interest of the former agent. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF TRANSFER OF AGENT FOR THE HAWKS NEST LLC, 214 W. WHITEWATER STREET TO LUIS SANCHEZ. Request was submitted for transfer of the agent for the Hawks Nest LLC license to Luis Sanchez. It was moved by Taylor and seconded by Allen to approve the transfer of agent for the Class B Beer and Liquor License to Luis Sanchez. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF TRANSFER OF CLASS B BEER AND LIQUOR LICENSE TO GAC ENTERPRISES, INC. (MITCHELL'S/PUMPER TAVERN). Although Robyn Hantropp will remain at the Mitchell's / Pumper establishment, she has entered into an agreement with GAC Enterprises to run the business. It was moved by Taylor and seconded by Allen to approve the Class B Beer and Liquor license transfer to GAC Enterprises, Inc., Robyn Hantropp, Agent. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Nosek requested that an update on the status of the enforcement of multi-family recycling ordinances be presented at the next council meeting. Councilmember Kienbaum requested that the hiring of a new Planner be revisited in light of the City Manager's comments regarding future budgets.

EXECUTIVE SESSION. It was moved by Singer and seconded by Allen to ADJOURN TO closed session, not to reconvene, per Wisconsin Statutes 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" AND 19.85(1)(e) "Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Items to be Discussed: 1) WPPA Union Negotiations; 2) AFSCME Union Negotiations(Clerical and DPW) ; and 3) Teamsters Union Negotiations. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Michele R. Smith