

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

February 3, 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.

It was moved by Allen and seconded by Nosek to approve the Council minutes of 1/20/2009 and to acknowledge receipt and filing of the following: Park & Recreation minutes of 12/1/2008; Irvin L. Young Memorial Library Board Minutes of 12/8/08; Police Department Consolidated Monthly Report for November, 2008; Plan and Architectural Review Commission minutes of 11/7/2008 and 12/15/2008; CDA minutes of 12/15/2008; Cable T.V. Minutes of 9/29/2008 and the December, 2008 Financial Reports.

**APPROVAL OF PAYMENT OF INVOICES:** It was moved by Allen and seconded by Taylor to approve payment of city invoices in the total sum of \$152,242.00. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

**STAFF REPORTS:** Park and Recreation Director Amundson provided a copy of his Department's Turf Management Policy. City Manager Brunner reported on his attendance at the January Alliance of Cities meeting and the Wisconsin Way project. Police Chief Coan provided an update on the Communications Center Upgrade.

**CITIZEN COMMENTS:** Resident Terry Race expressed his appreciation for the East Campus Neighborhood meeting. He noted that at that meeting, the audience was told "all one has to do is e-mail or phone concerns in." Race stated he has e-mailed and phoned concerns in but the problems have not ended. A complaint form for use by the Neighborhood Services Department was developed because Neighborhood Services has not been documenting complaints received. Race stated that at the neighborhood meeting, City Attorney McDonell explained how an unrepaired broken window can start to change a neighborhood. Race stated that he has lost hope in his City. He stated that the Neighborhood Services Department has not been responding to citizen concerns. Race stated that having city staff members state that residents need merely to e-mail or telephone complaints in is adding insult to injury. Max Taylor went to the podium and stated that he attended the East Campus Neighborhood Meeting as well. Taylor believes that every resident should be able to live in a neighborhood that is well cared for and maintained. Taylor stated that he is sorry about the experiences Mr. Race has had and that the problems are unacceptable. Taylor supports the community and neighborhood groups and believes they can resolve quality of life issues. However, Taylor expressed concern about the notices that were hand delivered to neighborhood residents. In speaking with some students living in the East Campus neighborhood, Taylor was informed that notices were not placed at the rental properties. Taylor agreed that residents do have reason to be angry about non-enforcement of ordinances.

**COMMON COUNCIL ANNOUNCEMENTS.** Councilmember Kienbaum expressed thanks to students who support the Food Pantry. Food Pantry staff have had positive experiences with the students they have worked with. Councilmember Nosek felt the neighborhood meeting was positive – 50-60 people were in attendance, including several Common Council members and Plan Commissioners. Nosek thinks the issue of over occupancy and non-enforcement of Codes is

finally getting the attention it deserves, and he thanked staff members for their presentations at the meeting. A meeting for the South Campus Neighborhood is scheduled for February 17, 2009.

**SECOND 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 ZONED R-3, AND TO ALLOW UP TO FIVE VEHICLES UNDER SPECIAL CIRCUMSTANCES AT SINGLE FAMILY RESIDENCES ZONED R-1.**

City Attorney McDonell explained that the original ordinance prohibited any more than two cars to be parked in *front or side* yards of residences. That ordinance was revised on 6/17/08 to permit up to three cars. Councilmember Nosek objected to the proposed ordinance, stating that it does not promote preservation of single family residences. Nosek argued that the parking limitation pertained to *front and side* yard parking and not to parking in the back yard area. It was noted that any new construction in R-3 zoning area requires screening of the parking area. In the case of newly-constructed property, there would be a limit of three vehicles. It was moved by Binnie and seconded by Nosek to amend the proposed ordinance to add the following language after Section 19.51.080(c): “Newly constructed or reconstructed properties as of the date of this ordinance may have no more than three vehicles in front and side yards.” A vote was taken on the amendment: AYES: Allen, Taylor, Nosek, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None.

**SECOND READING OF 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 19.51.080 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. Newly constructed or reconstructed properties as of the date of this ordinance may have no more than three vehicles in front and side yards.
- 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, Nosek, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None. ADOPTED: February 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING CH. 11.16.010 REGARDING PARKING TIME LIMITS.**

**SECOND READING OF 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 Allen, who moved its adoption. Seconded by Councilmember Nosek. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Motion carried by unanimous consent agenda roll call vote. ADOPTED: February 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

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

**SECOND READING OF 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, who moved its adoption. Seconded by Councilmember Nosek. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Motion carried by unanimous consent agenda roll call vote. ADOPTED: February 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING CHAPTER 1.50, 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 Nosek. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Motion carried by unanimous consent agenda roll call vote. ADOPTED: February 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**MAIN STREET TRAFFIC STUDY.** On October 20, 2008, Council directed City staff to work with Strand Associates to complete an evaluation of options to deal with traffic and pedestrian flow near the intersection of Whiton and Main Streets. Luke Holman of Strand Associates was present and reported on their findings. The study team conducted a 12-hour vehicle and pedestrian turning-movement count. Strand reports that over 1500 pedestrians use this four-lane undivided segment of Main Street daily as a travel route to access the UW-Whitewater campus. The Main Street and Whiton Street intersection carries the majority of the pedestrian traffic, and between 850 and 1,475 vehicles pass this intersection each hour. The pedestrian volumes at this intersection do satisfy the pedestrian volume traffic signal warrant. However, none of the vehicle warrants for a traffic signal were met. Strand noted that Main Street currently has a posted speed limit of 25 m.p.h. and Whiton Street, a two-lane local roadway, also has a posted speed limit of 25 m.p.h. During the morning peak period of 7:15 a.m. – 8:15 a.m, approximately 67% of the total traffic on Main Street was traveling at speeds of 30 m.p.h. or greater. During the afternoon peak period of 4:30 p.m. – 5:30 p.m., approximately 44 % of the total traffic on Main Street was traveling at speeds of 30 m.p.h. or greater. Strand presented several possible solutions, including the possibility of a traffic signal control at Whiton Street; a pedestrian refuge at Whiton Street; recommendation to restrict Main Street vehicles from turning left on Whiton; or to place a Crossing Guard at Whiton Street during varying periods of the day. Advantages and disadvantages of options were discussed at length. After lengthy discussion and several motions which were all withdrawn, it was moved by Singer and seconded by Taylor to instruct City Staff to obtain a design for a traffic light at the intersection of Main and Whiton, and to obtain bids for the proposed project. AYES: Singer, Kienbaum, Stewart, Taylor. NOES: Allen, Nosek, Binnie. ABSENT: None.

**LANDMARKS COMMISSION MEMBER APPOINTMENT.** The Nominations Committee met and recommended that Shedrick Daniels be appointed to the Landmarks Commission. It was moved by Allen and seconded by Nosek to appoint Shedrick Daniels to the open position on the Landmarks Commission. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

**REPORT ON RECYCLING BY MULTI-FAMILY PROPERTIES.** DPW Director Fischer stated that letters have been sent to seven property owners (involving a total of 22 properties) asking them to either begin recycling or to contact the DPW with information about their recycling process. Fischer asked property owners to respond to him within 45 days of the letter, which was sent on January 19, 2009. Further information will be forthcoming.

**CITY PLANNER POSITION** . Councilmember Kienbaum requested clarification on the Planner position, and questioned whether it was wise to be hiring at this difficult economic time. City Manager Brunner also expressed concern over the State budget and its effect on our City. Brunner stated that this position was funded in 2007 and would work with the GIS system as well as handle planning functions. Brunner had a request from the CDA to assign more of the CDA Coordinator's time to CDA functions, with less emphasis on the GIS function. Brunner noted that there previously were two full-time positions assigned to CDA. Brunner stated that the City is spending \$50,000 per year on outside consulting, and the idea is to reduce the outside service with in-house services. Brunner noted that the Comprehensive Plan is due soon, and the City does not have the staff to complete it. Brunner was quoted a \$40,000 fee to complete this by outside sources. Brunner reminded Council that when his (Brunner's) contract was extended last August, it was also agreed that Council would allow Brunner flexibility to reorganize City staffing. Brunner also stressed that he personally believes that even though there is a downturn in the economy, communities that have specific plans developed will be ready to seize opportunities as they arise. Brunner stated that the City's Strategic Plan is in need of updating and that there are many more grant opportunities out there that the City would like to pursue. Kienbaum expressed appreciation for the explanation.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Councilmember Nosek requested an update on the status of the grocery store to be developed at the East Town site at the intersection of Milwaukee and Bluff.

**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; 4) Possible purchase of land for Whitewater University Technology Park. AYES: Allen, Taylor, Nosek, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Being no further business to come before the regular portion of the meeting, the meeting adjourned at 9:35 pm.

Respectfully submitted,

Michele R. Smith, Clerk