

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

June 16, 2009

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

It was moved by Olsen and seconded by Winship to acknowledge receipt and filing of the Park and Recreation minutes of 4/6/09 and 5/11/09; the Library Board minutes of 5/11/09; the May, 2009 Report of Manually-Produced Checks, and the May, 2009 Financial Reports. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Winship to approve payment of invoices in the sum of \$236,264.63, processed through June 11, 2009. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

STAFF REPORTS: City Manager Brunner provided an update on the status of the State budget, and reported that both Highway 12, between Whitewater and LaGrange, and Highway 59, between Whitewater and Palmyra, will be closed for the next several months for reconstruction. Brunner also stated that plans for the innovation center at the Whitewater University Tech Park are underway. Police Chief Coan reported that two new patrol officers have been hired.

HEARING OF CITIZEN COMMENTS. None.

COMPLIANCE MAINTENANCE RESOLUTION. The scoring sheet for the performance and operation of the wastewater treatment facility was presented. The utility received nine "A"s in 2008. The rating for the collection systems was not as positive, and was due to occurrences as a result of heavy rains in June 2008. Annual approval of the report is necessary.

**City of Whitewater
Wisconsin Department of Natural Resources
Compliance Maintenance Annual Report Resolution
2008**

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

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

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

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2008 CMAR was reviewed and this resolution was voted on as follows:

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

AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.
ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADOPTION OF 2009 SALARY RESOLUTION NO. 3. Since the Teamsters (Dispatch) contracts were finalized, and increases to reflect the increase in the federal minimum wage must be addressed, an amendment to the salary resolution is needed.

**CITY OF WHITEWATER
2009 SALARY RESOLUTION
AMENDMENT #3**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2009, in which wages are established.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2009 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning June 16, 2009 with wage increases retroactive to January 1, 2009.

**SCHEDULE I
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	01/01/2008	95,781.56
Chief of Police	1	01/01/2009	86,805.42
Municipal Judge	1	05/01/2009	19,099.28
City Attorney	1	01/01/2009	50,000.00

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles	
A*	3/4	Senior Coordinator (Part-time)	F	1	Assistant Finance Director - City Treasurer	
	2	Administrative Assistant II - Records Technician		1	City Clerk	
	2	Administrative Assistant II - General Administrative Offices		1	Human Resources Coordinator	
	1/2	Administrative Assistant II - Wastewater (Part-time)	G	1	City Planner	
B*	1	Accounting Technician II - Payroll & Accounts Payable	H	1	Water Superintendent	
	1	Accounting Technician II - Utilities	I	1	Information Technology Administrator	
	1	Administrative Assistant I - Neighborhood Services		J	1	Streets, Parks & Forestry Superintendent
	1	Clerk of Courts		1	Neighborhood Services Director	
C			1	Parks & Recreation Director		
D	1	Support Services Manager		1	Wastewater Treatment Plant Superintendent	
			K	1	Lieutenant - Administrative Services	

E	1	Cable TV Coordinator	L	1	Lieutenant - Field Services
	1	CDA Coordinator		1	Finance Director
	1	Recreation & Community Events Programmer		1	Public Works Director

*Non-Exempt Positions

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade		1	2	3	4	5
A*	Hourly Wage 2080 Hours	14.21 29,556.80	14.65 30,472.00	15.28 31,782.40	15.92 33,113.60	16.55 34,424.00
B*	Hourly Wage 2080 Hours	15.23 31,678.40	15.92 33,113.60	16.61 34,548.80	17.30 35,984.00	17.99 37,419.20
C	Salary	34,418.15	35,981.87	37,545.82	39,111.17	40,675.12
D	Salary	37,170.00	38,860.09	40,547.80	42,237.65	43,929.16
E	Salary	40,793.95	42,647.83	44,501.45	46,356.50	48,211.29
F	Salary	43,982.57	45,981.62	47,979.74	49,980.21	51,978.10
G	Salary	47,170.94	49,315.67	51,459.21	53,601.34	55,746.06
H	Salary	50,359.54	52,647.35	54,937.50	57,223.89	59,515.45
I	Salary	53,546.98	55,981.39	58,414.38	60,847.84	63,282.24
J	Salary	56,734.18	59,312.84	61,892.91	64,470.39	67,050.22
K	Salary	59,923.97	62,646.87	65,371.20	68,092.93	70,817.24
L	Salary	63,111.41	65,979.74	68,849.48	71,716.88	74,587.57

*Non-Exempt Positions

**SCHEDULE III
LIBRARY POSITIONS**

Pay Grade	# of Positions	Classification Titles	Step				
			1	2	3	4	5
A1	3	Library Aide*	11.34	11.84	12.37	12.37	12.37

A2	5	Library Assistants*	12.32	12.88	13.45	14.00	14.56
A3	3	Library Technical Assistants*	14.00	14.65	15.28	15.92	16.55
	3	Library Associates*					
A4	1	Youth Service Librarian	34,418.1 5	35,982.1 0	37,545.8 2	39,111.1 7	40,675.1 2
A5	1	Assistant Library Director	43,982.5 7	45,981.6 2	47,979.7 4	49,975.6 9	51,978.1 0
A6	1	Library Director	56,734.1 8	59,312.8 4	61,892.9 1	64,470.3 9	67,050.2 2

*Non-Exempt Positions

**SCHEDULE IV
WHITEWATER POLICE DISPATCH UNION**

Position	# of Positions	Effective Date	Step			
			1	2	3	4
Records Communications Coordinator <i>Per 2,080 Hours</i>	1	01/01/2009	17.66 36,742.16	18.59 38,670.32	19.56 40,684.18	19.78 41,134.08
Dispatch / Records Communications Aide <i>5 @ Per 1947 Hours</i> <i>1 @ Per 976 Hours</i>	6	01/01/2009	15.88 30,923.42 15,501.42	16.71 32,527.75 16,305.64	17.59 34,252.40 17,170.18	17.76 34,573.27 17,331.03
Parking/Community Support <i>Per 1872 Hours</i>	1	01/01/2009	14.41 26,974.96	15.18 28,421.08	15.98 29,905.76	16.14 30,214.27

**SCHEDULE V
AFSCME UNION**

Pay Grade	Classification Title	Step					
		1 0-11 mos.	2 12-23 mos.	3 24-35 mos.	4 36-47 mos.	5 48-59 mos.	6 60+ mos.
A	Chemist Assistant	11.97	12.56	13.15	13.15	13.15	13.15
B	Custodian/Groundskeeper	14.24	14.78	15.32	15.84	16.37	16.90

		29,629.3 <i>Per 2,080 Hours</i>	30,743.4 9	31,857.4 4	32,950.1 9	34,042.7 1	35,156.7 4	8						
C	Laborer II	16.64 <i>Per 2,080 Hours</i>	34,621.1 8	17.18 3	35,735.2 6	17.71 0	36,827.8 5	18.24 8	18.24 0	18.78 5	19.30 8	37,941.9 0	39,055.9 5	40,148.5 8
D	Building Maintenance	18.63 <i>Per 2,080 Hours</i>	38,756.0 2	19.17 6	39,870.0 6	19.68 6	40,941.2 6	20.24 6	20.24 6	20.76 8	21.30 3	42,098.1 6	43,190.7 8	44,304.8 3
E	Engineering Technician Laborer I Laborer I - Mechanic Code Enforcement/Building Maintenance Water Operator - no certification (1) Wastewater Operator - no certification (1) Wastewater Operator - Lab Technician no certification (1) <i>Per 2,080 Hours</i>	20.84 <i>Per 2,080 Hours</i>	43,340.7 5	21.31 6	44,326.2 6	21.77 4	45,290.3 4	22.24 2	22.24 2	22.70 0	23.18 0	46,254.4 2	47,218.5 0	48,204.0 0

(1) Additional twenty cents (\$.20) per hour upon completion and receipt of Grade I certification and one (1) subgrade

Grade

F: Successful completion of Grade II and all Grade II subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.
Wastewater Operator \$23.91

Grade

G: Successful completion of Grade IV and all Grade IV subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.
Wastewater Operator \$24.16

**SCHEDULE VI
WHITEWATER PROFESSIONAL POLICE ASSOCIATION UNION**

Position	# of Positions	Effective Date	Hourly Wage	<i>Per 2,080 Hours *Patrol (2,008 Hours)</i>
Sergeant*	4	01/01/2009	28.11	56,442.27
Detective Sergeant	1	01/01/2009	28.11	58,466.10
Detective	2	01/01/2009	26.85	55,852.37
Juvenile Officer	1	01/01/2009	26.85	55,852.37
Patrol Officer I*	13	01/01/2009	26.08	52,367.84
Patrol Officer		01/01/2009	23.64	47,466.11

II*			
Patrol Officer			
III*	01/01/2009	22.29	44,756.71

**SCHEDULE VII
FIRE-RESCUE**

Position	# of Positions (Part-time)	Wage
Fire-Inspector	6	\$11.00 per hour
Volunteer Fire	48	\$8.00 per call
Rescue Squad Captain	1	\$10.00 per call
Rescue Squad Lieutenant	4	\$9.00 per call
Rescue Squad Maintenance	1	\$100.00 per month
EMT Driver		\$15.00 1st hour + \$4 each addl. 15 minutes
EMT Basic		\$17.50 1st hour + \$4 each addl. 15 minutes
EMT Intermediate		\$20.00 1st hour + \$4.25 each addl. 15 minutes
EMT On-Call Pay		\$2.00 per hour
Fire Chief	1	\$15.00 per call
1st Asst. Fire Chief	1	\$13.00 per call
2nd Asst. Fire Chief	1	\$11.00 per call
Fire Vehicle Maintenance	5	\$50.00 per month

**SCHEDULE VIII
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	2	01/01/2009	\$10.54

**SCHEDULE IX
PART-TIME SEASONAL EMPLOYEES**

Position	Step				
	1	2	3	4	5
Election Officials	8.00	8.00	8.00	8.00	8.00
Crossing Guards	10.96	10.96	10.96	10.96	10.96
Cable TV Camera Operator	7.25	7.50	8.00	8.75	9.75
Adult Sport Officials	10.00	11.00	12.00	13.00	15.00
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	6.55	6.75	7.00	7.50	7.75
<i>effective 07/24/2009</i>	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.00	7.25	7.75	8.25	8.50
<i>effective 07/24/2009</i>	7.75	8.00	8.25	8.50	8.75
Youth Sport Officials	7.00	7.25	7.75	8.25	8.50
<i>effective 07/24/2009</i>	7.75	8.00	8.25	8.50	8.75
Seasonal Labor	7.25	7.50	8.00	8.75	9.75

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION WAIVING NO WAKE ORDINANCE FOR JULY 4 CELEBRATION. The 4th of July Committee has submitted their annual request to waive the no wake ordinance on Cravath Lake, which will allow them to host a water ski show.

RESOLUTION TEMPORARILY WAIVING THE NO WAKE PROHIBITION

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

WHEREAS, the 4th of July celebration for the City of Whitewater will be held from July 3, 2009 through July 5, 2009 at Cravath Lake Park; and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that the prohibition against causing wakes in Cravath Lake Park provided for in Whitewater Ordinance 7.38.025 shall be temporarily waived for the period of July 3, 2009 through July 5, 2009, for the limited purpose of allowing water crafts involved in the water ski shows during said period to travel at speeds which will cause wakes.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

CANCELLING DELINQUENT AND UNCOLLECTABLE PERSONAL PROPERTY TAXES.

Finance Director Saubert indicated that the auditors have recommended that uncollectable personal property taxes should be written off. Councilmembers were concerned since some of the businesses listed are still in business, and expressed desire for additional collection efforts. The Finance Director indicated that efforts to collect will continue.

RESOLUTION WRITING OFF DELINQUENT AND UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

WHEREAS, there are certain uncollectible personal property taxes in the City of Whitewater; and

WHEREAS, the City of Whitewater auditors have recommended that the City periodically write off the City and TIF portions of said uncollectible personal property taxes; and

WHEREAS, the City Treasurer has requested this action by the Common Council; and

WHEREAS, writing off said personal property taxes is in the best interest of the City of Whitewater.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the tax bills listed on the attached Exhibit A for the years 2006, and 2007, totaling \$3,972.34, are hereby written off. However, the City Treasurer's office will still accept payment for any one of these accounts, should it occur, which will be recognized as general fund revenue at the time. The City staff is also authorized to continue collection action on said accounts.
2. The City Treasurer and the City staff are authorized to sign whatever documents are necessary to complete the writing off of the personal property taxes set forth on the attached Exhibit A.

Resolution introduced by Councilmember Olsen, on the condition that the taxes not be forgiven or cancelled. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RELEASING STORMWATER EASEMENT ON TAX PARCEL /ESL 00001. The Frawley family is currently constructing a building on a portion of Tax Parcel ESL-1. The City no longer needs the easement over the westerly portion of the parcel and release of the easement has been requested.

RESOLUTION RELEASING STORMWATER EASEMENT

WHEREAS, the City of Whitewater presently has a stormwater easement over the westerly part of /ESL 00001 owned by Frawley Oil Company, Inc.; and

WHEREAS, Frawley Oil Company, Inc. is currently constructing a building on a portion of said parcel; and

WHEREAS, the City of Whitewater no longer needs the easement over the westerly portion of said parcel.

NOW THEREFORE IT IS HEREBY RESOLVED that the City Manager and City Clerk are authorized to release the stormwater easement which the City of Whitewater currently holds over the westerly part of /ESL 00001.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE PROHIBITING HUNTING ON CITY-OWNED LAND. The Park and Recreation Board has requested an ordinance that would prohibit unapproved hunting on city-owned land.

FIRST READING OF ORDINANCE PROHIBITING HUNTING ON CITY-OWNED LAND

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

Section 1: Whitewater Municipal Code, Chapter 7.72, Subsection 7.72.045, is hereby created to read as follows:

7.72.045 Hunting is prohibited on all City of Whitewater owned land, unless the hunting is allowed under an established hunting program authorized and approved by the City Council.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE RELATING TO SNOWMOBILES ON CITY PROPERTY AND MISCELLANEOUS PROVISIONS CONCERNING VEHICLES. The Park and Recreation Board has requested that an ordinance be adopted prohibiting snowmobiles on city property. Several councilmembers objected to prohibiting snowmobiles from traversing the Lakes. It was moved by Binnie and seconded by Winship to amend the proposed ordinance to remove the language that prohibits the use of a snowmobile on the Lakes. A vote was taken on the amendment. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Taylor.

**FIRST READING OF AN ORDINANCE AMENDING
CHAPTER 11.44 SNOWMOBILES
AND CHAPTER 11.48 MISCELLANEOUS PROVISIONS
CONCERNING VEHICLES**

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

Section 1: Whitewater Municipal Code, Chapter 11.44, Subsection 11.44.020, is hereby amended to read as follows:

11.44.020 Operation within city limited.

(a) Except as herein provided, no person, firm, or organization shall operate or cause to be operated any snowmobile within the city limits.

(b) The following shall be the exceptions. Snowmobiles may be operated:

(1) Upon the operator's private property;

(2) Upon the private property of another person, firm or organization from whom the operator has received prior consent from the owner;

(3) Upon such public or private property under the control of the city council as the council may from time to time designate as snowmobile areas. However, snowmobiles are prohibited at all times from operation or in any park in the City of Whitewater.

Section 2: Whitewater Municipal Code, Chapter 11.44, Subsection 11.44.030, is hereby amended to read as follows:

11.44.030 Authority to prohibit use of authorized areas.

The city manager or his duly authorized representatives may prohibit the use of designated public snowmobile operation areas at such times as he or she may see fit. The City Manager's failure to prohibit the use of said designated public areas during such times as the same may be unsafe for snowmobile traffic shall not render the city, its manager or its duly authorized representatives liable for damages sustained as a result of the use of said areas during a time when the same are unsafe for travel; all travel in said areas on any ice-bound, inland waters within the jurisdiction of the city shall be at the risk of the traveler. This chapter shall not be construed so as to render the city, its manager or other duly authorized representatives liable for damages to those engaged in permitted travel under this chapter, it being the intent of this chapter to preserve the immunities granted the city under Wisconsin Statutes and common law.

Section 3: Whitewater Municipal Code, Chapter 11.484, Subsection 11.48.110, is hereby amended to read as follows:

11.48.110 Recreational vehicles prohibited in city parks and on city lakes.

(a) It is unlawful for any person to operate a motorcycle, minibike, snowmobile, dune buggy, go cart, all-terrain vehicles or other recreational or motor vehicle in any park or on in the City of Whitewater.

(b) It is unlawful for any person to operate a bicycle within Indian Mounds Park.

Ordinance introduced by Councilmember Binnie, who moved its adoption, with the understanding that for the second reading the City Attorney will propose revised language to address the amendment. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. FIRST READING APPROVED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5.19, "SIDEWALK CAFÉ" PERMITS. City Manager Brunner reported that Brunner, Downtown Whitewater Director Brodnicki, and Neighborhood Services Director Parker met to discuss amendments to the Sidewalk Café Permit ordinance. Downtown Whitewater would like to encourage more cafes and Brodnicki indicated she had spoken with people who would like to participate. The amendment to the ordinance includes eliminating the requirement that food sales must be greater than 30% of the gross receipts and has specific criteria regarding layout of the sidewalk café area. Specific criteria for allowing alcohol consumption in the sidewalk café area was presented. Police Chief Coan expressed concerns about having alcohol on sidewalks outside of tavern establishments. It was moved by Olsen and seconded by Binnie to adopt the ordinance as presented. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: Stewart. ABSENT: None. It was then moved by Stewart to remove Section 1 from the ordinance (section authorizes only those having a minimum of 30% food sales to obtain a sidewalk café permit). Motion died for lack of a second.

**ORDINANCE AMENDING CHAPTER 5.19
SIDEWALK CAFE PERMIT**

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

Section 1. Whitewater Municipal Code Chapter 5.19 Subsection B. 1 is hereby amended by eliminating the following words: "and whose food sales are greater than thirty percent (30%) of its gross receipts."

Section 2. Whitewater Municipal Code Chapter 5.19 Subsection D. 4. is hereby amended to read as follows:

4. A general layout drawing, which accurately depicts the dimensions of the existing sidewalk area and adjacent private property, the proposed location of the sidewalk cafe, size and number of tables, chairs steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on 8-1/2" X 11" paper, suitable for reproduction.

Section 3. Whitewater Municipal Code Chapter 5.19 Subsection F. 14. is hereby amended to read as follows:

14. If alcohol will be offered for consumption in the sidewalk café, the area encompassing the sidewalk café shall be roped off or otherwise enclosed by a freestanding barrier. The barrier shall be at

least three feet high. The neighborhood services director shall approve the barrier to assure that it is safe and visually appealing. Any alcohol to be consumed in the sidewalk café area must be served to the patron by an employee of the establishment within the sidewalk café area. Alcohol may not be taken by patrons from the tavern to the sidewalk café area. Any patron consuming alcohol in the sidewalk cafe area must be seated.

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

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: Stewart. ABSENT: None. FIRST READING APPROVED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE CREATING CHAPTER 7.42 – REGULATIONS CONCERNING NEIGHBORHOOD PRESERVATION (POLICE RELATED ACTIVITIES). A second reading of an ordinance concerning police-related nuisance complaints was presented.

**ORDINANCE CREATING CHAPTER 7.42
REGULATIONS CONCERNING NEIGHBORHOOD PRESERVATION
(POLICE RELATED NUISANCE ACTIVITIES)**

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

SECTION 1. Chapter 7.42, Regulations Concerning Neighborhood Preservation (Police Related Nuisance Violations), is hereby created to read as follows:

Sections:

- 7.42.010 Definitions.
- 7.42.020 Notice.
- 7.42.030 Abatement Plan
- 7.42.040 Additional Police Related Nuisance Activity
- 7.42.050 Appeal
- 7.42.060 Violations – Penalties – Remedies – Injunctive and other relief.

7.42.010 Definitions. The following terms shall be defined as follows in this chapter:

- A. **Chief.** The Chief of Police or his or her designee.
- B. **Enforcement Action.** Arrest, the issuance of a citation, the issuance of a written warning, the issuance of an order to correct.
- C. **WWMC.** Whitewater Municipal Code.
- D. **Police Related Nuisance Activity.** Any of the following activities, behaviors or conduct occurring upon a premises or arising out of the use of a premises (unless the owner or occupant of the property is the victim of the crime or act by a non-occupant):

1. POLICE RELATED NUISANCE ACTIVITY

- a. An act of Harassment, as defined in §947.013, Wis. Stats.
- b. Disorderly Conduct, as defined in §947.01, Wis. Stats.

- c. Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.
- d. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats. and Sexual Assault as defined in §940.225, Wis. Stats.
- e. Prostitution, as defined in §944.30, Wis. Stats.
- f. Theft, as defined in §943.20, Wis. Stats.
- g. Receiving Stolen Property, as defined in §943.34, Wis. Stats.
- h. Arson, as defined in §943.02, Wis. Stats.
- i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.
- j. Gambling, as defined in §945.02, Wis. Stats.
- k. Obstructing or resisting an officer, set forth in WWMC 7.02.
- l. Failure to obey a police officer, set forth in WWMC 7.03.
- m. Possession of marijuana, set forth in WWMC 7.26.
- n. Disturbance of the peace, set forth in WWMC 7.36.
- o. Underage alcohol violation, set forth in WWMC 7.63.
- p. Furnishing alcohol to underage persons, set forth in WWMC 7.66.
- q. Fireworks violation, set forth in WWMC 5.08.
- s. Noise violation as set forth in WWMC 19.58.
- t. Parking and other vehicle violations under WWMC Title 11 which tend to cause a nuisance.
- u. Any other activity similar to the above violations and any activity enforced by the Whitewater Police Department which is in violation of Whitewater ordinances or state statutes and tends to cause a nuisance.

E. **Owner.** The owner of the premises and his or her agents.

F. **Premises.** An individual dwelling unit used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

7.42.020 Notice.

A. Whenever the Chief determines that three (3) or more Police Related Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period the Chief, or his/her designee, may notify the premises owner and tenant, if appropriate, in writing, of the violations. In reaching this determination, the Chief shall not include police related nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief may

initiate and implement the procedure and enforcement for Police Related Nuisance Activities under this Section. A copy of the notice shall be delivered to the occupant of the premises by regular mail.

B. The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

C. The Chief's written notice shall be delivered to the owner of the premises by one of the following methods: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, as the Chief may determine appropriate under the particular facts and circumstances.

D. In an effort to foster early and fair resolutions to nuisance related concerns; and to avoid actions being brought under this chapter, and to encourage the full and fair reporting of nuisance activities in the City of Whitewater, the City Council authorizes the following procedure:

The City Manager shall have the power to designate a Neighborhood Preservation Board which will act as a mediator concerning nuisance matters that may lead to actions under this chapter. The Board shall also inform and assist residents who are aggrieved by nuisance activities in the City of Whitewater. The Board shall be formed upon its own initiative, and its members shall not be appointed by the City of Whitewater. The makeup of the Board shall be determined by the Board, and the Board will not be an official Board of the City of Whitewater.

Each neighborhood shall submit a number of potential members for inclusion in the Board roster. The landlords will submit their roster of representatives. Two appropriate neighborhood representatives and two appropriate landlord representatives will hear each case. The Board roster shall be re-formed bi-annually, and must be approved by the City Manager. After formation of a Board roster, the Board shall request that the City recognize it as the Neighborhood Preservation Board to act under this chapter. The City Manager shall only designate a Board as the Neighborhood Preservation Board if its makeup and organization fairly represents the best interests of the City of Whitewater.

This Board may be invoked by referral from the Police Chief after the second violation of the ordinances and/or codes contained within the chronic nuisance statutes. It is acknowledged that there will be occasions when the nature and timing of two incidents do not present an appropriate circumstance for a referral to the Board. Therefore, the Police Chief shall have the discretion to make the decision as to whether or not to refer matters to the Board.

The primary functions of the Board shall be the following:

1. Regarding the pattern of offenses which invoked the ordinance, the Board will:
 - a. serve as a forum to discuss, educate, encourage negotiations, and mentor the parties on the issues involved;
 - b. identify neighborhood and property owner's concerns,
 - c. attempt to achieve resolution of the complaint(s) and the underlying issue(s) involved so as to potentially resolve the current complaint and to prevent further violations of the ordinances and codes contained within the chronic nuisance statutes,
 - d. to provide property owners with a forum to express their position regarding administration and enforcement of the ordinance as it relates to the complaint, and
 - e. offer recommendations to the Police Chief as well as the individuals directly affected by the complaint.

If the Board's actions do not resolve the conflict, the Board shall provide an advisory recommendation to the Police Chief regarding the matter. If the Board cannot come to a majority recommendation on the issue in question, the procedures set forth in the ordinance shall continue as if there were no Board. The Board must meet and make recommendations in a timely fashion. The Board must

convene within a month of the referral from the city and provide a recommendation within two weeks of the meeting. Failure to meet in said timely fashion will result in the ordinance procedures progressing as if there were no Board. The Police Chief shall have the full discretion to decide if the action under this chapter shall continue, be modified, or be dismissed. In making his or her decision, the Police Chief shall consider any recommendation made by the Board.

7.42.030 Abatement plan.

Any owner (or the owner's representative) receiving such notice shall personally meet with the Police Chief, or with his or her City designee, within seven (7) days of receipt of such notice. The Chief and owner shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Chief or his or her designee, a detailed written abatement plan designed to forthwith and effectively end all the police related nuisance activity upon the premises. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the premises who can be contacted in the event of further police, fire, or inspection activities and/or contact.

7.42.040 Additional police related nuisance activity.

Whenever the Chief determines that:

1. Additional police related nuisance activity and/or enforcement action has/have occurred upon a premises for which written notice has been issued under this Chapter; and
2. This additional police related nuisance activity and/or enforcement action has/have occurred more than seventeen (17) days after written notice was served; and
3. Reasonable effort has not been made by the owner of the premises to abate the police related nuisance activity;

Then, for the next 24 months, the Chief may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement including, but not limited to, actual burdened labor, overtime, materials, vehicle use, and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief shall then cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid in 30 days, charged, assessed, levied and collected by the City as a special charge against the premises/property.

7.42.050 Appeal.

A. Appeal by Affected Property Owner. An affected owner of the premises may appeal the Police Chief's determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this Ordinance in the manner set forth in this subsection.

B. The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal must be filed within thirty (30) days of the invoice from the City Clerk.

C. The appeal shall be considered only if filed within 30 days of the date of the invoice from the Clerk and prior to the time that any unpaid special charges imposed against the premises/property under this chapter are turned over by the Treasurer to be placed on the tax roll.

D. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

E. Upon receipt of the written appeal, the Clerk shall set the matter for a hearing for a meeting of the Common Council not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.

F. The Clerk shall provide written notice to the appellant and to the Chief of Police of such hearing date, time and place.

G. The parties may agree to continuances and stipulations as to procedure and substance.

H. The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven (7) years by the City Clerk. A party may have a court reporter record the hearing but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.

I. The appellant and the Chief of Police may each present witnesses who testify upon oath after being duly sworn in by the City Clerk, the Deputy City Clerk, or any other person authorized by law to administer oaths.

J. After the hearing, the Common Council in open session shall deliberate and then make a determination by recorded motion, second and vote. A majority of Council Members voting shall decide the matter.

K. The City Clerk and Treasurer shall adjust all invoices, tax and related City records in accord with the Council's determination.

L. The procedures initiated by notice under Section 7.42.020 shall be stayed until the Common Council rules on any timely appeal filed under this section.

7.42.060 Violations – Penalties – Remedies – Injunctive and other relief.

In addition to the special charges authorized and described above, the following penalties and remedies are cumulative and not exclusive; may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable, by the courts:

A. First Offense. Any individual, corporation or party who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit and pay to the City not less than \$100 nor more than \$1,000, together with the costs of prosecution. It shall be considered a violation of this chapter by the property owner if additional police related nuisance activity under section 7.42.040 takes place at a premises within a period of two years after a notice under 7.42.020 is given concerning a premises.

B. Subsequent Offenses. Any individual, corporation, or party who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within twenty-four (24) months after committing a previous violation shall forfeit and pay to the City not less than \$200 nor more than \$2,000, together with the costs of prosecution.

C. The City, in addition to the above monetary penalty(ies) and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, abatement, and such other legal and/or equitable relief, remedies, judgments, and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time, deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare, and/or safety.

D. It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the City or the court.

E. This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under the applicable state statutes.

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

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Taylor, Winship, Binnie, Singer, Stewart. NOES: Olsen, Kienbaum. ABSENT: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING SECTION 1.21.010, SCHEDULE OF DEPOSITS. It is necessary to assign a penalty amount to violations of the nuisance ordinances.

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

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

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

CHAPTER OR SECTION NUMBER, OFFENSE, DEPOSITS AND COSTS

7.41, Violation of Neighborhood Preservation Ordinance (Property Condition),

1st offense - \$100 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

„2nd offense - \$200 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

„3rd & subsequent offenses - \$250 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.

7.42, Violation of Neighborhood Preservation ordinance (Police Related),

1st offense - \$100 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

„2nd offense - \$200 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

„3rd and subsequent offenses - \$250 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Taylor, Winship, Binnie, Singer, Stewart. NOES: Olsen, Kienbaum. ABSENT: None. ADOPTED: June 16, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF ‘CLASS B BEER AND LIQUOR LICENSE FOR WMED LLC, MARK WOKASCH, AGENT. Mark Wokasch is in the process of purchasing Fat Jack’s Roadhouse, 146 W. Main Street, from Jeff Hawkes. Wokasch has received his conditional use permit from Plan Commission and the Alcohol Licensing Committee has recommended approval of the license with the understanding that a minimum of 25% of his total sales must result from food sales. It was moved by Olsen and seconded by Winship to approve the “Class B Beer and Liquor” license for WMED LLC, Mark Wokasch, Agent. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF “CLASS B BEER AND LIQUOR” LICENSE FOR LLP LLC, Lacey Reichwald, Agent, The Sweet Spot Coffee Shoppe, 226 W. Whitewater Street. Lacey Reichwald has applied for renewal of her beer and liquor license. It was moved by Olsen and seconded by Winship to approve

renewal of the Class B Beer and Liquor license for LLP LLC, Lacey Reichwald, Agent. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF “CLASS B BEER AND LIQUOR” LICENSE FOR MAD BOAR PUB LLC, Nicholas Marietta, Agent. The Mad Boar Pub has applied for renewal of their Class B Beer and Liquor license. Councilmember Olsen noted that the Mad Boar Pub has received two underage drinking citations within a six month period. Although Olsen is not interested in denying the license, he requested that any establishment receiving two violations within a six month period must be brought before the Alcohol Licensing Committee. It was moved by Olsen and seconded by Taylor to approve the renewal of the Class B Beer and Liquor License for the Mad Boar Pub LLC, Nicholas Marietta, Agent. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REQUEST TO CLOSE WHITEWATER STREET FOR FOURTH OF JULY FESTIVITIES. The 4th of July Committee has requested closure of a portion of Whitewater Street from July 3rd through July 5th for the holiday celebration at Cravath Lake Park. It was moved by Olsen and seconded by Winship to approve the street closure as requested. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF CONTRACT WITH ISTHMUS ARCHITECTURE FOR TRAIN DEPOT RESTORATION. After interviews with several firms, it has been recommended that the City retain Isthmus Architecture to design improvements for the train depot restoration project. Eighty percent of the restoration project will be funded (including architectural fees) through a Wisconsin Department of Transportation Enhancements grant, with the remaining 20% of costs to be provided locally. The City has set aside \$40,000 in its Capital Improvement plan for the project, with the understanding that the Historical Society will provide the remaining \$40,000. The DOT must approve the architectural services contract for this project, but Common Council’s approval of the architectural firm is needed to begin the design work this Summer, with the objective of beginning construction this Fall. It was moved by Olsen and seconded by Stewart to approve a contract with Isthmus, at a cost not to exceed \$24,500, with the understanding that there will be some construction administration costs with Isthmus that will need to be further negotiated once the final scope of the project is determined. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF CONTRACT FOR NORTH AND FOURTH STREET RECONSTRUCTION. Presented for approval was a TIF 4 project that includes the reconstruction of North Street (George to east Armory driveway); First Street (from Main to North St.); and Parking Lot G located off of First Street. The project includes water main and sanitary sewer replacement, new curb, gutter and sidewalk, and some streetscape. Water and sewer work will be paid for by each respective utility. A dumpster enclosure was designed to be built in the parking lot and the cost to be assessed to all properties that are contiguous with the parking lot. The dumpster enclosure was bid as a separate item. Downtown property owners have informed Downtown Whitewater, Inc. Director Brodnicki that the \$28,500 bid price for the dumpster enclosure is too high. A less expensive dumpster enclosure construction project is being pursued. It was moved that Contract 3-2009 be awarded to Forest landscaping of Lake Mills, Wisconsin, for the bid price of \$477,930 and that Alternate Bid No. 1 in the amount of \$28,500 (for dumpster enclosure) be rejected. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF CONTRACT WITH STREIB CONSTRUCTION, INC. FOR TRIPPE LAKE SHELTER / RESTROOM. The Park and Recreation Department requested bids for the Trippe Lake Shelter / Restroom, which will replace the existing Bath House at Trippe Lake Park. The Pavillion consists of a covered picnic area, two toilet rooms, a crock room, a mechanical room and an office / project room. It will be heated to offer year around use. The existing bath house will be demolished. Bid notices were mailed to numerous parties, but only one bid was received. The one bid received did put the project over budget, but revisions between Design Alliance (architect) and Streib Construction were worked out, and the construction amount of the contract has been reduced to \$180,900. It was moved by Olsen and seconded by Binnie to approve a construction & demolition contract with Streib Construction, Inc., not to exceed \$180,900 for the Trippe Lake Shelter / Restroom. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PURCHASE OF SENIOR VAN. Bids were recently requested for the purchase of a new "Senior Van" for the Seniors in the Park program. The van is also used by various Park & Recreation programs throughout the year. The existing van is in dire need of replacement. The Seniors have fundraised \$21,890 for this purchase. The remaining expense would be paid for from the City's Equipment Replacement fund. One bid from Nelson's Bus Service was provided for a 2006 Ford at a cost of \$46,329. The vehicle has 2,500 miles on it with a two year complete warranty remaining. The other bid was for a 2009 Ford Paratransit with a three year/36,000 mile warranty on the engine; and 12 months/12,000 miles on everything else. The cost would be \$51,831.00. The 2009 vehicle would have to be ordered, while the 2006 van is available immediately. It was moved by Olsen and seconded by Kienbaum to approve the purchase of a 2006 Ford Eldorado Aerotech 24' cutaway bus from Nelson's Bus Service (demonstrator unit with 2,500 miles) at a cost of \$46,329. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF REQUEST TO DISPOSE OF CERTAIN CITY PROPERTY THROUGH AUCTION. Request to authorize the sale of city owned items that are no longer being used or are no longer needed was presented. It was moved by Olsen and seconded by Winship to authorize the sale of city equipment as presented, through auction to be held on July 25th. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF POLICY CHANGE RELATING TO LAWN WATERING CREDITS. Finance Director Saubert requested approval of the new Sewer Irrigation Credit for water usage during the June through August Summer quarter. During these times, there is usage of water outdoors which does not flow through the sewer system. Previously a single family residential household could request the credit provided the water usage during that time exceeded the average of the previous three quarters by 25%. However, the credit was calculated on 100% of the water usage over the average of the previous three quarters. To automate the credit for all single family residential households, the sewer usage charge will now be calculated based on 100% of the water usage for the first quarter (December – February) or the second quarter (March – May), whichever is less. A credit will no longer need to be requested and manually calculated to be applied to the utility bill. The utility bill will automatically take into consideration the reduced sewer usage and this will be reflected on the utility bill. Also, the sewer irrigation credit (lawn watering credit) will be applied uniformly among all eligible single family residential customers. It was moved by Olsen and seconded by Binnie to approve the policy revision to the Sewer Irrigation credit ("lawn watering credit"). AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF CONTRACT WITH JAECKEL BROTHERS FOR SITE GRADING FOR WALTON'S PINE BLUFF SUBDIVISION. Authorization to contract with Jaeckel Brothers of Fort Atkinson was requested to meet the City's ordinance for erosion control on lots owned by Kennedy Homes Partnership in the Walton Pine Bluff Subdivision. The City has received complaints from the neighbors in regard to these incomplete graded lots. Kennedy owns 25 empty lots in the subdivision. The lots do not meet the requirements for erosion control and they need grading to provide proper drainage and soil stabilization. Kennedy was notified of the violation and given a compliance deadline of May 29, 2009. Unfortunately, Kennedy did not correct the problem. On June 1, 2009, a Notice of Intent to Perform Grading and Erosion Control Work was issued by the City. Fischer stated that it is his preference that Kennedy arrange for performance of the work and he will continue to attempt to work with them to do this. It was moved by Olsen and seconded by Winship to authorize the contract with Jaeckel Brothers of Fort Atkinson, Wisconsin, to complete site work in Walton's Pine Bluff Subdivision at a cost not to exceed \$15,000, with the understanding that if Kennedy does begin the work on Friday, June 19, 2009 as indicated, the City will no longer have to enter into a contract with Jaeckel. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF AGREEMENT WITH DLK ENTERPRISES, INC. FOR STORM SEWER INSTALLATION ON CARRIAGE DRIVE AND NORTH FRATERNITY LANE. Presented for approval was an agreement between the City and DLK Enterprises for storm sewer improvements on Florence Street. The DLK-owned property at that corner has experienced numerous flooding problems over the last several years, and while most of them stem from drainage on the DLK property, there is a need to enlarge and connect the private improvements to the City's storm sewer system. The agreement

requires the City to install the improvements, located both within the public right-of-way and on the private property and in turn, DLK Enterprises will pay 100% of both the construction costs and any related engineering and administrative costs incurred by the City. This is not a special assessment agreement . DLK has agreed to pay 100% of the costs upon completion of the project and subsequent billing from the City. It was moved by Olsen and seconded by Kienbaum to approve the Agreement between DLK Enterprises, Inc. and the City for installation of storm sewer on Carriage Drive and North Fraternity Lane. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

ADOPTION OF DRUG AND ALCOHOL TESTING POLICY FOR SHARED RIDE TAXI SERVICE. Brown Cab Service recently updated their Drug and Alcohol Policies Manual to be in compliance with recent changes made in FTA regulations. Adoption of the new policies by the Common Council is necessary. It was moved by Olsen and seconded by Winship to adopt the new Drug and Alcohol Policies Manual as presented to Council. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

DISCUSSION REGARDING CANCELLATION OF JULY 7TH MEETING. Normally Council cancels the first meeting each July. Discussion regarding the cancellation ensued. It was agreed that the July 7th meeting would be held, but with a very light agenda.

REQUEST FOR FUTURE AGENDA ITEMS. Councilmember Taylor requested that the Future Agenda Items chart be delivered to Council on a regular basis, rather than on an as-requested basis.

ADJOURNMENT. It was moved by Olsen and seconded by Stewart to adjourn the meeting. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Michele R. Smith, Clerk