

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

September 15, 2009

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell. It was moved by Olsen and seconded by Winship to approve the Council minutes of 8/25/09 and to acknowledge receipt and filing of the following: Park and Recreation minutes of 8/3/09 and Report of Manually-Produced checks for August, 2009. Item O-6 was removed from consent agenda per Winship's request. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None.

APPROVAL OF PAYMENT OF INVOICES PROCESSED THROUGH SEPTEMBER 10, 2009.

It was moved by Olsen and seconded by Winship to approve payment of city invoices processed through September 10, 2009 in the amount of \$131,887.96. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None.

STAFF REPORTS: None.

CITIZEN COMMENTS: None.

COMMON COUNCIL ANNOUNCEMENTS. Winship stated there are new cameras mounted in the Community Room for televised purposes.

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES (rate increase effective 12/1/09). Councilmember Taylor questioned why the increase in the sewer rate for four years in advance.

City Manager Kevin Brunner explained this increase is necessary to pay for the Wastewater Treatment Plant improvements. This will also cover projected debt service and other operating costs for the next four years.

Jim Kleinschmidt of Strand Associates explained the overall increase is 5.5%. All improvements are needed. This would cost approximately \$38 per household a month. This is necessary to meet the terms and conditions of the Clean Water Fund grant package the Utility has been awarded to finance improvements. If the grant was not approved, then in order to pay for the improvements the needed rate increases would be 7% in 2010, 7 ½ % in 2011, 12% in 2012 and 5% in 2013.

Councilmember Binnie questioned how these rates compare to other cities.

Jim Kleinschmidt stated that Whitewater is required to meet higher effluent standards than most cities in the area. River Falls was the closest to comparison, and its 2007 rates were similar to the proposed rates.

Binnie recommended contingent on award of clean water ARRA grant final financing being in place.

Councilmember Winship stated if there was a change, the council could vote on it. Apply rates at this time to be eligible and if there is a change, it can come back to council.

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the costs of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established, effective December 1, 2009.

FURTHER MORE, BE IT RESOLVED by the Common Council that the following New Building Connection Fees are hereby established effective January 1, 2009.

DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

<u>Meter Size</u>	
5/8"	\$22.03
3/4"	22.03
1"	30.27
1 1/2"	44.00
2"	60.48
3"	98.93
4"	153.85
6"	291.17

Volume Charge: \$ per 1000 gallons \$5.36

NON DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge: Same as Domestic Sewage Customers

Volume Charge: Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:	
B.O.D. (over 300 mg/1)	\$0.53 per pound
T.S.S. (over 300 mg/1)	\$0.47 per pound
NH3-N (over 300 mg/1)	\$0.66 per pound
Total Phosphorus (over 12 mg/1)	\$5.49 per pound

New Building Connection Fee:

- (a) Per family dwelling or R.E.U. \$1,824.00
- (b) Multiple family dwellings
without individual laundry
Facilities-**per unit or R.E.U.** \$1,368.00
- (c) All others:
\$1,824 per each 275 gallons per
day of usage (Minimum \$1,824
per unit or R.E.U.).

Other Sewage Customers:

Holding tank waste	\$15.00 per 1000 gallons
Septic tank waste	\$41.00 per 1000 gallons

Resolution introduced by Councilmember Olsen, who moved its adoption contingent on award of the grant and loan. Seconded by Councilmember Binnie. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ADOPTED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES (rate increase effective 12/1/10).

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the costs of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established, effective December 1, 2010.

FURTHER MORE, BE IT RESOLVED by the Common Council that the following New Building Connection Fees are hereby established effective January 1, 2009.

DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

<u>Meter Size</u>	
5/8"	\$22.97
3/4"	22.97
1"	31.39
1 1/2"	45.41
2"	62.24
3"	101.51
4"	157.61
6"	297.86

Volume Charge: \$ per 1000 gallons \$5.72

NON DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

Same as Domestic Sewage Customers

Volume Charge:

Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:	
B.O.D. (over 300 mg/1)	\$0.56 per pound
T.S.S. (over 300 mg/1)	\$0.51 per pound
NH3-N (over 300 mg/1)	\$0.70 per pound
Total Phosphorus (over 12 mg/1)	\$5.77 per pound

New Building Connection Fee:

- (a) Per family dwelling or R.E.U. \$1,824.00
- (b) Multiple family dwellings
without individual laundry
Facilities-per unit or R.E.U. \$1,368.00
- (c) All others:
\$1,824 per each 275 gallons per
day of usage (Minimum \$1,824
per unit or R.E.U.).

Other Sewage Customers:

Holding tank waste	\$16.00 per 1000 gallons
Septic tank waste	\$44.00 per 1000 gallons

Resolution introduced by Councilmember Olsen, who moved its adoption contingent on award of the grant and loan. Seconded by Councilmember Binnie. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ADOPTED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES (rate increase effective 12/1/11).

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the costs of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established, effective December 1, 2011.

FURTHER MORE, BE IT RESOLVED by the Common Council that the following New Building Connection Fees are hereby established effective January 1, 2009.

DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

<u>Meter Size</u>	
5/8"	\$23.41
3/4"	23.41
1"	31.98
1 1/2"	46.26
2"	63.40
3"	103.39
4"	160.51
6"	303.33

Volume Charge: \$ per 1000 gallons \$6.12

NON DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

Same as Domestic Sewage Customers

Volume Charge:

Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:	
B.O.D. (over 300 mg/1)	\$0.58 per pound
T.S.S. (over 300 mg/1)	\$0.55 per pound
NH3-N (over 300 mg/1)	\$0.72 per pound
Total Phosphorus (over 12 mg/1)	\$6.02 per pound

New Building Connection Fee:

- (a) Per family dwelling or R.E.U. \$1,824.00
- (b) Multiple family dwellings
without individual laundry
Facilities-**per unit or R.E.U.** \$1,368.00
- (c) All others:
\$1,824 per each 275 gallons per
day of usage (Minimum \$1,824
per unit or R.E.U.).

Other Sewage Customers:

Holding tank waste	\$17.00 per 1000 gallons
Septic tank waste	\$47.00 per 1000 gallons

Resolution introduced by Councilmember Olsen, who moved its adoption contingent on award of the grant and loan. Seconded by Councilmember Binnie. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ADOPTED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES (rate increase effective 12/1/12).

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the costs of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established, effective December 1, 2012.

FURTHER MORE, BE IT RESOLVED by the Common Council that the following New Building Connection Fees are hereby established effective January 1, 2009.

DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge:

<u>Meter Size</u>	
5/8"	\$24.45
3/4"	24.45
1"	33.15
1 1/2"	47.66
2"	65.07
3"	105.69
4"	163.71
6"	308.77

Volume Charge: \$ per 1000 gallons \$6.43

NON DOMESTIC SEWAGE CUSTOMERS

Quarterly Facilities Charge: Same as Domestic Sewage Customers

Volume Charge: Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:	
B.O.D. (over 300 mg/1)	\$0.61 per pound
T.S.S. (over 300 mg/1)	\$0.57 per pound
NH3-N (over 300 mg/1)	\$0.77 per pound
Total Phosphorus (over 12 mg/1)	\$6.37 per pound

New Building Connection Fee:

- (a) Per family dwelling or R.E.U. \$1,824.00
- (b) Multiple family dwellings **without** individual laundry Facilities-**per unit or R.E.U.** \$1,368.00
- (c) All others:
 - \$1,824 per each 275 gallons per day of usage (Minimum \$1,824 per unit or R.E.U.).

Other Sewage Customers:

Holding tank waste	\$17.00 per 1000 gallons
Septic tank waste	\$49.00 per 1000 gallons

Resolution introduced by Councilmember Olsen, who moved its adoption contingent on award of the grant and loan. Seconded by Councilmember Binnie. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ADOPTED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF AMENDMENTS TO CHAPTER 2.24.070, CODE ENFORCEMENT, TO ADOPT THE UNIFORM FIRE CODE AND WISCONSIN ADMINISTRATIVE CODE, COM 14 AND ADDING FIRE INSPECTORS AS AN AUTHORIZED POSITION TO ISSUE CITATIONS FOR NONCOMPLIANCE. City Manager Kevin Brunner stated this ordinance was a request by the Fire Department to add fire inspectors as authorized positions to issue citations for any non-compliance issues. There have been some fire code deficiencies not corrected by some property owners.

Ryan Dion, Whitewater Fire Department, stated if the city ordinance is not in the same language as this Fire Code, it makes it difficult to issue citations. Other municipalities have adopted this already. There are 600 pages of codes in the manual. Ryan sometimes has to re-inspect property three to five times before they correct cited non-compliances. Currently, the state fire marshal would have to write a citation if the WWFD could not secure compliance.

City Attorney Wally McDonell clarified that the nuisance ordinance would not be affected. The ordinance is structured so any amendments to the fire code the officers can enforce. The Chapter 14 commerce applies to Whitewater.

**AN ORDINANCE ADOPTING COMMERCE CHAPTER 14
(FIRE PREVENTION) OF THE WISCONSIN ADMINISTRATIVE CODE**

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

Section 1: Whitewater Municipal Code, Chapter 14, Section 14.12.010, is hereby created to read as follows:

Section 14.12.010 Adoption of Commerce Chapter 14 (Fire Prevention)

a. The provisions of Commerce Chapter 14 (Fire Prevention) of the Wisconsin Administrative Code (including the adoption therein in Section 14.001 of the National Fire Protection Association, *Uniform Fire Code*, and all amendments and supplements thereto relating to fire protection, are adopted as a portion of this chapter so far as applicable, except as otherwise lawfully provided by the City of Whitewater Municipal Code. Premises in the City of Whitewater covered by the chapter shall comply with the provisions of Commerce Chapter 14 (Fire Prevention) of the Wisconsin Administrative Code.

b. Fire inspectors from the Whitewater Fire Department shall have the power to enforce this code and issue citations for violations of this section. Furthermore, if a fire inspector issues orders to correct a violation or condition, and said violation or condition is not corrected on a subsequent visit by a fire inspector, the fire inspector shall have the power to issue reinspection fees under Chapter 1.29 to the offending party.

c. This subsection shall not be construed to hold the City of Whitewater or any of its officers or agents, including the Whitewater Fire Department or any of its inspectors liable while discharging their duties in good faith and acting without malice, by reason of any inspection or reinspection authorized herein; approval or disapproval of any condition noted on, in, or about any premises within its jurisdiction, or any act or by reason of any act or omission in the discharge of their duties responsible for any damages to person(s) or property.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSTAIN: Olsen. FIRST READING APPROVED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

AN ORDINANCE AMENDING SECTION 2.24.070 FIRE INSPECTOR DUTIES

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

Section 1: Whitewater Municipal Code, Chapter 2, Section 2.24.070, is hereby amended to read as follows:

2.24.070 Fire Inspector Duties

a) It shall be the duty of the Fire Inspector to inquire diligently as to the violation of any ordinance or regulation relating to the prevention of fires, or their growth and spread, and report findings to the Fire Chief, who shall act as chief Fire Inspector, any condition that would hinder the preservation of life and property. If, in the opinion of the Fire Inspector, a condition exists that is deemed unsafe or unfit, he or she shall order the cause thereof removed or abated. If the cause is not removed or abated within the time constraints set forth by the Fire Inspector, at their discretion, the person(s) responsible for the correction of the cause shall be subject to penalties set forth in this chapter.

b) The Fire Inspector may enter into any enclosure or building in their jurisdiction, except for the interior of private dwellings, at proper times as often as may be necessary; but not less than once a year, to execute the above listed duties as they pertain to code compliance. The owner or occupant of any premises who refuses to permit, prevents or interferes with entry into or upon any premises, or inspection activities themselves, by any inspector, shall be guilty of violating this chapter and shall be subject to penalties set forth in this chapter. If entry is denied to a public building or inspectable property as set forth in this code the Fire Inspector may obtain a special inspection warrant under the Wisconsin Statutes. The authority having jurisdiction, upon the complaint of any person or whenever they shall deem necessary, may inspect any building or premises within their jurisdiction.

c) The Fire Chief and the Fire Inspector can issue an order to vacate all occupants forthwith of any property, building or area deemed unsafe that presents a significant life or safety hazard.

d) Any person who violates any of the provisions of this section, or who fails to comply with any order made by the authority having jurisdiction within the time constraints set forth by the authority having jurisdiction, shall for each and every violation and noncompliance be subject to a forfeiture of not less than ten dollars (\$10.00), and no more than one hundred dollars (\$100.00).

e) This subsection shall not be construed to hold the City of Whitewater or any of its officers or agents, including the Whitewater Fire Department or any of its inspectors, liable for action taken or not taken while discharging their duties in good faith and acting without malice, by reason of any inspection or reinspection authorized herein, approval or disapproval of any condition noted on, in, or about any premises within its jurisdiction, or any act or by reason of any act or omission in the discharge of their duties, responsible for any damages to person(s) or property.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSTAIN: Olsen. FIRST READING APPROVED. September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE CREATING STANDARDS FOR AMALGAM SEPARATORS.

AN ORDINANCE CREATING STANDARDS FOR AMALGAM SEPARATORS

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

SECTION 1: Whitewater Municipal Code Chapter 16.14, Sections 16.14.56 and 16.14.57, are hereby created to read as follows:

16.14.56 Amalgam Separators – General Conditions

This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxilla-facial surgery, endodontics, or prosthodontics, then this ordinance does not apply. Within the shortest reasonable time, but not later than 6 months from the passage of this ordinance, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system. In addition, all dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association (WDA).

- (1) On or before 1 year from the passage of this ordinance, each dental office shall submit a report to the city clerk that certifies the implementation of the management practices established by the WDA and identifies the contractors used to remove amalgam waste within the last twelve months.
- (2) On or before 3 months from the passage of this ordinance, each dental office shall provide a schedule for the installation of the required amalgam separator(s).
- (3) On or before 6 months from the passage of this ordinance, each dental office shall provide a report providing the following information:
 - A. If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer and the model name.
 - B. If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide the installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.
- (4) If a dental office has provided a report according to sub. (3)B, then the dental office shall notify the City of Whitewater within five days after completion of the installation.
- (5) The City shall provide a form for reporting the information required by subs. (1) and (3).
- (6) Dental offices shall obtain records for each shipment from the contractors used to remove amalgam waste showing: the volume or mass of amalgam waste shipped; the name and address of the destination, and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the City for inspection and copying upon request from the City.
- (7) Dental offices shall allow the City to inspect the vacuum system, amalgam separator, and amalgam waste storage areas upon request.
- (8) Inspections shall occur during the normal operating schedule of the dental office. The City shall inspect dental offices according to appointments made in advance, as long as this advance notice does not impede enforcement of this section.

- (9) If a dental office is implementing the management practices required by sub. (1) and is operating and maintaining the amalgam separator as required, the numerical discharge limit for mercury established in any other section of this chapter does not apply.

16.14.57 Amalgam Separators – Maintenance.

To maintain proper discharge quality from amalgam separators, a maintenance report will be required to be submitted on an annual basis on or before May 1st of each year. This report shall contain a summary of any issues related to the amalgam unit maintenance and operation, including dates and names of contractor (s) doing the service, along with all relevant receipts generated in the recycling of amalgam waste in the previous 12 months. Examples of these receipts would be: 1) vendor providing the recycling container, 2) vendor providing the recycling service (certification of recycling), 3) initial recipient of amalgam waste.

Ordinance 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: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 16 REGARDING STANDARDS FOR GREASE, OIL AND SAND INTERCEPTORS.

ORDINANCE AMENDING TITLE 16 REGARDING STANDARDS FOR GREASE, OIL AND SAND INTERCEPTORS

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

SECTION 1: Whitewater Municipal Code Chapter 16.14, Sections 16.14.046, 16.14.181, and 16.14.309 are hereby created to read as follows:

16.14.046 Amalgam Separator

“Amalgam Separator” – A device designed to remove waste amalgam (an alloy of mercury used in dental fillings) from rinse water in the vacuum lines of dental offices. Used to capture scrap amalgam too fine to be removed by a trap or screen.

16.14.181 Grease Interceptor

“Grease Interceptor” – a receptacle designed to reduce, retain and/or remove greases, oils and fatty substances prior to discharge into the public sanitary sewerage system. Grease Interceptors can be located on the interior or exterior of a building dependent on individual requirements.

16.14.309 Sand Interceptor

“Sand Interceptor” – A receptacle designed to intercept and retain sand, grit, earth and other similar solids prior to discharge into the public sanitary sewerage system. Often termed a car wash interceptor.

SECTION 2: Whitewater Municipal Code Chapter 16.14, Section 16.14.580, is hereby amended to read as follows:

16.14.580 Grease, oil and sand interceptor – Installation

The requirement to install grease, oil or sand interceptors is set forth in the Wisconsin Dept. of Commerce Administrative Code (DCOM 82.34). Units shall be installed by the user at their expense according to this standard.

The city will require interceptor permits (no fee) annually for all operating interceptors. These can be obtained by contacting the City Clerk's office. All new, altered or remodeled plumbing systems receiving grease, fats, oils or similar products from cooking or food preparation, along with car wash facilities, require grease/sand interceptors with the exception of residential dwelling units. Installations must be done in a manner to allow for easy accessibility for inspections, maintenance and repair. In addition, the city may require a grease interceptor where an onsite drain system is reduced or filled due to congealed grease per DCOM 82.34 (5)(b)(3).

SECTION 3: Whitewater Municipal Code Chapter 16.14, Section 16.14.585, is hereby amended to read as follows:

16.14.585 Grease, Oil and sand interceptor – Maintenance.

Where installed, grease, oil and sand interceptors shall be maintained at the owner's expense and shall be kept in continuous and efficient operation. Permit renewal shall be contingent on receipt verification (and/or approved maintenance log) on or before May 1st of each year for maintenance to the interceptor (for the previous 12 months) per manufacturer or design guidelines. At a minimum, cleaning must be done at least once in a 12-month period regardless of manufacturer recommendations. Cleaning practices performed "in house" shall be in written form for staff and verified, on site, by City personnel. A "compliance letter" will then be issued as a record of this practice. For example, if the manufacturer recommends cleaning every 4 months, then the city would receive three receipts (or an approved annual maintenance log if maintained "in house") on or before the above indicated date. The city reserves the right to increase the required maintenance frequency if sufficient cause is observed. Receipts (and/or a maintenance log) shall be forwarded to the City Clerk's office. Failure to comply with the maintenance procedures will result in reinspections and the fees that accompany this procedure per Whitewater Ordinance 1.29.020.

SECTION 4: Whitewater Municipal Code Chapter 16.14, Section 16.14.586, is hereby created to read as follows:

16.14.586 Grease, oil and sand interceptor – Prohibitions

The introduction of grease or fat emulsifiers into a grease interceptor is prohibited as more particularly set forth in DCOM 82.34(5)(e). In addition, enzyme additives, flushing with hot water or steam are prohibited means with regard to required maintenance of grease interceptors within the city.

Ordinance 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: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE MAKING AMENDMENTS TO DOWNTOWN AND OTHER SIGN REGULATIONS IN THE CITY.

AN ORDINANCE MAKING AMENDMENTS TO DOWNTOWN AND OTHER SIGN REGULATIONS IN THE CITY OF WHITEWATER'S MUNICIPAL CODE (TITLES 12 & 19)

SECTION 1: Section 12.48.010 [Signs over sidewalks—Compliance required] shall hereby be amended to read as follows:

12.48.010 Signs on or extending over public rights-of-way. Signs located within or extending over a public right-of-way are regulated under Chapter 19.54.

SECTION 2: Sections 12.48.011, 12.48.012, 12.48.020, 12.48.030, 12.48.040, 12.48.050, 12.48.060, 12.48.070, 12.48.080, 12.48.090, 12.48.100 are hereby repealed.

SECTION 3: Section 19.54.010(C) [Sign permits] is hereby amended to read as follows:

C. No person shall erect, alter, or relocate within the city any sign without first obtaining a sign permit, except for the exceptions in subsections A and B of this section, and as may be provided for elsewhere in this chapter.

SECTION 4: Sections 19.54.020(C) (7), (8), (9), (10), and (11) [Definitions and Regulations Specific to Certain Signs] are hereby renumbered as Sections 19.54.020(C) (8), (9), (10), (11), and (12), and a new Section 19.54.020(C)(7) [Definitions and Regulations Specific to Certain Signs] is hereby created to read as follows:

7. “Sandwich board/pedestal sign” means a movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of this chapter (see Section 19.54.050(K) in particular).

SECTION 5: Section 19.54.020(D)(2) [Definitions and Regulations Specific to Certain Signs] is hereby amended to read as follows:

2. “Mobile/portable sign or banner” means a sign or banner mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage, but not including any sandwich board/pedestal sign as defined in Section 19.54.020(C)(7). Mobile/portable signs or banners are prohibited unless approved by the zoning administrator for the purpose of recognizing a business opening, annual business anniversary, or community celebration. Where approved, such a sign ~~use~~ shall not be in place for a period to exceed thirty days within any twelve-month period, shall not be erected more than thirty days before the event, shall be removed not more than five days after the completion of the event, and shall not exceed thirty-two square feet in area. A mobile or portable sign shall not be considered a temporary sign as defined in Section 19.54.020(C)(9) or used for such a purpose, except as may be allowed by the zoning administrator.

SECTION 6: Section 19.54.020(D)(4) [Definitions and Regulations Specific to Certain Signs] is hereby amended to read as follows:

4. “Projecting sign” means a sign, other than a wall sign, which is directly attached to and projects more than one foot from a building face, and is generally mounted perpendicular from ~~the a structure or~~ building face. The bottom edge of such sign shall be located a minimum of eight and one-half ~~ten~~ feet from the ground level directly under the sign. In no instance shall such sign be located closer than three feet to the edge of a street curb, drive, or parking area. For maximum area and placement standards, see Section 19.54.052.

SECTION 7: Sections 19.54.020(D) (5), (6), (7), and (8) [Definitions and Regulations Specific to Certain Signs] are hereby renumbered as Sections 19.54.020(D) (6), (7), (8), and (9), and a new Section 19.54.020(D)(5) [Definitions and Regulations Specific to Certain Signs] is hereby created to read as follows:

5. “Electronic message center sign” means a sign in a nonresidential zoning district which displays words, lines, graphic images, video recordings, or symbols that can electronically change to provide different information and/or animation, including a computer sign, electronic reader board sign, video display sign, or time and/or temperature sign, but not including a flashing sign, which is prohibited under Section 19.54.030(A)(3). For electronic message center sign standards, see Section 19.54.050(L).

SECTION 8. Section 19.54.020(D)(8) [Definitions and Regulations Specific to Certain Signs] is hereby amended to read as follows:

8. “Awning/canopy sign” means a sign mounted to an awning or canopy, with said awning or canopy mounted to the side of the building. ~~and~~ An awning/canopy sign shall be counted as a wall sign for purposes of this chapter. Script/logo height ~~and~~ shall be limited to eight inches, except that a greater script/logo height may be approved by conditional use.

SECTION 9: Section 19.54.020(D)(10) [Definitions and Regulations Specific to Certain Signs] is hereby created to read as follows:

10. “Window sign” means a sign mounted on or within one foot inside of a first-floor exterior window, with a primary intent to advertise a business or product within the premises.

SECTION 10: Section 19.54.030(A)(3) [Sign Prohibitions and Limitations] is hereby amended to read as follows:

3. No illuminated flashing signs shall be permitted. Electronic message center signs meeting the definition and requirements of this chapter shall not be considered illuminated flashing signs.

SECTION 11: Section 19.54.030(B)(5) [Sign Location Requirements] is hereby amended to read as follows:

5. Private signs shall be allowed within road right-of-way lines only per the regulations of the city public works department, and per Section 19.54.030(C) below.

SECTION 12: Section 19.54.030(C) [General signage regulations] is hereby created to read as follows:

C. Private Signs Extending into the Public Right-of-Way.

1. Any person desiring to place any sign such that it will extend over or onto the public right-of-way shall first obtain a sign permit. In the granting of such a permit, the city may require the applicant to provide and maintain public liability insurance on the installation in an amount not less than fifty thousand dollars protecting the city as its interests may appear as the result of any accident or injury for which it might become in any manner liable. In the event that such insurance should be terminated for any reason, or that the holder of any permit should fail to keep such insurance in force at any time, then the permit for the maintenance of such sign shall be forthwith removed, or if not removed by the holder of the permit, then such sign shall be removed or caused to be removed by the zoning administrator and the expense thereof shall be recovered from the holder of the permit.

2. There is hereby established along each side of every public street, public alley, or public highway a fictional line five feet distant and outward from the lot line and parallel with such street, alley, or public highway. No sign which, exclusive of supports, exceeds two hundred fifty pounds in weight or has an area greater than forty square feet shall be permitted to extend into the highway or over the highway or sidewalk area beyond such fictional line, except only where such sign is to be placed over a substantial canopy or portico of such nature that the same will afford ample protection to the public from any possible injury from such sign.

3. In no event shall any sign regardless of size or weight extend into the public street, highway, or sidewalk area further than to within three feet from the face of the curb or curb line as determined by the zoning administrator or be placed less than eight and one-half feet above the sidewalk or sidewalk grade.

4. Except for sandwich board/pedestal signs, all private signs extending on or over public rights-of-way shall be adequately supported from buildings, posts, or other permanent supports located on private property. In no case shall sign posts or other permanent supports be permitted within the limits of a public street, alley or highway.

5. The zoning administrator shall have the right, and it shall be his duty, to supervise the installation of any such sign and also to inspect the same from time to time to ascertain whether or not the same is securely fastened and free from danger to the public. The building inspector shall have the right to require from time to time any repairs, extra supports or any other precautions necessary to protect the public safety, and in the event the owner fails to comply with any such requirements the permit for such sign shall be revoked and the sign shall be removed.

6. This subsection C shall not apply to signs erected by or for churches, service clubs, public or quasi-public organizations when such installations have been approved by the common council.

SECTION 13: Section 19.54.050(C) [Sign regulations applicable to nonresidential districts] is hereby amended to read as follows:

C. The number of business and group signs for a business use shall not exceed the numbers listed in Section 19.54.052. Signs allowed under Section 19.54.052 may be placed on any facade facing a public street, except where otherwise specified in Section 19.54.052.

SECTION 14: Section 19.54.050(H) [Sign regulations applicable to nonresidential districts] is hereby amended to read as follows:

H. Signs Carrying Secondary Advertising Messages. Signs carrying secondary advertising media or messages, such as brand names or logos of products, are allowed as a conditional use, or as a permitted type of window sign subject to the percentage of window coverage and other applicable regulations of this chapter, but only where such signs are integral to the business being conducted on the property.

SECTION 15: Section 19.54.050(K) [Sign regulations applicable to nonresidential districts] is hereby created to read as follows:

K. Sandwich Board/Pedestal Signs (see definition in Section 19.54.020(C)(7)).

1. There shall be a maximum of one sandwich board/pedestal sign per business.
2. Height shall not exceed five feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three feet, and sign area shall not exceed six square feet per side.
4. All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.
5. No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
7. All sandwich board/pedestal signs shall be placed directly on a ground surface or walkway surface.
8. No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except that within the B-2 district or as may be specifically authorized in a Specific Implementation Plan under PCD zoning, a sandwich board/ pedestal sign may be placed within the public sidewalk or otherwise between the front of the building and the curb, provided that:
 - a. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.
 - b. The sign is placed directly in front of the business to which it is related.
 - c. No part of the sign is any closer than three feet from the face of the curb.
 - d. A minimum of four feet in width of unobstructed travelway remains available in all directions on the sidewalk at all times.
9. Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section 19.51.010, and shall otherwise not impede traffic visibility in the determination of the zoning administrator. This may require relocation and/or adjustments to height or design.
10. All sandwich board/pedestal signs must be kept in good condition, as determined by the zoning administrator and per the maintenance requirements of Section 19.54.070.
11. Sandwich board/pedestal signs shall not count against the maximum area or number of signs allowed on a lot or for a business as specified in Section 19.54.052.
12. Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this chapter may be used without the need for a sign permit.

SECTION 16: Section 19.54.050(L) [Sign regulations applicable to nonresidential districts] is hereby created to read as follows:

L. Electronic Message Center Signs (see definition in Section 19.54.020(D)(5)).

1. The total length of the information cycle shall not be shorter than three seconds nor longer than ten seconds. Items of information may not be repeated at intervals that are short enough to cause an electronic message center sign to have the effect of a flashing sign. Traveling messages may travel no slower than 16 light columns per second and no faster than 32 light columns per second.
2. Except for signs that are less than ten square feet in sign area, all electronic message center signs shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
3. The message display area shall be included when calculating permitted sign area for the type of sign (e.g., wall, monument) in the zoning district in which the sign is located.

4. All electronic message center signs shall be maintained so as to be able to display messages in a complete and legible manner.

5. No electronic message center sign shall be allowed within any agricultural, conservancy, residential, or industrial zoning district; for any residential use regardless of zoning district; or positioned to be visible and within 300 feet from any residential zoning district except by conditional use permit. Within the B-2 zoning district, electronic message center signs shall be allowed only by conditional use permit.

SECTION 17: Section 19.54.052 [Maximum sign sizes and types] is hereby amended to read as follows:

19.54.052 Maximum sign sizes and types.

A. Signage Regulations for Most Zoning Districts. Table 19.54.052(1) summarizes the sign regulations for the following zoning districts: R-1, R-1x, R-2, R-3, R-4, B-1, B-3, M-1, M-2, WUTP, AT, and I. The more detailed requirements contained elsewhere in Chapter 19.54 shall also apply.

Table 19.54.052(1): General Sign Regulations (not B-2 district)

Zoning District	Type of Sign	Size	Location	Height	Exception	Total # of Signs
R-1, R-1x, R-2	Identification	3 sq. ft.	Main entrance or street yard	6' max (for freestanding sign)	If planned residential development, different signage levels may be allowed by conditional use	1 per lot
	Conditional uses in Section 19.18.030	32 sq. ft.	Driveway or main sidewalk	8' max (for freestanding sign)	On-premises directional signs also allowed (9 sq. ft. max.)	1 per lot
R-3	Identification					
	1-4 units	3 sq. ft.	Main entrance or street yard	8' max		1 per unit for 1-4 unit buildings; 1 per lot for others
	5-11 units	6 sq. ft.		8' max		
	12+ units	32 sq. ft.		8' max		
On-premises Directional	9 sq. ft.		Driveway or main sidewalk	6' max (for freestanding sign)		

	Conditional uses in Section 19.21.030	32 sq. ft.	Main entrance or street yard	8' max	If planned residential development, different signage levels may be allowed by conditional use	1 per lot, except by CUP or PRD
R-4	Identification	See R-3	See R-3	8' max		1 per development
	On-premises Directional	9 sq. ft.	Main entrance; each street	6' max (for freestanding sign)		
AT, B-1, B-3, I	Wall or window	10% (A) (C) Max 50 sq. ft.	Above or next to main building entrance or on street wall	First floor area	Use may substitute one additional wall sign for freestanding sign	1 per building, but see exception
	Wall for multi-tenant	10% (A) max (B)	Above or next to main business entrance or on street wall	First floor area	Location may vary by conditional use. Building name sign also allowed if total wall sign area $\leq 10\%$	Same as number of tenants
	Freestanding	100 sq. ft. per side; for a multi-occupant development, add 20 sq. ft. per additional occupant in a separated space, up to max of 160 sq. ft./side	In street yard, setback equal to height from any side yard lot line and 5' from street right-of-way line	20' max for pylon sign	Pylon sign allowed by conditional use only	1 per lot

				10' max for monument or arm/post(s) sign	Use may forego freestanding sign for one additional wall sign	See also Section 19.54.050
	On-premises Directional	9 sq. ft.		6' max (for freestanding)		
M-1, M-2, WUTP	Wall or window (C)	20% of wall area up to max of 100 sq. ft.	Front wall (street address side)	First floor area	Corner lots may have second sign by conditional use	1 per building
	Freestanding, monument or arm/post only	80 sq. ft. per side	10' from any lot line	10' max	Except as required in business park covenants	1 per lot
	On-premises Directional	9 sq. ft.		6' max (for freestanding)		

NOTES:

(A) Building wall area is determined by using the square footage of the exterior wall of the first floor area to be signed (including window and door openings).

(B) Permitted wall signage shall be divided among each tenant space. Maximum total size equals ten percent of the first floor area of the building wall upon which the signs will be placed.

(C) Window sign area cannot exceed one-third of each individual window glass area on or in which the window signs are located.

(D) Signage for projects with a PCD Planned Community Development district shall be as specified by the approved Specific Implementation Plan for each particular project. Sign requirements for PCD districts shall generally be based on the signage requirements in the most comparable standard zoning district.

B. B-2 Central Business District Sign Regulations.

1. Each business in the B-2 district shall be permitted a maximum of two permanent business signs, which may be any combination of the following sign configuration types: wall sign (includes awning/canopy sign), window sign, projecting sign, and freestanding sign, subject to the following qualifications:

a. For freestanding signs, see also the limitations in Section 19.54.050(D).

b. Any number of window signs used shall count as only one sign in total against this maximum. If the only window signs used are those allowed under Section 19.54.050(H), then such signs shall not count against this maximum.

c. Any sign for a business included within a group sign, as defined in Section 19.54.020(C), shall count as one sign against the total number of permanent business signs permitted, except that for cases where a business has or shares more than one public building entrance, an additional group sign shall be permitted which indicates that and other businesses.

d. Sandwich board/pedestal signs, directional signs, auxiliary signs, and “ghost” signs not related to the current business operation shall not count against the total number of permanent business signs permitted.

2. For corner lots, permitted signage may be placed on either or both facades facing a public street.

3. Pylon signs, internally illuminated signs, electronic message center signs, and restoration of “ghost” signs shall be allowed in the B-2 district by conditional use, except for sign face/component changes on pre-existing signs of these types, which instead may be accomplished through the site plan review process under Chapter 19.63. Upon receipt of a completed conditional use permit application for any such new sign in the B-2 district, the zoning administrator shall forward such application to the Downtown Whitewater Design Team. If the Design Team chooses to provide a recommendation, such recommendation must be provided in a timeframe that allows Plan and Architectural Review Commission action on the conditional use permit request under the requirements of Chapter 19.66.

4. Electronic message center signs shall meet the technical requirements of Section 19.54.050(L), and shall not exceed twelve square feet in area in the B-2 district.

5. Internally illuminated signs in the B-2 district shall be designed and constructed with an opaque background and translucent letters or symbols, or with a colored background and lighter letters or symbols.

6. Exposed neon tube signage, and other signage that uses another technology that is designed to replicate neon tube signs, is permitted within the B-2 district.

7. In addition to meeting the requirements of Section 19.57.150, all exterior lighting of signage in the B-2 zoning district, regardless of wattage, shall use shielded lighting fixtures as that term is defined in Section 19.09.623. All wall-mounted exterior lights shall be mounted above the sign they are intending to illuminate and the illumination shall be directed exclusively towards the sign.

8. No wall sign shall be painted directly on a masonry building surface.

9. Within the B-2 district, the regulations listed in Table 19.54.052(2) shall apply:

Table 19.54.052(2): B-2 Sign Regulations for Permanent Signs

Type of Sign	Maximum Size	Location	Maximum Height
Wall Sign	50 square feet, max. 10% (A)	Within first floor area of building	
Window Sign	1/3 of window area in or on which the sign is placed	Within first floor area of building	
Projecting Sign	12 square feet per side	A minimum of 20 feet from any other projecting sign on another building No less than 8 ½ feet above ground	Within first floor area of building
Freestanding Sign	48 square feet per side	Within the street yard, not less than 5 feet from street right-of-way line. Minimum setback from interior side yard lot line at least equal to sign height	8 feet for monument or arm/post(s) sign 16 feet for pylon sign (by conditional use only)
On-Premises Directional Sign	9 square feet per side	On private property	Max: 6 feet for freestanding

Type of Sign	Maximum Size	Location	Maximum Height
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NOTES:

- (A) The combined total area of all wall signs for all tenants shall not exceed 10% of the first floor area of the façade upon which the signs are placed. First floor façade area is determined by calculating the square footage of the entire exterior wall of the first floor area of the façade to be signed (including window and door openings).

SECTION 18: All signs that were legally installed at the time of the adoption of this ordinance, but which are rendered nonconforming through the adoption of this ordinance, shall be allowed to continue under the provisions of Section 19.54.080 until August 1, 2012. Following August 1, 2012, all signs rendered nonconforming through the adoption of this ordinance shall either be removed or brought into full conformance with Chapter 19.54.

SECTION 19: Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions of this ordinance
Ordinance 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: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 19 BY CREATING CHAPTER 19.38 WHITEWATER UNIVERSITY TECHNOLOGY PARK ZONING DISTRICT.

ORDINANCE AMENDING TITLE 19 CREATING THE WHITEWATER UNIVERSITY TECHNOLOGY PARK ZONING DISTRICT

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

Section 1. Whitewater Municipal Code Chapter 19.38 is hereby created to read as follows:

19.38 Whitewater University Technology Park District (WUTP District)

19.38.010 PURPOSE. The WUTP District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices; research, testing, and development institutions; and certain specialized manufacturing establishments compatible with an office and research setting, all of a non-nuisance-type and public parks. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors and the community and to promote and maintain desirable economic development activities in a park like setting with well designed sites and buildings.

19.38.020 CREATION OF ARCHITECTURAL REVIEW COMMITTEE. Upon the mapping of any WUTP district, there shall be established an Architectural Review Committee for the district. No building or improvements shall be erected, placed or altered on any building site in the Technology Park until the plans and use for such building or improvements, including site plans, landscaping plans, building plans, and specifications have been approved by the WUTP Architectural Review Committee (ARC). Zoning permit applicants in the WUTP district are subject to all plan review requirements set forth in Chapter 19.63 of the Whitewater Municipal Code. The Plan and Architectural Review Commission's functions under Chapter 19.63 shall be delegated to the Architectural Review Commission. The ARC shall consist of one City Council member, a member of the Plan and Architectural Review Commission of the City of Whitewater to be appointed annually by the Plan Commission, the

City Manager of the City of Whitewater, the Chancellor of the University of Wisconsin-Whitewater, two members appointed by the Chancellor of the University of Wisconsin-Whitewater, two citizens of the City of Whitewater appointed by the City Council of the city of Whitewater, and one member of the Community Development Authority of the City of Whitewater to be appointed by the CDA. The ARC shall organize and adopt rules for its own governance. Officers shall be elected from the membership for terms of one year. Meetings shall be open to the public unless closed for appropriate legal reasons, and shall be held at the call of the chairman. Minutes shall be kept showing actions taken, and shall be a public record. Quorum shall be five members, and all actions shall require the concurring vote of at least five members. In cases where the ARC has not been formed or is unable to act on the matter, all actions normally assigned to the ARC shall be reassigned to the City of Whitewater Plan and Architectural Review Commission. The City of Whitewater Plan and Architectural Review Commission shall retain the exclusive authority to grant and review or deny conditional use permits in the WUTP District, where required.

19.38.030 PERMITTED USES. Permitted uses in the WUTP District include:

1. Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:

a. Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices.

b. High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry, biology, or other scientific field offered for study at the University of Wisconsin-Whitewater.

c. Laser technology, radiology, X ray and ultrasound products, manufacturing and assembly.

d. Medical and dental supplies.

e. Optical, fiber optical and photographic products and equipment.

f. Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers.

g. Products related to process design, process simulation, computer hardware and software development, and safety engineering.

h. Scientific and precision instruments and components, including robotics.

2. Research, development and testing laboratories, including testing facilities and equipment.

3. Business and professional offices.

4. Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.

5. Telecommunication centers (not including wireless telecommunication facilities as regulated in Section 19.55).

6. Accessory uses, (which shall be accessory uses to principal use on site), including the following:

a. Educational or training centers or institutions.

b. Nursery schools or day care centers for children of employees on the site.

c. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.

- d. Reproduction processes related to a primary function including printing, blueprinting, photostating, lithographing, engraving, stereotyping, publishing and bookbinding.
- e. Wholesaling of goods and merchandise manufactured or produced on the premises.
- f. The generation of power via a local energy system, with the primary purpose of supplying energy to the principal use being conducted on the lot.
- g. The fabrication of products in conjunction with a research, development, or testing laboratory as the principal use.
- h. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
- i. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
- j. Trash dumpsters where located outside of the required yards in Section 19.38.080 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
- k. Outdoor seating for restaurants within designated areas;
- l. Outdoor eating and recreation areas;
- m. Essential services;
- n. Health clubs, banks and other financial institutions, medical, dental and optical clinics, barbershops, beauty parlors, or similar retail establishments;
- o. Conference centers.

7. Restaurants, without drive-up or drive-through service.

8. Colleges and universities (not including housing or residential uses).

9. Public parks and public recreation use facilities, including but not limited to Morraine View Park and the planned athletic facilities, trail and possible playground therein.

19.38.040 CONDITIONAL USES. Conditional uses in the WUTP district include:

1. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served.

2. Public utility and public service uses as follows:

a. Bus turnarounds (off-street), bus transfer points.

b. Electric substations.

c. Gas regulator stations, mixing stations and gate stations.

d. Radio, television, and telecommunication towers and wireless telecommunication facilities meeting the standards of Section 19.55.

e. Railroad passenger stations.

f. Railroad rights-of-way.

g. Sewerage system lift stations.

h. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards.

i. Electric generator which serves a principal use located on the zoning lot and is capable of providing electricity for off-site use provided:

i. The electric output is less than 3,000 kilowatts and said generator is operated no more than 200 hours per year;

ii. The location of every generator shall be not less than 20 feet from any zoning lot which permits residential uses; and,

iii. Said generator shall be located and screened so as to reduce the visual impact of the generator from neighboring property and to be compatible with neighboring structures and the character of the community. This may include screening with materials similar in appearance to those used for the principal structure on the zoning lot, and landscaping or fencing as approved by the Architectural Review Committee.

j. Water pumping stations and reservoirs.

3. Any production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:

a. Cameras and other photographic equipment.

b. Ceramic products, such as pottery, figurines and small glazed tiles.

c. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps.

d. Drugs and pharmaceutical products.

e. Electrical appliances, such as lighting fixtures, irons, fans and toasters.

f. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

g. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.

h. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones, rubber, shell, wood (but not including a planing mill) and yarn.

i. Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid crystals, and synthetic fuels.

j. Small-scale products (finished weight not exceeding fifty pounds) related to energy, environmental, telecommunications, or satellite applications.

k. Small-scale products (finished weight not exceeding fifty pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining.

1. Specific products not listed above but similar in intent and character and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery; being conducted entirely within enclosed substantially constructed buildings; in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations; which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

5. Outside storage areas, subject to the development standards in Section 19.38.110.

6. Day care centers.

19.38.050 LOT AREA AND LOT WIDTH REQUIREMENTS. In the WUTP District, there shall be provided a lot area of not less than one (1) acre and a lot width of not less than one hundred (100) feet.

19.38.060 FLOOR AREA RATIO. In the WUTP District, the floor area ratio shall not exceed 1.5.

19.38.070 YARD REQUIREMENTS. Minimum required yards for principal buildings, outside storage areas, parking lots, and dumpsters in the WUTP district are:

1. Front Yard - 25 feet, except 50 feet on any roadway with a right-of-way of 80 feet or greater existing at the time of development or as indicated on the City's Official Map.

2. Side Yard - Each side, 15 feet. On corner lots, 50 feet for side yard adjoining an arterial highway and 25 feet for side yard adjoining other streets.

3. Rear Yard - 30 feet.

4. Environmental corridor or wetland yard. Adjacent to any mapped environmental corridor, as defined by the Southeastern Wisconsin Regional Planning Commission, or a delineated wetland as approved by the agency with jurisdiction – 30 feet.

5. Parking lots and associated circulation drive aisles may extend into normal interior side or rear yard setbacks, but not into front or street side yard setbacks.

19.38.090 LOT COVERAGE. Minimum landscaped surface area is thirty percent.

19.38.100 BUILDING HEIGHT. Maximum building height in the WUTP district is four stories or sixty feet, whichever is less, except as may be otherwise approved by the Architectural Review Committee upon the finding that such increased height will not be detrimental to the character of the park or adjoining buildings and uses.

19.38.110 DEVELOPMENT STANDARDS. In the WUTP District, the following development standards shall apply, in addition to any standards that may be required by covenant:

1. Building Design and Materials. The exterior appearance of any building constructed in this district shall be compatible with that of adjoining structures within the district, especially as it relates to rooflines and building materials. Permitted materials shall include masonry, concrete, stone, Exterior Insulation and Finish System (EIFS), Dry-vit, glass, and decorative architectural grade metal as a design detail, except where other quality materials are also allowed by the Architectural Review Committee.

2. Accessory Off-Street Parking and Loading. Accessory off-street parking lots, loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, safe and convenient circulation within the site, and an aesthetically pleasing site design. Parking lots and access driveways shall be designed and located so that such facilities do not provide a direct unlandscaped view from the street to the parking lot or access driveway.

3. Landscaping and Site Development. To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. Where possible, all existing mature, healthy trees shall be retained and protected during construction as per city of Whitewater forestry guidelines. All land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways, shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover.

4. Storage Areas. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened from adjoining properties and public rights-of-way by an opaque screening wall or fence with such wall or fence not less than six (6) feet nor more than eight (8) feet in height, and no materials stored shall exceed the height of such screening wall or fence. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area. Landscaping shall be required on the outside of the opaque screen wall or fence.

5. Signs. All signs shall meet applicable standards in Chapter 19.54, and the specific requirements set forth for the M-1 district in the table contained in 19.54.052.

a. No ground sign shall exceed a maximum height of eight (8) feet and a maximum gross area of forty-eight (48) square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs.

6. Prohibited site uses. No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to issuance of a zoning permit or occupancy permit, the Zoning Administrator may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

7. Uses required to be enclosed. All business, servicing, or processing shall be conducted within completely enclosed buildings, except for the following:

- a. Off-street parking and off-street loading;
- b. Drive-up service windows for banks and other financial institutions.

8. Truck Parking. Parking of trucks as an accessory use, when used in the operation of a permitted business, shall be limited to vehicles of not over one and one-half (1-1/2) tons of capacity when located within one hundred fifty (150) feet of a residential district boundary line.

Ordinance 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: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING THE CITY OF WHITEWATER ZONING MAP & ZONING CLASSIFICATION OF CERTAIN PROPERTIES ON S. COTTAGE AND W. MAIN STREETS (DLK Request for rezone). Councilmember Stewart pulled this from the consent agenda. Stewart stated at the first reading of this ordinance, there was no back up to review. He questioned if something was brought up at the next Plan Commission where this will be discussed, could the council change anything?

City Attorney Wally McDonell stated the council has the authority to change things. The Plan Commission handles the specific plans. If any changes occur, the council could make more changes and take it back to Plan Commission.

Councilmember Stewart had concerns regarding the number of parking stalls. It didn't appear to have enough stalls for the number of units. The green space on Conger St. has been set aside for parking. The PCD states green space in the area of question. 33 more parking stalls proposed there.

Councilmember Binnie stated 1) the PCD is not specific on parking requirements; 2) the green space could only be converted to parking upon city approval. Binnie's concern is the loss of green space. He suggested perhaps a permit system would work. The streets surrounding this property have no overnight street parking.

City Attorney McDonell stated the council creates the standards for the PCD. Plan Commission requires a certain density. Parking has to be judged by limitations.

Councilmember Kienbaum suggested perhaps the city could go to an odd/even parking days.

Councilmember Binnie indicated that the plans have been revised in an effort to address concerns with storm water and flooding. Additional catch basins would be added.

**AMENDING THE CITY OF WHITEWATER ZONING MAP
AND ZONING CLASSIFICATION OF CERTAIN PROPERTIES
ON SOUTH COTTAGE STREET AND
WEST MAIN STREET IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin do, pursuant to Municipal Code Section 19.69, hereby amend the zoning classification of the below-described properties as set forth herein:

SECTION 1: Pursuant to Whitewater Municipal Code 19.69, the below-described property is hereby rezoned to 19.39 (Planned Community Development District).

741 West Main Street (D.L.K. Enterprises, Inc.):

A parcel of land located in the Southeast 1/4 of Section 5, T4N, R15E, City of Whitewater, County of Walworth, State of Wisconsin, described as follows: Commencing at a point on the South line of Main Street 4-1/2 rods West of where the West line of Cottage Street intersects with said South line of Main Street; thence West on the South line of Main Street 4-1/2 rods; thence South parallel with the West line of Cottage Street 10 rods; thence East parallel with the South line of Main Street 4-1/2 rods; thence North and parallel with the West line of Cottage Street 10 rods to the point of beginning, EXCEPTING THEREFROM that part thereof conveyed to the State of Wisconsin, Department of Transportation by deed recorded February 25, 1997 in Volume 645 on Page 8813 as Document No. 349529.

(Tax Parcel No. /WUP 00229)

136 South Cottage Street (DLK 136 South Cottage, LLC):

Lots 1 and 2 and a strip of land 3 feet 2 inches wide entirely across the N. side of Lot 3, being the N. 3 feet and 2 inches of said Lot 3, all in Block 18 of Chapman and Ludington's Addition to the Village, now City, of Whitewater; also 30 feet in width of land along the W. end of said Lots 1 and 2 and adjoining the same being a part of an alley heretofore vacated by the County Board of Supervisors; excepting from the above-described land that part thereof, if any, lying N. of the N. line of land described in deed of Henry Bayer and wife to D.F. Zuill dated June 15, 1904, and recorded Nov. 22, 1904, in Vol. 104 of Deeds, Page 337, Walworth County, Wisconsin Records;

and including in this conveyance all land, if any, lying N. of the above-described land and conveyed to said D.F. Zuill by deed of Henry Bayer and wife aforesaid.
(Tax Parcel No. /CL 00020)

148 South Cottage Street (DLK 148 South Cottage, LLC):

Lots 3 and 4 in Block 18 in Chapman & Ludington's Addition to the Village, now City, of Whitewater, excepting that piece, a strip 3 feet and 2 inches wide, front and rear, off the North side of Lot 3, said strip running from Cottage Street, west to the west end of Lot 3, also excepting the South nine feet of Lot 4 aforesaid, said strip being nine feet wide throughout the full length of said Lot 4, from East to West.
(Tax Parcel No. /CL 00021)

158 South Cottage Street (DLK 158 South Cottage, LLC):

Lot 5 in Block 18 of Chapman & Ludington's Addition to the Village, now City, of Whitewater, and a strip of land nine (9) feet wide on the East and West ends extending the entire length across the South side of Lot 4 in Block 18 in Chapman & Ludington's Addition to the Village, now City, of Whitewater.
(Tax Parcel No. /CL 00022)

SECTION 2: The General Development Plan is approved subject to the conditions imposed by the Plan Commission.

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

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, Stewart. NOES: None. ABSENT: None. ADOPTED: September 15, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ACTION ON REQUEST FROM ROBERT SWEET d/b/a DOWNSTAIRS SPORTS BAR TO EXPAND "CLASS B" LICENSED PREMISES TO INCLUDE OUTDOOR PATIO AREA LOCATED ON SOUTH SIDE OF BUILDING AT 204 W. MAIN STREET (Contingent upon Plan Commission approval of Conditional Use amendment). Councilmember Binnie stated the Alcohol Licensing Committee met before the council meeting. This license was approved with a 10 p.m. cut off for serving alcohol outside.

Robert Sweet, owner of Downstairs, described the area where the outside patio will be located. The area is between the two stairways in the front of the building facing Main St. It's on private property and will not be on the main sidewalk. There will be fencing and several tables with 30-35 chairs. Bob stated he will have to see if there will be an interest. If there is, possibly have a small bar outside. He will have bouncers handling the outside area as well, mostly on busy nights.

City Attorney Wally McDonell clarified this license will be up for review every June for the renewal of the alcohol license if anything needs to be changed.

Councilmember Singer stated Pumpers/Mitchell is similar but different in the fact that they have a large fence where items cannot be passed through to the street. The Downstairs Sports Bar area will be more viewable to the public.

Moved by Councilmember Olsen and seconded by Councilmember Taylor to approve the request from Robert Sweet d/b/a Downstairs Sports Bar to expand "Class B" licensed premises to include outdoor patio area located on south side of building at 204 W. Main Street, contingent on Plan Commission approval. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None.

PRESENTATION OF ANNUAL REPORT BY WHITEWATER AQUATIC CENTER BOARD. Park and Recreation Director Matt Amundson introduced Thayer Coburn and Paula Malone of the Aquatic Board.

Thayer started off thanking the city for supporting the Aquatic Center. He explained the changes since Mercy owned it to present. Back in January, the Aquatic Board lowered their fees and extended the swimming hours. Revenue has been up and they are seeing profits.

Paula spoke briefly on the budget end. Earlier this year, it was projected that there would be a loss of \$51,000 for the year, but that has now been reduced to a \$33,600 projected loss. This is in spite of unexpected repair expenses. Energy efficient lighting was replaced, resulting in considerable savings. Paula explained the center sponsors 27 families that can't afford the membership or daily fees. They are tracking this program better, too.

Councilmember Kienbaum questioned how much would it cost for a family with four children?

Paula stated the daily swimming fee is \$5.00 per person and the cost for a month's membership is \$60.00 per family. For a family to qualify for the family partnership, they have to make \$40,000 or less per year. They would need to submit copies of their tax returns along with other paper work.

Matt commented the change has been an amazing process. They have streamlined the staff and the task force is still meeting. More customers have been using the center.

Paula stated the last feasibility studies were done in 94 and 99. Also, Fort Hospital is offering more programs than Mercy has.

APPROVAL OF ARCHITECTURAL SERVICES CONTRACT FOR WHITEWATER INNOVATION CENTER. City Manager Kevin Brunner stated the CDA and the Whitewater Tech Board are unanimous with this contract. The design is taking place. Kevin was hoping the construction would start in the Fall but the EDA has federal requirements. The entire project must be bid at one time. This would include the Starin Road extension, park upgrades and the building itself. So, now they are looking to start in early Spring. They will have to apply for the contract with bids and go forward. Kevin would like to see occupants in the building by Fall of 2010.

Councilmember Winship is grateful for all the hard work that was put into this.

Councilmember Binnie questioned the validity of LEED certification of the project. Cases have been reported where buildings have not delivered the energy efficiency that was promised.

Brunner stated the building has be LEED Certified. Eppstein Uhen has a good track record. All systems will have a third party to verify results.

Moved by Councilmember Olsen and seconded by Councilmember Stewart to approved the Architectural Services Contract for Whitewater Innovation Center. AYES: Olsen, Stewart, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: None.

REQUEST FOR APPROVAL OF MURAL PARK SITE PLAN. Park and Recreation Director Matt Amundson spoke about the plans the Downtown Whitewater, Arts Alliance and the Park and Recreation Board have for the Mural Park Site. The project has been in the works for over a year. There are two phases which includes all the parking to be removed and planters with bench seating will be installed along with a serenity circle and lighting. Some current problems are the visibility of the mural wall. This mural has been used in various marketing materials and currently the vehicles are obstructing the view. Another problem is the increase in maintenance of the site. This is urban downtown and a littering place for pets. The two phases that will take place are; 1) raised retaining wall by

the mural; 2) serenity circle will be completed after funds are raised. The Downtown Group is endorsing this and they are putting money towards the lighting.

Councilmember Kienbaum has concerns taking more parking away from the downtown area.

City Manager Kevin Brunner stated they have added 89 stalls to the downtown area.

Councilmember Olsen wanted to know what the cost of the maintenance will be. What is the cost to the city to build including wages for city staff. He doesn't want to approve anything until the cost is known.

Councilmember Kienbaum stated they have been fixing the buildings up downtown and are looking for occupancy. These people will have to park somewhere.

Amundson stated the cost of the retaining wall could be \$10,000 but the Street Department can do it for less than \$3,000 for materials. The second phase will come back to council for approval.

Councilmember Winship stated parking three blocks away is not downtown. People park eight blocks away in larger cities, but that's not the expectation in Whitewater. He would like to see the total city cost.

Councilmember Taylor didn't see a problem with parking downtown. Taylor stated he has come downtown various times day or night and he can always find a place to park.

Brunner commented they will come back after the Plan Commission review with cost expenditure and concept.

Moved by Councilmember Stewart and seconded by Councilmember Taylor to approve the concept of the Mural Site Plan. AYES: Stewart, Taylor, Winship, Binnie, Singer. NOES: Olsen, Kienbaum.

APPROVAL OF DONATION AGREEMENT WITH BREAKFAST KIWANIS, FOR STARIN PARK PLAYGROUND EQUIPMENT DONATION. This was approved with the consent agenda. Moved by Councilmember Olsen and seconded by Councilmember Winship to approve the donation agreement with Breakfast Kiwanis for Starin Park Playground Equipment Donation. AYES: Olsen, Winship, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None.

CONSIDERATION OF EXTENDING THE SUSPENSION OF TREE COMMISSION POWERS AND CONSIDERATION OF REQUEST TO EXTEND DEADLINE FOR; 1) ACTION ON ORDINANCE REPEALING TREE COMMISSION ORDINANCE AND; 2) TIME FOR REPORT AND RECOMMENDATION BY URBAN FORESTRY TASK FORCE TO THE COUNCIL. City Manager Kevin Brunner stated the Task Force will be meeting two more times. The decision should be known by December 1st.

Councilmember Winship commented that the State Forester came to speak to the Task Force. It was very informational. Between the Park Board, Tree Commission and the Street Department, it needs to be clarified who is in charge of what.

Councilmember Stewart suggested not listing a date for a decision.

Councilmember Singer stated we do have a City Forester, so things are still getting done.

Moved by Councilmember Binnie and seconded by Councilmember Singer to extend the suspension of the Tree Commission powers and consider the request to extend the deadline – *no set date* - for: 1) action on ordinance repealing Tree Commission ordinance and; 2) time for report and recommendation by Urban Forestry Task Force to the council. AYES: Binnie, Singer, Kienbaum, Stewart, Winship, Taylor, Olsen. NOES: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Marilyn would like to know the cost of putting on the Taste of Whitewater. Max would like an update on the Chapter two Task Force effort. Jim Stewart would like clarification on the PCD parking and to bring it up to the Plan Commission standards for parking, especially next to the University.

EXECUTIVE SESSION. It was moved by Councilmember Singer and seconded by Councilmember Olsen 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” Item to be Discussed: Future employee wages and benefits. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Debbie Hilgen, Secretary Pro-Tem