

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

October 6, 2009.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. The meeting was held at the UWW University Center, hosted by the UWW Student Government. MEMBERS PRESENT: Olsen, Taylor, Winship (arrived at 6:40 p.m.), Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Olsen and seconded by Taylor to approve the Council minutes of 9/8/09 and 9/15/09 and to acknowledge receipt and filing of the following: Financial Reports for August, 2009; Irvin L. Young Memorial Library Board minutes of 8/10/09 and 8/24/09; the Plan Commission minutes of 7/20/09 and 8/31/09; the CDA minutes of 8/24/09 and 9/14/09. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

REPORTS: City Manager Brunner reported on State and Federal Grants and Park & Recreation Director Amundson reported on the Starin Park Playground and Community Build.

CITIZEN COMMENTS: Jan Bilgen Craggs provided a press release for the ForSee (Campus / Community Collaboration Committee) and their Net Committee (Neighborhood Enhancement Team).

COMMON COUNCIL ANNOUNCEMENTS: Councilmember Taylor thanked the Whitewater Student Government for the wonderful dinner provided before the meeting and for hosting the Council meeting on campus.

ADOPTION OF 25 x 25 RESOLUTION TO BECOME A WISCONSIN ENERGY INDEPENDENT COMMUNITY. City Manager Brunner presented a Resolution that would endorse energy independence. Brunner stated that adoption of the Resolution will put the City in a better position to apply for grant funds. Brunner stated there are still a number of projects the City could do to become more energy efficient.

RESOLUTION ADOPTING “25 X 25” STATE GOALS FOR ENERGY INDEPENDENCE AND BECOMING AN ENERGY INDEPENDENT COMMUNITY.

WHEREAS, Wisconsin Governor James Doyle has created the Office of Energy Independence and established the following goals:

- 1) Generating 25% of electricity and transportation fuels from renewable sources by 2025 (“25 x 25”)
- 2) Capturing 10% of the emerging bio-industry and renewal energy market by 2030
- 3) Becoming a national leader in groundbreaking energy research; and

WHEREAS, the Whitewater Common Council has taken numerous actions in recent years to have its facilities become more energy efficient and has indicated its support for renewable energy and the investigation of alternative fuels when it adopted the U.S. Conference of Mayors Resolution on Global Climate Change in 2006; and

WHEREAS, the Office of Energy Independence is seeking partnerships with local governments in furtherance of the State of Wisconsin's efforts to achieve the "25 x 25" goals;

WHEREAS, the City of Whitewater will benefit from such a partnership with the State of Wisconsin;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin that the City of Whitewater hereby declares itself a partner with the State of Wisconsin in pursuit of the "25 x 25" goals for energy independence; and

BE IT FURTHER RESOLVED, that upon adoption, the City Manager is hereby directed to send a copy of this Resolution to the Governor's Office of Energy Independence along with a listing of the City's actions to date to improve its energy efficiency and independence.

Resolution 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: October 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE ADOPTING COMMERCE CHAPTER 14 (FIRE PREVENTION) OF THE WISCONSIN ADMINISTRATIVE CODE.

**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 said 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 re-inspection 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, employees or agents, including the Whitewater Fire Department, its members, or any of its inspectors liable while discharging their duties in good faith and acting without malice, by reason of (1) any inspection or re-inspection authorized herein, or (2) approval or disapproval of any condition noted on, in, or about any premises within its jurisdiction.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. ABSENT: Jim Winship (arrived at 6:40 p.m.). ADOPTED: October 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CH. 2.24.070, FIRE INSPECTION DUTIES.

**AN ORDINANCE AMENDING SECTION 2.24.070 CONCERNING
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, the person(s) responsible for the correction of the cause shall be subject to penalties set forth in this chapter.

b) Fire Inspectors 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. Upon the complaint of any person or whenever they shall deem necessary, fire inspectors may inspect any building or premises within their jurisdiction.

c) The Fire Chief and any 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 provision of this section, or who fails to comply with any order made by a fire inspector within the time constraints set forth by a fire inspector, 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). In addition, 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 re-inspection fees under Chapter 1.29 to the offending party.

e) This subsection shall not be construed to hold the City of Whitewater or any of its officers, employees or agents, including the Whitewater Fire Department, its members, or any of its inspectors

liable while discharging their duties in good faith and acting without malice, by reason of (1) any inspection or re-inspection authorized herein, or (2) approval or disapproval of any condition noted on, in, or about any premises within its jurisdiction.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Binnie, Singer, Kienbaum, Stewart. ABSENT: Jim Winship (arrived at 6:40 p.m.). ADOPTED: October 6, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF FIRE CONTRACTS WITH AREA TOWNSHIPS. The towns of Whitewater, Richmond, Cold Spring, Lima, Johnstown and Koshkonong contract with the City of Whitewater (Fire Department) for fire service to those rural areas. The contracts are negotiated by the Fire Department, and proceeds of the contracts are paid directly to the Fire Department. The proposed contracts are for a three-year period. It was moved by Olsen and seconded by Winship to approve the Fire Department contracts with the area townships. AYES: Olsen, Taylor, Binnie, Winship, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF PURCHASE OF VFD UNIT AND MOTOR FOR WELL #6. Water Superintendent Rick Lien indicated that purchase of a new VFD unit and motor for City Well #6 was necessary. It was moved by Olsen and seconded by Taylor to approve the purchase of the VFD Unit and motor. AYES: Olsen, Taylor, Binnie, Singer, Stewart, Kienbaum. NOES: None. ABSENT: Winship (arrived at 6:40 p.m.) ABSENT: None.

APPOINTMENT OF CITIZEN MEMBERS TO BOARD OF ZONING APPEALS AND ETHICS COMMITTEE. City Manager Brunner and Council President Singer met and interviewed candidates who have applied for openings on BZA and Ethics Committee. It was moved by Taylor and seconded by Winship to make the following appointments: **BZA:** Reappoint Alan Marshall to a regular position; appoint Jim Olsen as citizen member to the regular position (thereby opening his current alternate position) and appoint Wyatt Welter to an alternate position on BZA. It was also moved by Taylor and seconded by Winship to reappoint Alvin Obenauer to the **Ethics Committee.** AYES: Olsen, Taylor, Binnie, Winship, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF PURCHASE OF FIRE TECHNICAL RESCUE (CASH) TRUCK REPLACEMENT. Fire Chief Gregoire stated that it is necessary to replace the Crash Truck since the current one is outdated, too small, and does not have safety belts for crew members. It was moved by Olsen and seconded by Winship to approve the purchase of a Crash Truck from Marion Fire and Rescue Apparatus in the sum of \$435,417. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

ACCEPTANCE OF GRANT FROM ECONOMIC DEVELOPMENT ADMINISTRATION FOR WHITEWATER UNIVERSITY TECHNOLOGY PARK. City Manager Brunner stated that official acceptance of the \$4,740,809 for Technology Park development is needed. Brunner stated that the local match is \$6.3 million. Funding for the City's portion of the costs will come from the Community Development Authority; TIF 4; Revenue Bonding (to be issued in 2010). UW-Whitewater will provide \$310,919 for equipment and in-kind.

It was moved by Olsen and seconded by Stewart to accept the grant from the Economic Development Administration in the sum of \$4,740,809 for Whitewater University Technology Park and Innovation

Center. AYES: Olsen, Taylor, Binnie, Winship, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Kienbaum suggested that city rules need to be less stringent.

ADJOURNMENT. It was moved by Olsen and seconded by Taylor to adjourn the meeting. AYES: Olsen, Taylor, Binnie, Winship, Singer, Stewart, Kienbaum. NOES: None. ABSENT: None. The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk