

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

March 16, 2010

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: McDonell. Council President Singer requested a moment of silence in honor of Police Sergeant Ray Trost, who passed away a week ago.

APPROVAL OF MINUTES. It was moved by Olsen and seconded by Taylor to acknowledge receipt and filing of the following: Plan Commission Minutes of 2/8/2010, Library Board Minutes of 2/8/2010, Whitewater University Technology Park Board Minutes of 12/8/2009 and 2/5/2010, Park and Recreation Board Minutes of 2/1/10, Report of Manually Produced Checks for February 2010, and Financial Statements for February 2010. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Taylor to approve payment of city invoices processed through March 11, 2010 in the total sum of \$156,254.29. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REPORTS. Parks and Recreation Director Matt Amundson gave an update on the Lakes Management Planning Grant. Human Resources Coordinator Buckman reported on the status of the 2010 U.S. Census.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. Taylor would like to wish community a safe and happy St. Patrick's Day.

AMENDING DEVELOPMENT AGREEMENT WITH WATER'S EDGE SOUTH. City Manager Kevin Brunner stated the proposal has already been agreed to and he has a signed copy of the agreement. The agreement outlines some remaining public improvements the developer has to complete and the deadlines for the completion. The developer has agreed to grant the city a 20 foot public bike and pedestrian pathway easement along the south side of Water's Edge South Addition 1. The City would also agree that the developer would produce a reasonable value to the dedicated easement. Also changed is the plan to have side-by-side structures. They will be eliminated and 20 single family homes will be located along Parkside Lane.

**RESOLUTION APPROVING AMENDMENT TO CONTRACTS FOR
IMPROVEMENTS (DEVELOPMENT AGREEMENTS) BETWEEN WATERS EDGE
OF WHITEWATER, L.L.C. AND THE CITY OF WHITEWATER, WISCONSIN**

WHEREAS, the City of Whitewater and Waters Edge of Whitewater, L.L.C., have entered into Development Agreements concerning Waters Edge, Waters Edge South, and Waters Edge South Addition No. 1 dated June 29, 2001, September 23, 2003, and February 2, 2007, and

WHEREAS, due to factors arising since the signing of the prior Development Agreements, the City staff and Waters Edge of Whitewater, L.L.C. have agreed, subject to the approval of the Common Council, to amendments to the Development Agreements.

WHEREAS, the Common Council finds that the amendments are consistent with the requirements of Title 19 and other city ordinances and the City's Comprehensive Plan, and will promote the health, safety and general welfare of the City.

Now, therefore, BE IT RESOLVED that the Common Council of the City of Whitewater approves the attached Amendment to Contracts for Improvements between Waters Edge of Whitewater, L.L.C., and the City of Whitewater, Wisconsin.

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

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT WALWORTH AVENUE / BUCKINGHAM BOULEVARD FROM "AT" (AGRICULTURAL TRANSITION) TO "PCD" (PLANNED COMMUNITY DEVELOPMENT) AND APPROVAL OF THE GENERAL DEVELOPMENT PLAN (GDP) FOR HOFFMANN PROPERTY, WITH REQUEST FROM DEVELOPER AND STAFF TO WAIVE 2ND READING OF ORDINANCE.

City Manager Kevin Brunner stated that the requests were approved by the Plan Commission. This would allow a 64 unit senior housing complex to be developed by Silverstone Partners of Middleton. The deadline for tax credit financing through the Wisconsin Housing Economic Authority is approaching, and as a result, a request to waive a 2nd reading was brought forth. Councilmember Binnie stated that no comments from the public were made at the Plan Commission meeting. Tom Sather and Christy Morgan of Silverstone Partners were present to answer questions. They indicated that the development is intended for the age group of 55 or older.

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

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do, pursuant to Municipal Code Section 19.69, hereby amend the zoning classification of the below-described property 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).

Part of the NE ¼ of the NE ¼ of Section 7, T4N, R15E, City of Whitewater, Walworth County, Wisconsin, to-wit:

Commencing at the NE corner of said Section 7; thence S88°18'33"W, along the north line of said NE ¼, 321.49 feet to the point of beginning; thence continue S88°18'33"W, along said north line, 395.44 feet; thence S1°41'27"E, along the east line of Lot 1, Certified Survey Map No. 1334, 377.47 feet to the SE corner thereof; thence S88°17'16"W, along the south line of said Lot 1 and its extension, 342.05 feet; thence S0°07'17"E, 403.34 feet; thence N88°18'33"E, 714.43 feet; thence N0°48'37"E, 781.53 feet to the point of beginning, containing 10.000 acres and subject to a road right of way across the northerly 33 feet.

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 shall be amended to show the above change on the effective date of this zoning ordinance as provided in Section 4.

SECTION 4. This ordinance shall take effect upon passage and publication as provided by law, and Plan Commission approval of a specific implementation plan on or before 12-31-10. If the Plan Commission does not approve a specific implementation plan by 12-31-10, this zoning amendment shall not take effect.

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Winship, Binnie, Singer, Stewart, Taylor, Olsen, Kienbaum. NOES: None. ABSENT: None.

It was moved by Olsen and seconded by Winship to waive the 2nd reading of the ordinance. AYES: Winship, Binnie, Singer, Stewart, Taylor, Olsen, Kienbaum. NOES: None. ABSENT: None. ADOPTED: March 16, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

DISCUSS WHITON / MAIN TRAFFIC SIGNAL PROJECT CROSSWALK ACTUATORS.

Public Works Director Dean Fischer stated he held a public meeting on this subject. Staff members are looking for input from the Council. One possibility is a Matching Bull Dog actuator. When pressed by a pedestrian, the pedestrian waits for the light, then crosses. Another option is "the Navigator". This works similar to the Matching Bull Dog, but when the button is pressed, a light is activated and a voice tells when to cross. The upgrade is about \$4,500. Fischer questioned whether the actuators should be included in the Whiton/Main specifications, whether other intersections should be included, and how many should be included? Councilmember Binnie suggested using the Navigator at one location and seeing how it worked. If it works well, install the device at other intersections. Singer questioned if

anything has been looked into for wheelchair activation. Fischer stated they haven't found anything durable or reliable. Luke Holman of Strand Associates commented that it's not that the technology isn't there; it's the proven durability of the product. These products have been proven. Fischer stated that the bids will require equipment to be compatible with what we have. Taylor moved to direct city staff to include "the Navigator" in the bidding process for Main and Whiton. Seconded by Olsen. Winship questioned whether the University would contribute towards this. City Manager Brunner stated that he has had a conversation with Chancellor Telfer, and the University approves of the Navigator. Brunner likes the idea of trying it out for a few months at one intersection and seeing how it works. Fischer stated the city could do a CIP for next year for the remainder of the intersections. Fischer stated the pillars by Hyer Hall are very close to the road. The University has taken it upon themselves to move them back and widen the driveway a small amount. AYES: Winship, Binnie, Singer, Stewart, Taylor, Olsen, Kienbaum. NOES: None. ABSENT: None.

APPROVAL OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.

Brunner stated the City has been awarded \$170,600 under the Energy Efficiency and Conservation Block Grant program. Projects include replacing the boiler in the public safety portion of the building, and the variable frequency drives for the hot water system at city hall; variable frequency drives for the blowers and pumps at the White Memorial Building; a new HVAC system for the Young Memorial Library, and other projects relating to street light replacement in the Industrial Park, downtown area, and public parking lots. The City must supply a \$57,200 match. Brunner requested a decision from the council tonight as submission of the paperwork must be completed by Friday. Brunner indicated that the projects proposed were projects already planned. He estimates that the improvements will save the City approximately \$25,000. It was moved by Olsen and seconded by Winship to approve the submission of the grant paperwork for the projects presented. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF INFORMATION TECHNOLOGY EMPLOYEE USE POLICY.

Information Technology Director Tim Nobling was present to answer questions relating to the new Information Technology Employee Use policy. Taylor questioned who was going to enforce the policy. Nobling stated it depends on the part of the policy, but it's really the supervisor who is responsible for their employee. Nobling provides the resources they would need to work with their staff. The firewall is a web filter and a web blocker. These blockers are more for security than for time-wasting websites. Brunner stated they do monitor websites and have reports. They can block usage and there will be appropriate action taken for any abuse. It was moved by Olsen and seconded by Taylor to approve the Information Technology Employee Use policy as provided by IT Director Nobling. AYES: Winship, Binnie, Singer, Stewart, Taylor, Olsen, Kienbaum. NOES: None. ABSENT: None.

DISCUSSION REGARDING FIVE POINTS INTERSECTION IMPROVEMENT STUDY.

Brunner explained there have been nine accidents at this intersection over the last three years. The intersection is very difficult at times to go through. He stated that the opportunity to correct this problem could be funded via TIF #6. Brunner requested council direction on how to proceed in the future with this intersection project. Luke Holman of Strand gave a presentation regarding the intersection. This was previously studied in 2002 but this was a

Comprehensive study. Holman explained the goals and objectives they are looking at. 1) Access and mobility for vehicles; 2) Pedestrian facilities; 3) Vehicle Operations; 4) Access and mobility for nearby schools; and 5) Redevelopment potential for southeast quadrant. The top 5 alternatives are 1) Traffic signal (not warranted); 2) Four leg roundabout (dismissed); 3) Three leg roundabout; 4) Intersection realignment; and 5) Multiway stop control. He explained the advantages and disadvantages regarding all of the alternatives. They projected traffic volumes for five years. Binnie commented about the low pedestrian usage at this intersection. Holman will look into that. He wasn't sure if the pedestrians weren't placed in the twelve hour study. Binnie also asked Fischer if the plan for extending South Street to the high school was going to happen. Fischer stated it was still in the plans. Brunner stated there is some farm land that would have to be dissected if they were to do that, and several years ago, the owner was not in favor of that. Stewart commented that the way Holman explained it, the redevelopment won't have an impact on the way the intersection is being used. Stewart agreed with the realignment option giving the area more space. Fischer stated that islands would give pedestrians a half-way point. He also thought bringing in some of the property owners for a public meeting and having other comments would be helpful. Brunner stated that more traffic comes into the City through this intersection than any other Street. DPW Director Fischer will arrange for a public meeting.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Taylor would like an update and discussion on the polling place at campus; would like to discuss board and commission meetings being televised at least once a year; and all city fleets should have some American made part. Kienbaum feels that all city employees should live in the city of Whitewater (referring to the Downtown Whitewater Director who does not). Olsen would like to revisit the Sidewalk Café Ordinance.

EXECUTIVE SESSION. It was moved by Singer and seconded by Olsen to **ADJOURN TO CLOSED SESSION, NOT TO RECONVENE, PER WISCONSIN STATUTES 19.85(1)(e) “DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION”.** Item to be discussed: Acquisition real estate for Starin Road right-of-way. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Respectfully Submitted,

Michele R. Smith
City Clerk