

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

April 8, 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.

Olsen moved to postpone action on the large number of ordinances relating to Chapter 2. Taylor seconded. Taylor explained he wanted these on this agenda because he thought this was going to be his last meeting. He agreed it would be advantageous to allow everyone time to read the large group of ordinances. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None

APPROVAL OF MINUTES. It was moved by Olsen and seconded by Winship to approve the Council Minutes of 3/2/2010. 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 Winship to approve payment of city invoices processed through March 31, 2010, in the total sum of \$262,640.87. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REPORTS. City Manager Kevin Brunner gave an update on the **Technology Park**. Bids are due by April 15th and they will be reviewed at the joint meeting of the Tech Park and CDA on April 19th. The bid award will be brought to Council on April 20th. Groundbreaking is scheduled for Tuesday, April 27th at 4 p.m. DPW Director Dean Fischer reported on the **Five Points Public Meeting**. The public meeting is scheduled for May 3rd at 6 p.m. Notices will be sent to everyone within 300 feet of the property.

CITIZEN COMMENTS. None.

COMMON COUNCIL ANNOUNCEMENTS. Taylor acknowledged that he ran as a write-in candidate at the recent election. He noted that although he is graduating in May, he wants everyone to know he is committed to another two years of faithful service. He also mentioned how disappointed he was by the low voter turn out in his district, as he won with ten votes.

ACTION ON RESOLUTION REQUIRING THAT THE CITY "BUY AMERICAN" MADE VEHICLES. Councilmember Taylor indicated that he brought this Resolution to Council after he met with a Milwaukee alderman, who asked that this concept be distributed throughout the State. Taylor believes adoption of the Resolution indicates Council support for the American economy. Councilmember Binnie stated that the Resolution refers to any City purchase exceeding \$1000. Binnie feels that the time spent researching where products were made would create a great deal of work for even lower-priced items. Binnie feels the proposal is

impractical as written. Councilmember Winship stated that one of the American-made trucks out of Michigan has 85% of its components made in Canada. There is not a vehicle that has 100% American made parts. Winship commented that the same car can be made in different factories around the States, and have different percentages of American made parts. It's something the city can keep in mind if this is what the city needs to do. Or, to come back to the council if the percentage wasn't according to the resolution.

Taylor commented he would like to change some of the language in the last paragraph. Taylor amended it as follows; "Now therefore be it resolved the City of Whitewater shall to the extent feasible buy automobiles made in the United States of America or those automobiles with the greatest percent of American made content. When the City recognizes it will continue to follow all state bidding laws to be good stewards of the public finances with its intent to purchase all American made state automobiles. The city staff is hereby directed to use reasonable effort to research the percent of American made content in any automobile that is purchased by the City of Whitewater and shall consider that information consistent with the policy sent forth herein and with making purchase decisions or recommendations to the city council for purchase of property". Olsen seconded that amendment. Taylor explained the amendment makes it clear it's only automobiles, and removes the \$1000 designation. City Attorney Wally McDonell explained the language would include all city automobiles and trucks which would include fire trucks. Stewart would like to stop after American made content and leave everything else out. It would be saying we will try to buy, if all possible, American made vehicles. McDonell corrected his statement that automobiles are focused toward passenger cars and not motor vehicles. Automobiles would not include trucks and fire trucks. The wording of passenger vehicles would not include trucks if that's the preference. Winship stated he felt it could limit the Police Department from buying the Crown Victoria if it has fewer American made parts than Jeep or Chrysler. Winship said the City has always been behind buying American made, and he's not sure we need this resolution. Singer stated passenger vehicles will be used for wording.

Resolution introduced by Councilmember Taylor, and seconded by Councilmember Olsen, who moved its adoption, (amending the wording in the last paragraph to "Now therefore be it resolved the City of Whitewater shall be to the extent feasible to buy automobiles made in the United States of America or those automobiles with the greatest percent of American made content. When the City recognizes it will continue to follow all state bidding laws to be good stewards of the public finances with its intent to purchase all American made state automobiles. The city staff is hereby directed to use reasonable effort to research the percent of American made content in any automobile that is purchased by the City of Whitewater and shall consider that information consistent with the policy sent forth herein and with making purchase decisions or recommendations to the city council for purchase of property"). AYES: Olsen, Singer, Taylor. NOES: Winship, Binnie, Kienbaum, Stewart. ABSENT: None. MOTION FAILED.

AUTHORIZING CITY TO JOIN WISWARN. City staff requested approval to join a mutual aid and assistance program.

RESOLUTION AUTHORIZING PARTICIPATION IN THE WisWARN MUTUAL AID AND ASSISTANCE PROGRAM

WHEREAS, Wis. Stats. §66.0301, authorizes a municipality to enter into an agreement with other municipalities for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law; and

WHEREAS, pursuant to Wis. Stats. §66.0301, Wisconsin municipalities together seek to create and participate in an intrastate program for mutual aid and assistance for water and wastewater systems called WisWARN; and

WHEREAS, the purpose of WisWARN is to provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery for municipal water and wastewater systems; and

WHEREAS, WisWARN is established by municipalities adopting the WisWARN Mutual Aid and Assistance Agreement pursuant to Wis. Stats. §66.0301 and becoming a member of WisWARN; and

WHEREAS, the governing body of City of Whitewater considers it to be in the best interests of the City to be a party to the WisWARN Mutual Aid and Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED, that City of Whitewater:

1. Authorizes City Manager to sign the WisWARN Mutual Aid and Assistance Agreement, and deliver it to (a) the Chair of the WisWARN Steering Committee, or (b) if the WisWARN Steering Committee has not yet been established, the Wisconsin Department of Natural Resources, c/o Gabrielle Petersen, Water Security Specialist, 101 S. Webster Street, P.O. Box 7921 – DG/5, Madison, WI 53707-7921; and
2. Agrees the City of Whitewater will comply with all terms of the Agreement.

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

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING PARK HOURS FOR INDIAN MOUNDS PARK TO BE OPEN FROM SUNRISE TO SUNSET. Park and Recreation Director Matt Amundson stated there is a committee working on improving this park. The current hours are 6 a.m. to 6 p.m.

**AN ORDINANCE AMENDING CHAPTER 7.38
PROVIDING THAT WHITEWATER MOUNDS ARCHEOLOGICAL PRESERVE
SHALL BE CLOSED FROM SUNSET UNTIL SUNRISE**

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

SECTION 1: Whitewater Municipal Code Chapter 7.38 Subsection 7.38.010 (a) is hereby amended to read as follows:

7.38.010(a) Closing of Parks. All city parks shall be closed from 12:00 a.m. to 6:00 a.m., except that Brewery Hill Park shall close at dusk, and Whitewater Indian Mounds Park shall be closed from sunset until sunrise. A permit may be issued for use of the city parks at times other than that set forth herein. Said permit may be issued by the city clerk.

SECTION 2: This ordinance shall become effective upon passage and publication, as required by law.

Ordinance introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: April 8, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING ALCOHOL LICENSING ORDINANCE. City Attorney Wally McDonell commented it's common when a business is sold, and under contract for a surrender of a license, for the license to be immediately re-issued. The new standard that the council has enacted is for an open license to be focused on a business that is beneficial to the city's economic growth as opposed to just a transfer. It is believed, however, that Council did not intend for the sale of a business to automatically result in a license being considered as "open." Council agrees that this amendment reflects the original intention of the ordinance.

AN ORDINANCE AMENDING SUBSECTION 5.20.027(A) STANDARDS FOR REVIEWING ALCOHOL LICENSE APPLICATIONS

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

Section 1: Whitewater Municipal Code, Chapter 5, Subsection 5.20.027 (A), is hereby amended to read as follows:

5.20.027 Licensing Standards for Considering New Alcohol License Applications.

A. Alcohol License Review Committee review. All new (as opposed to renewal) applications for open "Class A" sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and open "Class B" sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the Alcohol License Review Committee (at times hereafter referred to as the ALRC) before the application is acted upon by the Common

Council. The ALRC shall recommend that the Council grant, deny, or grant with conditions each license. The Common Council shall consider the recommendation of the ALRC when considering license applications. The term “open” in this subsection shall mean an application for a license that has not been issued for at least 24 hours, and therefore is an open and available license. This section is not intended to apply when a license holder surrenders a license pursuant to a contract to transfer the business associated with the license, and the same license is issued immediately to the purchasing party.

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

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

AWARD OF BID FOR REPLACEMENT FIRE ENGINE. Fire Chief Don Gregoire announced that the Whitewater Fire Department received a grant from FEMA towards the purchase a new engine. That engine was scheduled to be replaced in 2012. By moving up the purchase by one year, a savings of \$225,000 will be experienced (due to grant award). A rough cost estimate for the engine would be \$530,000. Fire Chief Gregoire recommended the purchase of a HME chassis, which is a US tanker built engine. Gregoire stated that the Fire Department has two US tanker engines now plus seven HME chassis. Gregorie stated they have received bids; one from Alexis of Illinois, Spencer from Michigan, and US tanker of Burlington.

City Manager Brunner stated that there are not funds in the Equipment Replacement fund for this purchase, so money will have to be borrowed in the later part of this year. Brunner stated the Fire Department has been awarded another grant for the purpose of installing a vehicle exhaust system. That grant requires a 10% local match. Financing for that item will be necessary, too. Olsen moved and Binnie seconded to approve the purchase of a fire engine. AYES: Winship, Binnie, Singer, Stewart, Taylor, Olsen, Kienbaum. NOES: None. ABSENT: None.

DISCUSSION REGARDING SIDEWALK CAFÉ ORDINANCE AND POSSIBLE DIRECTION REGARDING SAME. Downtown Director Tami Brodnicki expressed concern over the clarity of the current ordinance. Brodnicki also expressed dissatisfaction with the rules on the barriers. Brodnicki provided photos of cafes around the State, which had samples of cafes with or without barriers. She noted that some examples had barriers that were for beautification. DTWW President Hale requested that the regulations be relaxed so that merchants can actually have a sidewalk café. Arguments about late night drinking are moot since the cafes will be closed by 9:00 or so. Hale stated that moving tables and chairs every night is cumbersome.

Brodnicki asked the Council to consider a trial period from May to September. She requested that any license fee be eliminated, and that merchants be allowed to use barriers such as planters, flower boxes or menu boards. A difference of opinion regarding the ADA requirements for sidewalk passage occurred. It was agreed that City Attorney McDonell would research the requirement.

City Manager Kevin Brunner stated he would like to see this fairly simple and straight forward. It seems to work in most communities. Brunner stated that Whitewater Street was improved for reasons such as this, and he would like to see the ordinance streamlined if possible.

Hale requested that the Council provide them ability for Street vending, with a trial period from May to September, with no application fee; eliminating the barrier, with a 3' open area if possible. Hale also asked the Council to consider eliminating the requirement that there be a minimum amount of food sales. Kienbaum noted that sidewalk vending works out well during Maxwell Street Days.

Councilmember Winship requested that the Downtown group meet with the Neighborhood Services Director, City Manager Brunner, and Atty. McDonell to develop a revised Sidewalk Café ordinance to bring to the next council meeting. Linda Bricco Schalk of The Guild on the Triangle asked for consideration on elimination of the minimum food sales requirement. She stated that they would like to sell wine, allowed to be consumed in their sidewalk café area, without the food requirement. Although they sell a small amount of packaged food, a minimum food sales requirement would prohibit them from being included.

Councilmember Binnie stated that he felt the Council was being too rigid and that it is time to turn this matter over to City staff and the Downtown Whitewater group. Olsen stated that a sidewalk café and a sidewalk bar are two different things and should be looked at differently.

Lacey Reichwald from The SweetSpot commented on her outdoor seating area (on the porch) and the success it has had. Additional information will be forthcoming at the April 20th meeting.

DISCUSSION REGARDING ZONING OVERLAY ORDINANCE AND POSSIBLE DIRECTION REGARDING THE SAME.

City Attorney Wally McDonell stated this zoning ordinance has a zoning classification that can impose a restriction of regulating a certain area in the City. This isn't focused on the Starin area only. This is a regulation to have available should the council decide to look at other areas of the city to be regulated. The proposal would be to have only two unrelated people living in a residential unit as opposed to three. The primary action is to enact a zoning ordinance creating Ch. 19.25 "RO". McDonell stated that this is currently offered for conceptual review and that he is looking for direction from Council. The ordinance would have to go before the Plan Commission for a public hearing, then come back to the Council. Currently the ordinance states that in districts zoned R-1 and R-2, the limit is no more than 3 unrelated persons residing in any single family residential unit and R-3 limit is 5 unrelated. The ordinance would allow the council to look at areas of the city and decide if that area should have a regulation with only 2 unrelated opposed to 3 unrelated. McDonell explained that Councilmember Winship requested the drafting of an ordinance that focuses on a large portion of the Historical Starin neighborhood, specifically N. Park St., N. Franklin St. and N. Esterly St. from W. Main to Starin Rd. (only on R-1 properties). Any property that is R-2 or R-3, as well as the Fairhaven facility, would not be governed by this ordinance. Citizen Jeff Eppers, Starin Rd., questioned whether Starin Road was included in the proposal. McDonell stated it does include Starin Road, but not Prairie St. residences. Any property currently renting to three non-related persons and non-conforming would be able to continue to do so. There is a registration requirement in this ordinance. There is a state law to recognize non-conforming

uses. An owner can lose that right to rent out to more than 3 non-related if they don't have it rented for over a year. Citizen Aaron Parker at 218 N. Franklin St. supports this ordinance. He doesn't want his street to become another Tratt St. Councilmember Kienbaum stated she doesn't see how this proposal will make an impact on the neighborhood.

Sue Neis stated that she has lived on Esterly Avenue for about a year. Nies and her husband have retired here and one of the reasons is because of the University. She loves the students but she feels it's very important to have family neighborhoods in Whitewater. She feels this plan is a smart plan and will help them in the future.

James Hartwick of 178 N. Franklin St. is the vice-president of the Historic Starin Park Neighborhood Association. He said he came to speak as an individual living in the neighborhood. Many neighbors he has talked to are in support of this ordinance. Hartwick said the neighborhood has many dedicated people who want to preserve their neighborhood because they love where they live. Hartwick states the difference between two and three unrelated people is quite significant. This controls the density problem.

Councilmember Taylor stated that the trend shows the student population is growing. His concern is where are these students to go? If the council puts a restriction on this neighborhood, the students will go into other residential neighborhoods. Taylor stated he has been contacted by a number of property owners on Prairie St. Those property owners feel they are zoned too low. Most of those houses have students living there. Perhaps the Council could raise the zoning in these areas that can accommodate these students. Brunner commented he has been talking with the Chancellor on this topic and the University is not going to add more housing on campus. The University wants to have 30% more graduates by 2025. Therefore, more housing will be off campus. Brunner agrees there will be an increase in off-campus residency.

Hartwick stated that there is no shortage of developers who might take an interest in developing more neighborhoods primarily for student housing.

Winship noted that City Manager Brunner has often said economic development is one of the major issues the city has to face as well as increasing the percentage of home ownership in the city. Winship sees this ordinance as student friendly. He would like to see more University faculty living in Whitewater. Councilmember Binnie doesn't feel that student housing is entirely the University's problem. The University has been doing improvements to residence halls to attract older students. Plan Commission has taken a stand that those areas closest to the University need to have higher density. Binnie feels confident about referring this ordinance to Plan Commission for further review. Council President Singer stated that this subject will be brought to Plan Commission at their May 10th meeting. It was moved by Binnie and seconded by Olsen to refer the Ordinance to Plan Commission. AYES: Kienbaum, Binnie, Winship, Singer, Stewart, Olsen, Taylor. NOES: None.

DISCUSSION AND POSSIBLE DIRECTION REGARDING WARD 10 POLLING PLACE. Taylor requested deferral of this subject until the April 20th council meeting, due to the fact that costs related to the 4/6/10 election are still being assembled. Councilmember Olsen

stated that the polling place can't be moved until Jefferson County orders their new machines. Taylor responded that some long term plan for the polling place is still necessary; election results must be discussed; and we need to determine which elections will be held on campus versus the Downtown Armory. Singer requested that a Resolution be brought forth to the Council.

AWARD OF CONTRACT FOR CRAVATH LAKEFRONT PARK ELECTRICAL IMPROVEMENTS.

Park and Recreation Director Amundson stated that electrical improvements to Cravath Lakefront Park are in the 2010 budget. Electrical service will be extended along the north edge of the parking lot to provide temporary service for events. It will still require electrical contractors to come in and establish temporary pedestal service, but this will be a huge effort toward improvements for the electrical service in the Park. The work will be completed by June 15, 2010. It was moved by Olsen and seconded by Winship to approve the award of contract to Dick Jones, for Cravath Lakefront Park electrical improvements. AYES: Stewart, Winship, Binnie, Singer, Taylor, Kienbaum, Olsen. NOES: None.

ACTION ON REQUEST TO CHANGE NAME OF INDIAN MOUNDS PARK TO WHITEWATER MOUNDS ARCHEOLOGICAL PRESERVE.

The Indian Mounds Park Committee (created by Park & Recreation Board) has been reviewing improvements to the park, as well as restoration and education. Concerns about the word "Park" being in the name were expressed; it was felt that it really does not define the area. It is more of a preserve than a park. The Park and Recreation Board have been working with the Ho-Chunk tribe as they have developed the Park name. The Ho-Chunks have been involved with preservation of mounds throughout the state of Wisconsin. It is anticipated that the Ho-Chunks will continue to work with the City as the preservation of this site is reviewed. Citizen Donald Vail spoke against the name change. He said it was not an archeological site. His concern was that someone might want to dig it up. Amundson explained that the renaming has been a joint effort of the Landmarks Commission, a School District representative, a park neighbor, and Amundson himself. Amundson stated that the purpose of the name change is to preserve it. In their research, they found it's unlawful for them to put a sign in the ground within five feet of a mound. When the ground is wet, grass mowing is not allowed. Amundson said the Mounds is probably one of the most protected areas in the city. Moved by Winship and seconded by Olsen to change the name of Indian Mound Park to Whitewater Archeological Mounds Preserve. AYES: Winship, Taylor, Binnie, Stewart, Olsen, Singer. NOES: Kienbaum.

TELEVISIONING OF MORE BOARD AND COMMISSION MEETINGS.

Councilmember Taylor stated that Boards and Commissions do very important work in the city and the community knows very little about their activities. Taylor felt it should be a goal to have each committee televised at least once per year. Councilmember Singer agreed, stating that these Boards should meet in the Community Room if possible, as it is more inviting to the community. Winship agreed that additional televising was good. Cable Coordinator Lockett commented it is feasible, and this was discussed a few years ago. Lockett's suggestion was to tape the meetings that have topics of interest, such as Library Board expansion discussion, or CDA Innovation Center discussions.

ADOPTION OF UPDATED SNOW AND ICE CONTROL POLICY.

Public Works Director Dean Fischer commented briefly they have been using the existing policy for years and

the only update being presented is a change in the salt content. Less salt will be used in their sand/salt mixture. Moved by Olsen and seconded by Taylor to adopt the updated snow and ice control policy. AYES: Kienbaum, Olsen, Taylor, Binnie, Stewart, Singer, Winship. NOES: None.

APPROVAL OF 2009 ANNUAL STORMWATER REPORT. DPW Director Fischer stated that the DNR has been listening to governmental bodies regarding the difficulty and expense to meet permit requirements for the sediment reduction. The DNR is looking at revisions to the NR 151 code.

Winship stated one of the things that they have talked about with Brunner and the Historic Starin Park Neighborhood is what can be done in terms of rain gardens and rain barrels. This would involve people changing their gutter system to catch rain water instead of having it go into the street and the storm water. Park and Recreation Director Amundson said they have been working with a University group for installation of a rain garden at the new Trippe Lake shelter. It will take the runoff from the roof to a test or learning site, so that the community can see how successful a rain garden can be. Amundson feels that rain gardens will become more popular in the future. It was moved by Olsen and seconded by Taylor to approve the 2009 Annual Stormwater report. AYES: Binnie, Winship, Taylor, Kienbaum, Olsen, Singer, Stewart. NOES: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Winship would like to have a special meeting regarding the Sidewalk Café Ordinance once they get everything together. Taylor suggested a yearly refresher course on meeting of boards and commissions. Kienbaum suggested touring the Aquatic Center. Brunner mentioned on April 2nd the City turned 125 years old. In 1885, the city was incorporated as a city. It was incorporated as a village in 1857 and the original settlement was 1837. Refreshments were available to celebrate Whitewater's 125th anniversary of being a City.

EXECUTIVE SESSION. It was moved by Singer and seconded by Olsen to adjourn to closed session, to reconvene in 30 minutes, pursuant to Wisconsin Statutes Chapter 19.85(1)(e) "Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Items to be discussed: Acquisition of real estate for Starin Road right-of-way. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

The regular portion of the meeting adjourned at 9:25 p.m.

RECONVENE INTO OPEN SESSION. Upon motion duly made and seconded, the Council reconvened into Open Session.

ACQUISITION OF KUTZ PROPERTY FOR PURPOSE OF EXTENDING STARIN ROAD. In order to extend Starin Road from Fremont to Highway 59 (Newcomb Street), it is necessary to obtain parcels of land. Council has already adopted a Resolution authorizing the purchase of land from the Fire Department/Rescue Squad. Council met in closed session and agreed to the terms of the sale of the Roger Kutz property.

RESOLUTION AUTHORIZING THE PURCHASE OF LANDS FOR THE RIGHT-OF-WAY NECESSARY TO EXTEND STARIN ROAD

WHEREAS, the City of Whitewater has decided to extend Starin Road from its intersection with Fremont Street to a planned intersection with Highway 59; and

WHEREAS, in order to complete said improvement, the City will need to acquire real estate; and

WHEREAS, it is in the City of Whitewater and the general public's best interest to acquire said property in order to extend Starin Road.

NOW THEREFORE, subject to the approval of the City of Whitewater Plan Commission, BE IT RESOLVED that the City Manager and the City Clerk are hereby authorized to sign any and all documents necessary to purchase the property as set forth in the attached Kutz Offer to Purchase on the terms and conditions, including the price, as set forth therein. This purchase shall be contingent on the City of Whitewater entering into a binding agreement with the owners of the Kligora Trust property for the purchase of the Kligora Trust property necessary to extend Starin Road through the Kligora Trust property to the intersection with Highway 59.

Resolution introduced by Councilmember Winship who moved its adoption. Seconded by Councilmember Taylor.

AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart.

NOES: None.

ABSENT: None.

ADOPTED: April 8, 2010

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADJOURNMENT. It was moved by Olsen and seconded by Taylor to adjourn the meeting. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Michele R. Smith, Clerk