

**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 5, 2010

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Butler, Binnie, Winship, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Olsen and seconded by Binnie to approve the Council Minutes of August 17, 2010, August 31, 2010 and September 7, 2010, and to acknowledge receipt and filing of the Urban Forestry Minutes of 7/13/10 and 8/10/10; the Senior Forum Minutes of 6/7/10 and 8/2/10; and the Park and Recreation Minutes of 8/9/10. AYES: Olsen, Butler, Binnie, Winship, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Binnie to approve the payment of city invoices in the total sum of \$113,568.13. AYES: Olsen, Butler, Binnie, Winship, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

STAFF REPORTS: DPW Director Fischer gave a report on sewer repair on Florence Street and Park and Recreation Director Amundson gave a report on plans to develop a Treyton Kilar "Field of Dreams" softball diamond in Starin Park.

CITIZEN COMMENTS: None.

COUNCIL COMMENTS: None.

PUBLIC HEARING RELATING TO SPECIAL ASSESSMENTS FOR SIDEWALK INSTALLATION ON NORTH TRATT STREET (EAST SIDE) BETWEEN WALTON DRIVE AND FOXGLOVE LANE. Council President Singer opened the Public Hearing on sidewalk installation. Property owner Gail Mercer asked for the Council to consider a low interest rate for property owners having to pay the assessment in installments. DPW Director Fischer informed her that Township residents would not have to pay any payment unless they annexed into the City. At the time of annexation, the full payment would be due and no interest would be charged. No other residents were in attendance, and the Public Hearing was closed.

FINAL RESOLUTION AUTHORIZING SPECIAL ASSESSMENTS FOR PROPERTIES LOCATED ON NORTH TRATT STREET (East Side – between Walton Drive and Foxglove Lane)

**FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY
Portion of N. Tratt Street (East Side), between Walton Drive and Foxglove Lane.**

WHEREAS, the governing body of THE CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, held a public hearing in the Community Room of the City of Whitewater Municipal Building on October 5, 2010 at 6:30 p.m. for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Director of Public Works on the proposed public improvements consisting of installation of sidewalk on a Portion of N. Tratt Street (East Side), between Walton Drive and Foxglove Lane and preliminary assessments against benefited property, and heard all persons who desired to speak at the hearing:

NOW THEREFORE, BE IT RESOLVED, the governing body of The City of Whitewater, Walworth and Jefferson Counties, Wisconsin, determines as follows:

1. The report of the Director of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.
2. The Director of Public Works has obtained bids and will supervise construction of the improvements in accordance with the report hereby adopted.
3. Payment for the improvements shall be made by assessing 32% of the cost to the property benefited as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.
6. Assessments shall be due within 45 days of billing date. Assessments may be paid in cash or in up to five (5) annual installments to the City Treasurer. Installments shall be placed on the next tax roll after the due date for collection and shall bear interest at the rate of 4.5% per annum on the unpaid balance from due date.
7. Assessments against Town of Cold Spring properties will be deferred without interest until the property is annexed into the City of Whitewater, whereupon the full assessment shall be paid.
8. The municipal clerk shall publish this resolution as a class 1 notice under Ch. 985 Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Butler, Winship, Binnie, Kienbaum, Stewart. NOES: Singer. ABSENT: None. ADOPED: October 5, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING AGREEMENT BETWEEN WISCONSIN INDEPENDENT NETWORK LLC (“WIN”) AND CITY. Presented for approval was a Resolution authorizing the City to enter into an agreement with Wisconsin Independent Network LLC for installation of dark fiber optical cable from the UWW campus to the Whitewater University Technology Park. Brunner was pleased to announce that there will be no cost to the City for the installation to the specified area. Brunner requested that the term of the agreement be changed from twenty years to thirty years (as requested by WIN).

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR THE EXTENSION OF FIBER OPTIC CABLE.

WHEREAS, the City recognizes the growing importance of access to broadband services to economic development and quality of life, and

WHEREAS, the City is committed to facilitating the expansion of broadband communications, services and infrastructure in the City, and

WHEREAS, the City desires to strengthen cooperation between public and private entities to collaboration in broadband initiatives based upon the principle of mutual benefit, and

WHEREAS, the City of Whitewater desires to extend fiber optic cable to additional areas of the City, and

NOW THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby authorizes the City Manager and the City Clerk to enter into the attached Agreement between Wisconsin Independent Networks, LLC and the City of Whitewater providing for the construction of fiber optic cable in the City of Whitewater.

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

AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: September 21, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE GRANTING AUTHORITY TO APPROVE WAIVERS OF “NO-WAKE” ORDINANCE.

**ORDINANCE NO. 1806
ORDINANCE REGARDING NO WAKE PROHIBITION**

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

SECTION 1: Whitewater Municipal Code, Chapter 7.38, subsection 7.38.025 is hereby amended by adding subsection (i) to read as follows:

- (i) The City Manager, or his or her designee, may in writing temporarily waive the “Slow No Wake” prohibition set forth herein for a limited purpose that is consistent with the public’s best interests.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: October 5, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF WHITEWATER TRANSPARENCY ENHANCEMENT ORDINANCE
ORDINANCE NO. 1804A - FINAL
WHITEWATER TRANSPARENCY ENHANCEMENT ORDINANCE**

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

Section 1. Whitewater Municipal Code, Chapter 2.62, Whitewater Transparency Enhancement Ordinance, is hereby created to read as follows:

2.62.010 Purpose.

- (a) The purpose of this ordinance is to maximize public awareness and participation in City of Whitewater government.

2.62.020 Posting Requirements.

(a) Agenda notices for all council, committee, commission and board meetings, requiring legal notice, shall be posted 72 hours in advance. If an agenda item is added between 24 and 72 hours prior to the meeting, it shall require an affirmative vote of a majority of the members voting to take up the matter.

(b) All council, committee, commission and board agendas shall be posted online on the City website 72 hours in advance of the meeting.

(c) All council, committee, commission and board packet materials, that can be reasonably scanned, shall be posted online 24 hours in advance of the meeting. The City shall provide an electronic notification feed alert, indicating that new information is available regarding an upcoming council, committee, commission or board meeting, to any party that has subscribed to the feed (requested notice from the City of the updated information).

(d) All requests for proposals and requests for bids shall be posted online as soon as is practicable.

(e) The council and all committee, commission and board meeting minutes shall be posted online within 30 days of the meeting. If the body does not meet within 30 days of the meeting, the minutes shall be posted within 14 days of the next meeting.

2.62.030 Information Technology Requirements.

(a) Beginning December 1, 2010, City Council, Community Development Authority, Plan Commission and Police Commission meetings shall be videotaped, and the video shall be posted online.

2.62.040 Meeting Procedures.

(a) All council, committee, commission and board meetings shall have a public input agenda item to allow citizens to make statements on matters that are not on the agenda.

(b) All council, committee, commission and boards shall allow the public an opportunity to comment on substantive items on the meeting agenda. The council, committee, commission or board shall have the discretion to impose time limits and other reasonable procedural rules concerning the public comment.

(c) If the agenda for a council, committee, commission or board meeting includes staff reports or other reports, a specific description of the item to be reported on shall be listed on the agenda and said report(s) shall be limited to the specific items listed in the agenda.

2.62.050 Failure to Abide by Chapter Provisions Does Not Cause Actions to be Invalid.

(a) The failure by any council, committee, commission or board to adhere to the provisions of this chapter shall not cause any action by said council, committee, commission or board to be invalid.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Olsen. AYES: Olsen, Butler, Winship, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None. ADOPTED: October 5, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF WHITEWATER.

ORDINANCE NO. 1805A - FINAL
ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN

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

SECTION 1. The City of Whitewater is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of Wisconsin Statutes.

On February 2, 2010, the City Council of Whitewater adopted the *City of Whitewater Comprehensive Plan* (hereinafter "*Plan*") as the City's comprehensive plan under Section 66.1001(4), Wisconsin Statutes, with said *Plan* including procedures for regular consideration of amendments to it.

Section 66.1001(4), Wisconsin Statutes, establishes the required procedure for a local government to amend a comprehensive plan once it has been initially adopted.

The City Council of the City of Whitewater has adopted and followed written procedures designed to foster public participation in every stage of the preparation of and amendments to the *Comprehensive Plan*, as required by section 66.1001(4)(a) of Wisconsin Statutes.

The Plan and Architectural Review Commission of the City of Whitewater, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending that the City Council adopt an ordinance to constitute official City approval of a new amendment to the *Plan*.

The City of Whitewater has held a public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes.

To better reflect the City's desired future land use pattern, the City hereby amends Map 5: Future Land Use to change the future land use category for the property located at 234 N. Prince Street from "Institutional" to "Higher Density Residential."

SECTION 2. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication as required by law.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: October 5, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

AUTHORIZATION TO DISPOSE OF CITY PROPERTY. Police Chief Coan requested approval to dispose of work and unusable crossing guard vests and supplies. It was moved by Olsen and seconded by Binnie to approve the request. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. None.

ADJOURNMENT. It was moved by Stewart and seconded by Olsen to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk