

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

December 7, 2010

The regular meeting of the Common Council was called to order by Council President Singer. MEMBERS PRESENT: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: Olsen.

It was moved by Winship and seconded by Binnie to approve the Council minutes of 11/4/2010 and 11/16/2010. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Winship and seconded by Binnie to approve payment of city invoices in the total sum of \$455,984.81. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

REPORTS. City Manager Brunner gave an update on the Whitewater University Technology Park project; Finance Director Saubert reported that online payment for 2010 property tax bills was available as well as reported that 2010 real estate tax bills will be arriving soon; and DPW Director Fischer gave a report on the Automatic Meter Reading project as well as announcement of an information meeting regarding the Milwaukee Street and Newcomb Street intersection.

ADOPTION OF 2011 SALARY RESOLUTION. After a correction to adjust the Municipal Judge's salary increase to be consistent with that of other city employees, annual adoption of the Salary Resolution was presented.

**CITY OF WHITEWATER
2011 SALARY RESOLUTION**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2011, in which wages are established.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2011 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning January 1, 2011.

**SCHEDULE I
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	12/31/2010	98,176.10
		07/01/2011	100,630.51
Chief of Police	1	12/31/2010	88,975.56

		07/01/2011	91,199.95
Municipal Judge	1	05/01/2010	19,099.28
		05/01/2011	19,576.76
City Attorney	1	12/31/2010	51,250.00
		07/01/2011	52,531.25

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
A*	3/4	Senior Coordinator (Part-time)	G		
	2	Administrative Assistant II - Records Technician	H		
	2	Administrative Assistant II - General Admin	I	1	Assistant to City Manager
	0	Administrative Assistant II - Utilities (Part-time)		1	Chief Information Officer
B*	1	Accounting Technician II - Payroll & Accounts Payable	J	1	Water Superintendent
	1	Accounting Technician II - Utilities		1	Streets, Parks & Forestry Superintendent
	1	Administrative Assistant I - Neighborhood Services		1	Neighborhood Services Director
	1	Clerk of Courts		1	Parks & Recreation Director
C			1	Wastewater Treatment Plant Superintendent	
D	1	Support Services Manager	K	1	Lieutenant - Administrative Services
E	1	Community TV/Media Services Manager		1	Lieutenant - Field Services
	1	CDA Coordinator	L	1	Finance Director
	1	Recreation & Community Events Programmer		1	Public Works Director
F	1	Assistant Finance Director - City Treasurer			
	1	City Clerk			

*Non-Exempt Positions

**SCHEDULE II
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade		1	2	3	4	5
A*	Hourly Wage	14.93	15.39	16.05	16.73	17.39
	2080 Hours	31,053.11	32,014.65	33,391.38	34,789.98	36,166.72
B*	Hourly Wage	16.00	16.73	17.45	18.18	18.90
	2080 Hours	33,282.12	34,789.98	36,297.83	37,805.69	39,313.55
C	Salary	35,278.60	36,881.42	38,484.47	40,088.95	41,692.00
	effective 07/01/2011	36,160.57	37,803.46	39,446.58	41,091.17	42,734.30
D	Salary	38,099.25	39,831.59	41,561.50	43,293.59	45,027.39
	effective 07/01/2011	39,051.73	40,827.38	42,600.54	44,375.93	46,153.07
E	Salary	41,813.80	43,714.03	45,613.99	47,515.41	49,416.57
	effective 07/01/2011	42,859.15	44,806.88	46,754.34	48,703.30	50,651.99

F	Salary	45,082.13	47,131.16	49,179.23	51,229.72	53,277.55
	effective 07/01/2011	46,209.18	48,309.44	50,408.71	52,510.46	54,609.49
G	Salary	48,350.21	50,548.56	52,745.69	54,941.37	57,139.71
	effective 07/01/2011	49,558.97	51,812.27	54,064.33	56,314.90	58,568.21
H	Salary	51,618.53	53,963.53	56,310.94	58,654.49	61,003.34
	effective 07/01/2011	52,908.99	55,312.62	57,718.71	60,120.85	62,528.42
I	Salary	54,885.66	57,380.92	59,874.74	62,369.04	64,864.30
	effective 07/01/2011	56,257.80	58,815.44	61,371.61	63,928.27	66,485.91
J	Salary	58,152.54	60,795.66	63,440.23	66,082.15	68,726.48
	effective 07/01/2011	59,606.35	62,315.55	65,026.23	67,734.20	70,444.64
K	Salary	61,422.07	64,213.04	67,005.48	69,795.25	72,587.67
	effective 07/01/2011	62,957.62	65,818.36	68,680.61	71,540.13	74,402.36
L	Salary	64,689.19	67,629.23	70,570.72	73,509.80	76,452.26
	effective 07/01/2011	66,306.42	69,319.96	72,334.99	75,347.55	78,363.57

*Non-Exempt Positions

SCHEDULE III LIBRARY POSITIONS

Pay Grade	# of Positions	Classification Titles	Step				
			1	2	3	4	5
A1	3	Library Aide*	11.91	12.44	13.00	13.00	13.00
A2	5	Library Assistants*	12.94	13.53	14.13	14.71	15.30
A3	3	Library Technical Assistants*	14.71	15.39	16.05	16.73	17.39
	3	Library Associates*					
A4	1	Youth Service Librarian	35,278.60	36,881.65	38,484.47	40,088.95	41,692.00
		effective 07/01/2011	36,160.57	37,803.70	39,446.58	41,091.17	42,734.30
A5	1	Assistant Library Director	45,082.13	47,131.16	49,179.23	51,225.08	53,277.55
		effective 07/01/2011	46,209.18	48,309.44	50,408.71	52,505.71	54,609.49
A6	1	Library Director	58,152.54	60,795.66	63,440.23	66,082.15	68,726.48
		effective 07/01/2011	59,606.35	62,315.55	65,026.23	67,734.20	70,444.64

*Non-Exempt Positions

**SCHEDULE IV
WHITEWATER POLICE DISPATCH UNION**

Position	# of Positions	Effective Date	Step			
			1	2	3	4
Records Communications Coordinator	1	01/01/2011	18.64	19.63	20.65	20.89
<i>Per 2,080 Hours</i>			38,781.29	40,826.95	42,958.73	43,454.00
Dispatch / Records Communications Aide	7	01/01/2011	16.77	17.64	18.57	18.76
<i>6 @ Per 1947 Hours</i>			32,653.23	34,346.37	36,160.43	36,523.25
<i>1 @ Per 976 Hours</i>			16,368.54	17,217.28	18,126.65	18,308.52
Parking/Community Support	1	01/01/2011	15.22	16.03	16.87	17.04
<i>Per 1872 Hours</i>			28,488.42	30,000.05	31,589.20	31,899.28

**SCHEDULE V
AFSCME UNION**

Pay Grade	Classification Title	Step					
		1 0-11 mos.	2 12-23 mos.	3 24-35 mos.	4 36-47 mos.	5 48-59 mos.	6 60+ mos.
A	Chemist Assistant	12.58	13.20	13.82	13.82	13.82	13.82
B	Custodian/Groundskeeper <i>Per 2,080 Hours</i>	14.96 31,118.67	15.53 32,298.73	16.10 33,478.80	16.64 34,615.15	17.20 35,773.36	17.76 36,931.57
C	Laborer II <i>Per 2,080 Hours</i>	17.48 36,363.39	18.05 37,543.45	18.61 38,701.66	19.16 39,859.87	19.73 41,039.93	20.28 42,176.29
D	Building Maintenance <i>Per 2,080 Hours</i>	19.57 40,712.14	20.14 41,892.20	20.68 43,006.70	21.26 44,230.47	21.81 45,366.83	22.38 46,546.89
E	Engineering Technician Laborer I Laborer I - Mechanic Code Enforcement/Building	21.90	22.39	22.87	23.37	23.85	24.35

Maintenance Water Operator - no certification (1) Wastewater Operator - no certification (1) Wastewater Operator - Lab Technician no certification (1) <i>Per 2,080 Hours</i>	45,541.6 5	46,568.74	47,573.98	48,601.07	49,606.31	50,655.25
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(1) Additional twenty cents (\$.20) per hour upon completion and receipt of Grade I certification and one (1) subgrade

Grade

F: Successful completion of Grade II and all Grade II subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$25.12 52,250.52

Grade

G: Successful completion of Grade IV and all Grade IV subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.

Wastewater Operator \$25.38 52,796.85

**SCHEDULE VI
WHITEWATER PROFESSIONAL POLICE ASSOCIATION UNION**

Position	# of Positions	Effective Date	Hourly Wage	<i>Per 2,080 Hours *Patrol (2,008 Hours)</i>
Sergeant*	4	01/01/2011	30.10	60,460.88
Detective Sergeant	1	01/01/2011	30.10	62,608.80
Detective	2	01/01/2011	28.78	59,862.40
Juvenile Officer	1	01/01/2011	28.78	59,862.40
Patrol Officer I*	13	01/01/2011	27.54	55,300.32
Patrol Officer II*		01/01/2011	24.96	50,119.68
Patrol Officer III*		01/01/2011	23.54	47,268.32

**SCHEDULE VII
FIRE-RESCUE**

Position	# of Positions (Part-time)	Wage
Fire-Inspector	6	\$11.00 per hour
Volunteer Fire	48	\$8.00 per call
Rescue Squad Captain	1	\$10.00 per call
Rescue Squad Lieutenant	4	\$9.00 per call
Rescue Squad Maintenance	1	\$100.00 per month
EMT Driver		\$16.00 per hour

EMT Basic		\$17.50 per hour
EMT Intermediate		\$20.00 per hour
EMT On-Call Pay		\$2.00 per hour
Fire Chief	1	\$15.00 per call
1st Asst. Fire Chief	1	\$13.00 per call
2nd Asst. Fire Chief	1	\$11.00 per call
Fire Vehicle Maintenance	5	\$50.00 per month

**SCHEDULE VIII
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	1	01/01/2009	\$10.54
Neighborhood Services Officer	1	01/01/2009	\$10.54

**SCHEDULE IX
PART-TIME SEASONAL EMPLOYEES**

Position	Step				
	1	2	3	4	5
Election Officials	8.00	8.00	8.00	8.00	8.00
Crossing Guards	10.96	10.96	10.96	10.96	10.96
Cable TV Camera Operator	7.25	7.50	8.00	8.75	9.75
Adult Sport Officials	10.00	11.00	12.00	13.00	15.00
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.75	8.00	8.25	8.50	8.75
Youth Sport Officials	20.00	21.00	22.00	24.00	25.00
Seasonal Labor	7.25	7.50	8.00	8.75	9.75

Resolution to approve the 2011 Salary Resolution, with the understanding that the Municipal Judge's salary increase is to coincide with that of other city employees was made by Winship. Seconded by Binnie. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: December 7, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

CREATION OF FUNDING SOURCE FOR DEMOLITION OF BLIGHTED PROPERTIES IN CITY.

Inasmuch as the \$40,000 previously borrowed to fund broadband installation was not needed for that purpose, City Manager Brunner requested that Council use those funds to create a fund to be used for demolition of sub-standard residential properties in the city.

RESOLUTION AUTHORIZING THE USE OF GENERAL OBLIGATION BORROWED FUNDS FOR THE PURPOSE OF DEMOLISHING SUB-STANDARD RESIDENTIAL BUILDINGS

WHEREAS, the Common Council of the City of Whitewater borrowed general obligation funds in 2010 and \$50,000.00 of said funds were designated to be used for extending fiber optic cable in the City of Whitewater, and

WHEREAS, said \$50,000.00 of funds are no longer necessary for the fiber optic project, and

WHEREAS, the City of Whitewater Housing Task Force Committee (a subcommittee of the Community Development Authority) has recommended that the Common Council allocate funds for the purpose of demolishing sub-standard residential homes and other structures in residential areas of the City of Whitewater, and

WHEREAS, the City staff of the City of Whitewater recommends that the Common Council allocate funds to be used to pay the costs associated with demolishing sub-standard residential structures, and

WHEREAS, the City staff has identified several residential structures that should be considered for demolition, and

WHEREAS, the City Council finds that it is in the City's best interest to protect residential neighborhoods by eliminating blighted and dilapidated residential structures, and

WHEREAS, it is in the best interest of the City of Whitewater to use \$40,000.00 of the funds, previously allocated for the purpose of paying for the extension of fiber optic cable, for the purpose of demolishing sub-standard residential homes and other structures in residential areas.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater as follows:

1. Forty Thousand Dollars (\$40,000.00) of the general obligation funds borrowed in 2010, previously allocated for the extension of fiber optic cable, are hereby allocated to be used for the purpose of paying the costs associated with demolishing sub-standard residential homes and other structures in residential areas in the City of Whitewater.
2. The City staff shall, after considering information available to it and subject to the approval of the City Manager, decide which structures shall be demolished subject to due process of the law. The City staff shall consider the following factors in deciding which structures should be demolished:

- a. Health and Life Safety Issues
 - b. The Structure meets Statutory “Blight” Definition
 - c. The Number of Property Maintenance Violations
 - d. The Impact on Neighboring Property Values
 - e. Rehabilitation and/or Redevelopment Potential of Property
 - f. Community Visibility
 - g. The Number of Citizen Complaints Received Regarding Property Condition
3. The City staff shall take action to recoup any funds expended for demolition costs from the property owner by procedures available to the City.
 4. Any funds spent for demolition that are recouped by the City may be used for additional residential demolition projects.

Resolution introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: December 7, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING AND APPROVING THE PREPARATION OF FILING OF A CDBG APPLICATION FOR HUSCO. In order for Husco to apply for CDBG funding, it is necessary for the City to adopt a Resolution supporting the filing of their application.

AUTHORIZING RESOLUTION

Relating to the City of Whitewater participation in the Wisconsin Community Development Block Grant for Economic Development program.

WHEREAS, Federal monies are available under the Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the City of Whitewater has recommended that an application be submitted to the State of Wisconsin for the following projects:

Working Capital and Administration for HUSCO International

WHEREAS, it is necessary for the City of Whitewater to approve the preparation and filing of an application for the City to receive funds from this program; and

WHEREAS, the City of Whitewater has reviewed the need for the proposed project(s) and the benefit(s) to be gained therefrom;

NOW, THEREFORE, BE IT RESOLVED, that the City of Whitewater does approve and authorize the preparation and filing of an application for the above-named project(s); and the City Manager is hereby authorized to sign all necessary documents on behalf of the City; and that authority is hereby granted to the City of Whitewater to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

Resolution introduced by Councilmember Stewart, who moved its adoption. Seconded by Councilmember Binnie. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: December 7, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE CREATING TITLE 13, NATURAL LANDSCAPE YARD ORDINANCE.

**ORDINANCE NO. 1809A – FINAL - ORDINANCE CREATING TITLE 13
NATURAL LANDSCAPE YARD ORDINANCE**

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

SECTION 1: Whitewater Municipal Code Title 13 is hereby created to read as follows:

NATURAL LANDSCAPE YARD ORDINANCE

13.10.010 Purpose

The purpose of this Natural Landscape Yard Ordinance is to address concerns regarding landscaping in the City of Whitewater. Natural Landscape Gardens are viable alternatives to lawn development as they can be economical, low-maintenance, effective in soil and water conservation, and may reduce the use of pesticides, herbicides, and fertilizers. This ordinance is consistent with the goals of the Whitewater Comprehensive Plan referenced in Chapter (4), Natural Resources pp 35, 38-44. Because the State of Wisconsin has prohibited yard waste in any solid waste disposal facility; has increased percentage regulations on storm water run-off and has laws that protect the chemical invasion of lakes, streams and wetlands by lawn products, this legislation should enable the City to progress in achieving compliance with said State regulation. It is hereby noted that these landscape alternatives are no more or less appropriate than turf grass yard choices in regard to the visual appeal of individual properties. It is also important to note that the intent of this ordinance is not to allow vegetated areas to be unmanaged. Control of noxious, invasive weeds shall be required in all landscape plans.

13.10.020 Natural Landscape Gardens Allowed

(a) A Natural Heritage Garden, Ornamental Garden, Rain Garden and/or Sustainance Garden may be planted if it is in compliance with the following provisions:

- (1) The garden does not violate any other City of Whitewater ordinance.
- (2) The garden is authorized by the owner or occupier with written permission as verified by owner.
- (3) The garden, or any portion thereof, does not encroach on any property ownership line or public right of way.
- (4) The owner or occupier complies with the notice provisions of 13.10.030 below:

13.10.030 Notice of Natural Landscape Garden

(a) If any Natural Heritage Garden, Ornamental Garden, Rain Garden, Sustenance Garden, or combination thereof, exceeds fifty percent (50%) of the surface area of the property, not otherwise occupied by buildings, structures, or improvements, the owner shall file a notice with the Director of Public Works. This notice shall contain:

(1) A drawing or sketch depicting the area of the garden relative to the property ownership lines, public right of way, buildings, and structures and improvements located on the property. The drawing need not be done to scale or prepared by professionals;

(2) Information indicating the general vegetation to be used within the plan and their approximate locations;

(b) The landscape garden plan shall be submitted to the Director of Public Works for appropriate city staff review. If the plantings might suggest a negative impact on drainage, visibility or drainage easements the plan shall be changed or submitted to the Garden Landscape Review Board for further review;

(c) Information on planning an alternative landscape yard can be secured from the Director of Public Works. A review of the costs and labor involved in the planting and maintenance of these yard alternatives may be discussed at that time.

(d) No fees shall be assessed for this review.

(e) If the garden(s) do not exceed fifty percent (50%) of the surface area as set forth above, the garden(s) shall be allowed without filing a notice, but shall still adhere to the other sections of this ordinance.

13.10.040 Garden Landscape Review Board

(a) A Garden Landscape Review Board shall be appointed by the City Council for a three-year term. The Board shall consist of the City Forester, the Park and Recreation Board Urban Forestry Commission representative, a City Council member, and two citizens at large. The Board shall meet as needed.

13.10.050 Noxious Weeds

- (a) The following noxious weeds are prohibited in natural landscape gardens:
- (1) Buckthorn (Common glossy) (*Rhamnus cathartica*)
 - (2) Burdock (*Arctium*)
 - (3) Dame's Rocket (*Hesperis matronalis*)
 - (4) Garlic Mustard (*Allaria petiolata*)
 - (5) Wild Honeysuckles -Japanese (*Lonicera japonica*); EurAsian bush (Amur, *Lonicera maackii*); and Morrow's (*L. morrowii*)
 - (6) Purple Loosestrife (*Lythrium solitaria*)
 - (7) Reed Canary Grass (*Phalaris arundinacea*)
 - (8) Thistles- Purple, Bull (*Cirsium vulgare*); Musk (*Carduus nutans*); Plumeless (*Carduus arvensis*); Yellow star (*Centaurea solstitialis*); and Canada (*Cirsium arvense*)

(b) Other invasives that may become problematic in Whitewater, as defined by the Wisconsin DNR listing and pictured in the publication "A Field Guide to Terrestrial Invasive Plants in Wisconsin", Wisconsin DNR 2010, may be referred to the Garden Landscape Review Board upon request for review, and said board may recommend that the Council add the plant(s) to the above list.

13.10.060 City Controls

(a) The City staff may not damage, remove, burn, or cut vegetation in any privately owned residential yard that has a notice required by 13.10.030 on file with the City, for which the City does not have management responsibilities, except the City may take such actions following a hearing in front of the Garden Landscape Review Board at which it is found:

- (1) That noxious invasives specifically named in City ordinances exist in that landscape, or
- (2) That a condition(s) creating a clear and present hazard to public health, safety or city maintenance issues exists or
- (3) That property management responsibilities have not been met by the property owner

(b) This hearing must occur within thirty (30) days following notification.

(c) This section shall not in any manner restrict the City's right to maintain trees and vegetation in City right-of-ways.

13.10.070 Pre-existing Legal Use Exemption

(a) Properties with Natural Landscape Gardens in place in compliance with the above regulations at the time of the enactment of this ordinance, which would be required to file a notice pursuant to 13.10.030, shall be exempt from the Section 13.10.030 notice requirement.. In order to assist in the enforcement of this ordinance, any owner claiming exempt status regarding the natural garden notice provisions called for herein shall register with the City Clerk, on a form provided by the City Clerk, within one hundred eighty (180) days of the passage of this ordinance by the Common Council. The information required on the registration form shall include the address of the property in question as well as a description of the gardens contained thereon. Any property not registered within one hundred eighty (180) days of the enactment shall not receive exempt status. Any property granted exempt status must continue to adhere to all of the provisions of this ordinance except for the notice requirement.

13.10.080 Natural Landscape Yard Ordinance Definitions

(a) **Cottage Garden:** A mixed garden of perennials, annuals, herbs and sometimes vegetables that visually enhance the yard area around a home.

(b) **Exotic Plants:** Plants that have been brought into the state from elsewhere such as (a) Exotic EurAsian plants native to Europe and Asia and (b) Exotic American plants natural to the Americas but not to southeastern Wisconsin and (c) Exotic “cultivated varieties” propagated by the horticultural industry.

(c) **Green Sustainability:** The process of encouraging the maintaining of an environmental base in the City in order to meet human needs while preserving the environment.

(d) **Herb Garden:** A type of garden established for the planting and/or harvesting of herbs.

(e) **Natural Heritage Garden:** An area that is managed with the intention of simulating a natural community of plants native to the State of Wisconsin (e.g. prairie, meadow or woodland which may include grasses (short and tall) and forbs (flowers), usually perennial in nature.

(f) **Natural Landscape:** Plantings of grasses (short and tall), forbs (flowers), shrubs, woodlands and other gardens as defined that are often native but are sometimes mixed with non-natives, and are usually perennial in nature.

(g) **Natural Lawn:** Turf lawn that is organic in nature but does not practice the use of chemicals in the form of pesticides, insecticides and herbicides and is kept no longer than 7 inches.

(h) **Noxious Invasives:** Weeds considered offensive and invasive to landscape gardens specifically named in this and other City ordinances.

(i) **Organic Lawn Care:** Necessary inputs that are “natural” as opposed to “synthetic” as used in traditional lawns (the goal being to have the least toxic management for pest control).

(j) **Ornamental Garden:** An area that is managed for the visual display of a variety of plants, including, but not limited to, trees, shrubs, ferns, flowers, grasses, ground cover, mosses, and that does not contain any plant defined as a noxious weed or one that constitutes a nuisance to the community.

(k) **Rain Garden:** A garden that effectively uses stormwater run-off to grow and nurture a specifically designed garden bed.

(l) **Sustenance Garden:** A garden that is vegetable, fruit or herbal in nature that is usually planted and maintained for household food production.

(m) **Traditional Lawn:** Turf lawn that is often managed chemically, mowed regularly to be kept at a height no more than 7 inches.

The above definitions include terms not yet referred to in this ordinance, but are provided for reference in case of ordinance amendments.

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Butler. ABSENT: Olsen. ADOPTED: December 7, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 5, RELATING TO TRANSIENT MERCHANT LICENSES.

**ORDINANCE NO. 1810A - FINAL
ORDINANCE AMENDING SUBSECTION 5.28.035
OF THE TRANSIENT MERCHANTS & PEDDLERS 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 5.28, Section 5.28.035 (b) is hereby amended to read as follows:

5.28.035(b) Food sales may not begin until nine a.m. and shall conclude by three a.m.

Section 2. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Butler, Winship, Binnie, Singer. NOES: Kienbaum, Stewart. ABSENT: Olsen. ADOPTED: December 7, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

BUILDING PERMIT FEES. It was agreed to delay the discussion regarding building permit fees until additional information is obtained from the City Manager.

ADOPTION OF SOCIAL MEDIA POLICY. Chief Information Officer Coordinator Nobling indicated that the City did not have a Social Media policy in place and presented one for adoption. It was moved by Singer and seconded by Binnie to approve the Social Media policy as presented. AYES: Butler, Winship, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: Olsen.

HOT WATER HEATER FOR MUNICIPAL BUILDING. It was moved by Winship and seconded by Stewart to approve the purchase of a hot water heater for the Municipal building, at a cost of \$12,895. (netr cost of approximately \$10,500 after two rebates \$10,500) through Vorpagel Service, Inc. of Burlington, Wisconsin. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

AWARD OF CONTRACT FOR LED LIGHTING REPLACEMENT. It was moved by Binnie and seconded by Winship to award a contract to Sta-Lite Corporation for replacement of lighting in the Cravath Lakefront Park and the business park in the total sum of \$81,181. Bids were received from both Sta-Lite Corporation and Delta Electric, both of Whitewater. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

REQUEST FROM SNO-SEEKERS SNOWMOBILE CLUB TO TRAVERSE CITY LANDS. It was moved by Winship and seconded by Binnie to approve the annual Sno Seekers snowmobile club's request to traverse certain city lands (as noted on the map on file in the office of the City Clerk). AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

FUTURE AGENDA ITEMS. Councilmember Stewart requested that the downtown Christmas decorations be discussed at a future date. He noted that they are showing their age.

EXECUTIVE SESSION. It was moved by Singer and seconded by Stewart to adjourn to closed session, not to reconvene, per Wisconsin Statutes Chapter 19.85(1)(c) "considering employment, promotion, compensation or performance evaluation date of any public employee over which the governmental body has jurisdiction or exercises responsibility." Item to be Discussed: Employee Early Retirement. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. The regular portion of the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk

