

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

November 1, 2011

The meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Kienbaum, Stewart, Olsen, Winship. (AD 2 seat is now vacant) LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Winship and seconded by Olsen to approve the Council minutes of October 4, 2011, October 18, 2011 and October 25, 2011 and to acknowledge receipt and filing of the: following: Library Board Minutes of September 12, 2011; Report of Manually-Issued Checks for September, 2011 and Community Development Authority Minutes of September 26, 2011. AYES: Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Winship and seconded by Olsen to approve payment of invoices in the total sum of \$73,744.23. AYES: Winship, Singer, Stewart, Olsen, Kienbaum, Binnie. NOES: None. ABSENT: None.

STAFF REPORT. None.

ORDINANCE AMENDING CHAPTER 1.25 TO PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS IN CITY OF WHITEWATER WHILE CARRYING WEAPONS. Request to approve an ordinance that would prohibit other weapons (in addition to firearms) was presented.

**ORDINANCE AMENDING CHAPTER 1.25 TO PROHIBIT ENTRY OR PRESENCE IN
PUBLIC BUILDINGS IN CITY OF WHITEWATER
WHILE CARRYING WEAPONS**

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

Section 1. Chapter 1.25 of the City of Whitewater Municipal Code is hereby amended to read as follows:

1.25.010. Title.

This Chapter shall be known as, referred to or cited as The Public Buildings Weapons Ordinance of the City of Whitewater.

1.25.020. Authority.

The regulations adopted hereunder are adopted under the authority granted in Wisconsin Statute 943.13(1m)(c)4.

1.25.030. Purpose.

The purpose of this Chapter is to promote the health, safety and general welfare of this community.

1.25.040. Severability and Non-liability.

A. If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

B. If any application of this Chapter to any particular structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure not specifically included in said judgment.

C. The City does not guarantee, warrant or represent that no weapons will be carried in public buildings and hereby asserts that there is no liability on the part of the City of Whitewater, the Common Council, its officers or employees for any damages that may occur as a result of reliance upon this Chapter.

1.25.050. General Provisions.

A. The City Manager shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Whitewater providing notice that no person is to enter or remain in any such building while carrying a firearm, an electronic weapon, a knife, or a Billy club. Such signs shall be five inches by seven inches or larger.

B. Nothing in this subsection shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a weapon in any public building.

C. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.

1.25.060. Penalties for Violation. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subjected to a fine of not less than two hundred dollars nor more than four hundred dollars, together with the costs of prosecution. Any person who violates any of the provisions of this Chapter for a second time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than three hundred dollars nor more than five hundred dollars together with the costs of prosecution. Any person who violates any of the provisions of this Chapter for a third time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than five hundred dollars nor more than seven hundred dollars, together with the costs of prosecution.

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

Ordinance introduced by Council member Olsen, who moved its adoption. Seconded by Council member Winship. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: November 1, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.

**AN ORDINANCE AMENDING SECTION 1.21.010
SCHEDULE OF DEPOSITS**

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
1.25	Violation of the Public Buildings Weapons Ordinance	1 st offense - \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment 2 nd offense within 1 year - \$400.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment 3 rd and subsequent offenses within 1 year - \$600.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

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

Ordinance introduced by Councilmember Olsen, who moved its adoption.

Seconded by Councilmember Winship. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: November 1, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

2012 OPERATING BUDGET PRESENTATION. City staff members presented proposed 2012 budgets for Neighborhood Services, the Young Memorial Library, the Library Special Revenue Fund, Police (where staffing reorganization was presented), Fire and Rescue, Cable TV Commission, and Community Development Authority. The 2012 budget public hearing is scheduled for 11/15/2011, and adoption of the 2012 City budgets is proposed for November 15th.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Winship requested a safe haven ordinance relating to drug and alcohol concerns; and Councilmember Singer requested a discussion on downtown weekend parking regulations and parking signage.

ADJOURNMENT. It was moved by Olsen and seconded by Winship to adjourn the meeting. AYES: Binnie, Singer, Kienbaum, Stewart, Olsen, Winship. NOES: None. ABSENT: None. The meeting adjourned at 8:02 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk

