

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

January 17, 2012

The meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Stewart, Olsen, Abbott, Kienbaum. ABSENT: Winship. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Councilmember Olsen and seconded by Councilmember Binnie to approve the Council minutes of December 6, 2011 and December 20, 2011; and to acknowledge receipt and filing of the following: Report of Manual Checks for December, 2011; Plan Commission Minutes of December 12, 2011; Innovation Center Minutes of December 14, 2011; and Irvin L. Young Memorial Library Board Minutes of December 12, 2011. AYES: Binnie, Singer, Stewart, Olsen, Abbott Kienbaum. NOES: None. ABSENT: Winship.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Binnie to approve payment of invoices in the total sum of \$585,925.02. AYES: Singer, Stewart, Olsen, Binnie, Abbott, Kienbaum. NOES: None. ABSENT: Winship.

**STAFF REPORT.** City Manager Brunner presented a plaque to the UW-Whitewater NCAA Division III Football Champions. Brunner also gave an update on the Technology Park. The Tourism report was delayed until the next meeting, and DPW Director Fischer reported that there will be a delay of the construction of the Newcomb/Milwaukee Intersection construction.

**HEARING OF CITIZEN COMMENTS.** None.

**RESCINDING 2009 TAXES FOR MACLEAN FOGG.**

**RESOLUTION RESCINDING 2009 TAXES FOR MACLEAN FOGG**

WHEREAS, MacLean Fogg Polymer Technology, a manufacturing property in the City of Whitewater (Computer Number 76-64-291 – R000004087, Parcel Number /WBP10001), was assessed by the State of Wisconsin for the year 2009 in the total amount of \$1,695,000, and

WHEREAS, MacLean Fogg Polymer Tech appealed the assessment made by the State of Wisconsin, and

WHEREAS, the Wisconsin Tax Appeals Commission reduced the assessed value from \$1,695,000 to \$1,400,500, and

WHEREAS, the City does not contest said reduction.

NOW THEREFORE, BE IT RESOLVED, that the City Clerk and City Treasurer are authorized, under the direction of the City Attorney, to refund excessive tax paid by MacLean Fogg Polymer Tech, and to take such other actions as are necessary to finalize this matter.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. ADOPTED: January 17, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING CHAPTER 5 OF MUNICIPAL CODE, EXTENDING HOURS OF OPERATION FOR CLASS A LICENSES.** Due to a change in the State Statute, municipalities may allow extension of the hours of operation for sales of beer and alcohol.

**AN ORDINANCE AMENDING SECTION 5.20.090  
CLOSING HOURS FOR RETAIL ALCOHOL ESTABLISHMENTS**

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

SECTION 1: Whitewater Municipal Code, Chapter 5.20, Section 5.20.090 (2), is hereby amended to read as follows:

**5.20.90. Hours.**

- (2) If a retail class "A" license, between 9:00 p.m. and 6:00 a.m., except that a retail class "A" licensed premises may remain open at any and all other times, provided there is no sale of alcohol beverages between the hours of 9:00 p.m. and 6:00 a.m.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Stewart. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship. FIRST READING APPROVED: January 17, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**APPOINTMENT OF CITIZEN MEMBER TO PLAN COMMISSION.** It was moved by Olsen and seconded by Binnie to appoint Jacob A. Henley to the open Plan Commission board position. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. Absent: Winship.

**MEMORANDUM OF UNDERSTANDING WITH UW-WHITewater RELATING TO PRINCE AND PRAIRIE STREET IMPROVEMENTS AND RELATED PARKING.** City Manager Brunner presented a Memorandum of Understanding between the City and the University regarding reconstruction of North Prince Street and future public parking on those streets. The agreement states that the University will pay, as a voluntary contribution toward the Street, an estimated amount of \$533,950 to cover the costs of burial of utilities. The sum will be paid over a five-year period beginning in 2013. The City intends to implement on-street parking fees on N. Prince Street, from W. Main Street to Starin Road, as well as on N. Prairie Street. The fees will be used to offset future city street maintenance costs. The University has agreed to work with the City on developing a parking system that is compatible with the current University system. The University further agrees to administer the public parking system on behalf of the City. The University will collect all fees and forfeitures on behalf of the City in exchange for a 10% administrative fee. It was moved by Olsen and seconded by Binnie to approve the MOU between the City and the University, as presented to the Common Council. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. Absent: Winship.

**APPROVAL OF BUILDING INSPECTION CONTRACT WITH MUNICIPAL ZONING AND INSPECTION SERVICES.** It was moved by Olsen and seconded by Binnie to approve a contract for Building Inspection and related services with KAHUBE, LLC (d/b/a Municipal Zoning and Inspection Services) commencing 2/1/12 for a one-year period. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**DISCUSSION REGARDING POSSIBLE REVISIONS TO CHAPTERS 11.32.010 AND 11.54.010 RELATING TO HEAVY/TRUCK TRAFFIC.** DPW Director Fischer indicated that ordinances regarding truck traffic routes have not been updated since the opening of the Highway 12 bypass. Specific Streets that he recommended be considered for “no truck traffic” would be: Walworth Ave. (Hwy 12 to Franklin); Indian Mound Parkway (Main to Walworth); E. Main Street (Wisconsin to Newcomb); Newcomb St. (Milwaukee St to Clay); Janesville Street (Hwy 59 to Franklin); and Whitewater Street (Main to Janesville). Councilmember Olsen wanted to be sure that the local trucking companies were notified. It was agreed that an ordinance would be coming, and that local trucking companies would be notified of the proposed changes. It was clarified that truck traffic for delivery purposes to a business were permitted.

**APPROVAL OF 2012-2013 AMBULANCE AGREEMENT WITH COLD SPRING TOWNSHIP.** It was moved by Olsen and seconded by Binnie to approve the 2012 – 2013 Ambulance Agreement with the Town of Cold Spring. AYES: Olsen, Abbott, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Winship.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** None.

**ADJOURNMENT** It was moved by Olsen and seconded by Stewart to adjourn the meeting. AYES: Abbott, Binnie, Singer, Olsen, Stewart, Kienbaum. NOES: None. ABSENT: Winship. Being no further business to come before the regular portion of the meeting, the meeting adjourned at 7:01 p.m.

Respectfully submitted,

Michele R. Smith  
City Clerk