

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

February 4, 2014

The meeting of the Common Council was called to order by Council President Singer.
MEMBERS PRESENT: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer.

It was moved by Binnie and seconded by Bregant to acknowledge receipt and filing of the Report of Manually-Produced checks for December, 2013. (Fire / Rescue Task Force Minutes were removed from the Agenda) AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Bregant to approve payment of city invoices in the total sum of \$63,628.43. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None.

CITIZEN COMMENTS: Police Chief Otterbacher announced that a press release announcing the fact that the Whitewater Police Department will be obtaining a K-9 will be released shortly. Richard James of 224 N. Fremont indicated that Fremont Street residents have been asking the City for over five years to look into the drainage issues occurring on Fremont Street. James indicated that problems began when the Starin Road project was completed. A combination of an improperly installed check valve and possible collapse of tiles between Fremont and Park Street properties is believed to have contributed to the problem. James indicated that he has contacted various City staff members, and is not getting responses. Mitchell Simon, who has resided on Park Street since 1974, indicated his garden area is like quick sand. Simon provided some historical information on the properties, and urged the Council to look into this issue without further delay.

PUBLIC HEARING REGARDING AMENDMENT TO COMPREHENSIVE PLAN (for purpose of adopting the Bicycle and Pedestrian Plan). Council President Singer opened the public hearing. Parks and Recreation Director Amundson indicated that Appendices E6 & E7 will be revised to delete the references to S. Ridge Street as a possible location for the pedestrian bridge. No other citizens spoke with regard to the Plan. Councilmember Binnie indicated that this is an extensive plan which would entail myriads of money to adopt in its entirety. He wanted to confirm that there was not an expectation that just because the plan was adopted, that projects within the plan would move forward. Councilmember Abbott noted that there is much pedestrian traffic, but the proposed plan involves major changes in it, some of which she questions are in the best interest of the City. In particular, Abbott noted the Main Street bike lane near the University, where Main Street would be reduced from four lanes of vehicle traffic to two lanes. Abbott cited statistical information she had obtained relating to number of vehicles travelling on Main Street at various times throughout the day. Councilmember Kidd indicated that the Main Street proposal in the plan would be debated at a later time. Parks and Recreation Director Amundson indicated that this is a comprehensive plan, and he is aware that there are some controversial items in the plan. Amundson encouraged approval since there are numerous non-controversial, positive proposals in the plan. Amundson indicated that without this plan and the accompanying study, the completely positive portions of the plan may not have been discovered.

RESOLUTION VACATING ALLEY (East Gateway Project – near Jefferson and Main Streets). City Attorney McDonell indicated that when designing the Downtown East Gateway project, it was determined that there is an unopened alley on the City's official map, just to the east of what was previously known as the Cordio Auto Parts business. The current driveway location for that building is not appropriate for the new design of the intersection. After review, it was determined it would be in the best interest of the City to discontinue the unopened alley to allow the relocation of the driveway. The

alley intersects two lots, which are owned by the same individual. The property owner is in favor of the discontinuance of the alley. All easements are being retained.

RESOLUTION DISCONTINUING ALLEY

WHEREAS, there is an unpaved alley located between Lots 4 and 5 in Tripp's 2nd Addition to the City of Whitewater, as shown on the attached map, and

WHEREAS, more than 50% of the owners of the lands abutting the unpaved alley have petitioned for its discontinuance, and

WHEREAS, it is in the public's best interest to discontinue said alley.
Now, therefore, **BE IT RESOLVED** as follows:

1. The alley intersecting (East of the Main Street and Jefferson Street intersection) with Main Street in the City of Whitewater and located between Lots 4 and 5 in Tripp's 2nd Addition to the City of Whitewater and legally described as set forth on Exhibit A is hereby discontinued. A map labeled Exhibit B showing the area to be discontinued is attached hereto.

2. All utility easements and any easements for existing utilities are being retained by the City of Whitewater.

3. The official map of the City of Whitewater is hereby amended to show the discontinuance of the alley.

Resolution introduced by Councilmember Binnie who moved its adoption. Seconded by Councilmember Winship. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd, Frawley. NOES: None. ABSENT: None. ADOPTED: February 4, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING COMPREHENSIVE PLAN (for purpose of adopting the Bicycle and Pedestrian Plan).

Ordinance No. 1868 – Preliminary

ORDINANCE ADOPTING AMENDMENT TO THE COMPREHENSIVE PLAN OF
THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN,
TO INCLUDE THE CITY OF WHITEWATER BICYCLE AND PEDESTRIAN PLAN

The City Council of the City of Whitewater, Wisconsin, do 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.

SECTION 2. 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 3. 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.

SECTION 4. 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.

SECTION 5. 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 an amendment to the *Plan*.

SECTION 6. The City of Whitewater has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes.

SECTION 7. To better reflect the City's desired future land use pattern, the City hereby amends the *Comprehensive Plan* by adopting the City of Whitewater Bicycle and Pedestrian Plan (An Addendum to the 2008-2013 City of Whitewater Park and Open Space Plan), as a component of the *City of Whitewater Comprehensive Plan*.

SECTION 8. The decision to fund actions or improvements recommended in the Bicycle and Pedestrian Plan shall be made by future City Council action.

SECTION 9. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication/posting as required by law.

Ordinance introduced by Councilmember Kidd, who moved its adoption, including the revisions to Appendices E6 & E7. Seconded by Councilmember Bregant. AYES: Frawley, Winship, Binnie, Singer, Bregant, Kidd. NOES: Abbott. ABSENT: None. FIRST READING APPROVED: February 4, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

APPOINTMENT OF CITIZEN MEMBER TO BOARDS AND COMMISSIONS. Per the recommendation of the City Manager and Council President, it was moved by Singer and seconded by Winship to appoint Nate Parrish to the Whitewater University Technology Park Board and appoint Timothy O'Toole to the Board of Zoning Appeals. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None.

STORMWATER MANAGEMENT AND STORMWATER ORDINANCE AMENDMENT UPDATES. Assistant City Manager Chris McDonell and Streets / Parks Superintendent Chuck Nass updated council on draft drainage studies received from Strand Associates. Three documents were distributed: the Basin 15 drainage study; the Woodland Drive drainage study; and a citywide drainage issues summary. Detailed information regarding storm sewer size and

areas of major concern were discussed. Streets / Parks Superintendent Nass indicated that Strand Associates is developing a new ordinance. Further information will be forthcoming.

ADVERTISING MATERIAL DISTRIBUTION (HANDBILL LICENSES). In response to Councilmember Winship's request, process of enforcement of the Code relating to distribution of shopper / advertiser publications was discussed. Examples were given of annoyances, such as the dropping of advertisers at the foot of driveways, and/or continued delivery to individuals who have requested that delivery cease. A procedure for enforcement will be discussed at the staff level, and will be reported to Council.

ZONING REWRITE PROJECT UPDATE. Joint Council and Plan Commission meetings will be held on February 25 and March 10th. The first meeting will cover commercial regulations, while the March 10th meeting will cover residential regulations. A "parking summit" will be held at a later date. Resident Ben McCready encouraged the Boards to make their decisions promptly, so that citizens who have been waiting for Council action can make their decisions regarding their property.

HOUSING ISSUES. Councilmember Winship raised questions regarding several housing issues, including enforcement of over occupancy, the difficulties that involves, and the possibility of rental licensing. Councilmember Clapper indicated that there have been discussions regarding this subject and that concerns have been raised by various groups. Clapper continued by stating that one reason rental licensing has been discussed is to make sure property owners adhere to standards that keep students safe. Councilmember Abbott indicated that rental registration is already in place, but Clapper indicated there is no means for enforcement of rental registration. City Attorney McDonell stated that there is a penalty for violating the rental registration ordinance. It was determined that the municipal code does place penalties on violations of various sorts. Further discussions will be forthcoming.

WASTEWATER TREATMENT PLANT DIGESTERS FEASIBILITY REPORT WITH TRANE. It was moved by Winship and seconded by Binnie to approve a contract with Trane for a feasibility study for the Wastewater Treatment Plant digester, for a sum not to exceed \$70,000. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

DOWNSTAIRS BAR & GRILL LLC. At the request of the owners of the establishment, the change of agent for this establishment was removed from the Council agenda.

FUTURE AGENDA ITEMS. Councilmember Singer requested a report on connection and impact fees in comparison with other communities. Singer also requested that the staff look into arranging to hold the second council meeting in March on campus. Councilmember Winship requested that the handbill enforcement process as developed by staff, be reported to Council.

ADJOURNMENT. It was moved by Abbott and seconded by Winship to adjourn the meeting. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: None. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

