

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

July 7, 2015

The regular meeting of the Common Council was called to order by Council President Singer. MEMBERS PRESENT: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd, Singer. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Kidd to approve the Council minutes of 5/19/15 and 6/2/16 and to acknowledge receipt and filing of the Irvin L. Young Memorial Library Board minutes of 5/18/15. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Binnie and seconded by Kidd to approve payment of city invoices in the total sum of \$144,554.10. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None.

STAFF REPORTS: Streets Superintendent Chuck Nass provided an update on the Janesville Street railroad construction. Downtown Whitewater Coordinator Brodnicki gave Downtown Whitewater's quarterly report.

CITIZEN COMMENTS: None.

SALARY RESOLUTION AMENDMENT NO. 3. Amendment to the 2015 salary resolution is needed due to the wage changes in the Interim Fire Agreement adopted at the 6/16/15 council meeting.

Resolution introduced by Councilmember Binnie who moved its adoption. Seconded by Councilmember Abbott. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE CHANGING DISTRICT ZONING MAP TO IMPOSE THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION AT 604 W. HIGH STREET. (/CL 00039). It was reported that approval of this went through the Plan Commission. Plan Commission raised the question of the appropriateness of conversion of a property in order to increase the number of bedrooms. It was noted that a conditional use permit was needed to increase occupancy. A lengthy discussion ensued, noting the pros and cons of authorizing this rezone. Concern over setting precedent was discussed. In response to a discussion about tabling a decision, it was noted that the ordinance requires that Council act on the rezoning request within a specific time period. Neighborhood resident Richard Helmick spoke against the rezone, indicating that the newly-created "bedroom" has always been a dining room. Helmick indicated that adding bedrooms was never the intention of the Zoning Rewrite Committee as they developed the Code. Councilmember Grady, who served on the Committee, agreed with Helmick. It was noted that Plan Commission reluctantly approved the recommendation.

FIRST READING OF AN ORDINANCE IMPOSING THE R-2A

**RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PROPERTY
IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

Address
604 High Street

Tax ID#
/CL 039

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

Section 3: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Kidd. AYES: Stauffer, Abbott, Kidd, Langnes. NOES: Singer, Binnie, Grady. ABSENT: None. FIRST READING APPROVED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE ADOPTING PUBLIC ARTS .

FIRST READING AN ORDINANCE ENACTING CHAPTER 12.46 PUBLIC ARTWORK

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

SECTION I. Whitewater Municipal Code Chapter 12.46 Public Artwork is hereby created to read as follows:

12.46.010	Declaration of Purpose
12.46.020	Permitted Use
12.46.030	Site Selection
12.46.040	Accession
12.46.050	Selection Processes
12.46.060	Maintenance
12.46.070	Deaccession / Relocation
12.46.080	Community Initiated Public Art

I. 12.46.010 Declaration of Purpose

These regulations relating to Community Art in the City of Whitewater (here after referred to as the "City") further the following purposes:

- A. Public artwork is meant to be seen, but more so experienced, as a work of art can help inspire and provide perspective no matter what the subject at hand. Artwork should be proposed in the following areas and ways:
 - a. Integrating public artwork into parks, greenbelts and other public locations.
 - b. Building cohesion through projects that engage the Public.
 - c. Using art as a way to celebrate, reflect and enhance the character and history of a space.
 - d. To add interest to public spaces.
- B. In developing its vision for the future of the city, the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic value. Community art strengthens public places and enhances and promotes Whitewater's identity as a livable and creative city and a desirable place to live, work and visit. Therefore, the council wishes to implement a process and provide opportunities to involve artists in the design, implementation and integration of art in community projects.
- C. The presence of works of art and decorative elements in public places in the City enhances the quality of life, promotes the general welfare, maintains the quality of the environment and property values, and enhances the attractiveness of the City for residents and visitors.
- D. Identifying locations for public works of art and decorative elements and participating in the building of a community art collection of high quality can be stimulating and unifying for the City and contribute to civic pride reflective of the City's diversity.
- E. The artwork is intended for public owned spaces and the following zoning districts: B-1, B-1A, B-2, B-3, M-1, M-2 and WUTP.
- F. Public Artwork is defined as art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all. Public artwork is significant within the art world, amongst curators, commissioning bodies and practitioners of public art, to whom it signifies a working practice of site specifically, community involvement and collaboration.

II. 12.46.020 Permitted Use

A. Creative Building Art

1. A non-commercial message, picture, scene, sculpture, or diagram exhibited on the outside wall of a building or structure through the application of paint, canvas, tile, panels, clay, wire, plaster or similar materials such that the wall becomes the background surface or platform for the Creative Building Art.
2. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message.
3. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.
4. May be considered a wall sign or commercial message if it contains words, logos, trademarks, or graphic representations of any person, product, or service for the purpose of advertising or identifying a business.

B. Vintage Building Art

1. Must be at least twenty-five (25) years old or an exact duplicate of an original work of art where the combined age of the exact duplicate and original work of art is at least twenty-five (25) years.
2. Possess unique physical design characteristics, such as size, configuration, message, color, texture, etc.
3. Be of extraordinary significance to the City, regardless of the use identified by the work of art.

C. Public Art Installation

1. The Art location may be a facility, amenity, or project that does not contain any commercial message and which is an “approved public arts project”
2. Consisting of:
 - acquisition or placement of publicly accessible works of art;
 - provision of arts or cultural services; or
 - restoration or preservation of existing works of art.
3. Additionally, Public Art Installations are included in the proposed ordinance to ensure that all community art (whether a mural or other object) is treated similarly and does not conflict with the City’s regulations pertaining to commercial messages and signage.

III. 12.46.030 Site Selection

The site must be public property or private property with written permission. Sites must be situated so that the art is visible and accessible to all members of the community. Additionally, the artwork must not seriously disrupt the flow of pedestrian or vehicular traffic or adversely alter the environmental conditions of the selected site. Structural and maintenance issues of the prospective artwork will also be considered when selecting a site, as some areas will be prone to public interactions with the art. In selection of a site the Public Works Department should be notified to insure that any existing utilities will not be affected. A work installed in these areas must be structurally sound to ensure the safety of the community as well as the longevity of the work.

IV. 12.46.040 Accession

All works of art purchased, commissioned or accepted as donations become property of the City of Whitewater. All City artwork is maintained by the City and included in an inventory kept by the Public Art Committee.

People wishing to donate artwork to the City must submit slides, a written description of the work, and a rationale for the gift. The Public Art Committee will review the submitted piece for quality, maintenance requirements, donor stipulations, safety issues of the piece, availability of an appropriate site, and advice of the administrators at that site. Based on this review the Public Art Committee will either accept or decline the donation.

V. 12.46.050 Selection Processes

There are three (3) standard ways of purchasing a piece of art. In addition to these, the City may acquire artwork through gifts. For each of the processes outlined, the Public Art Committee and City’s Acquisition Procedures will be used.

- A. **Open Competition:** Artists submit proposals in response to a public advertisement. The selection committee then reviews the proposals and recommends an artist or artists for acquisitions or requests more detailed proposals from selected artists.
- B. **Limited, Invitational Competition:** The Public Art Committee recommends a limited number of artists on the basis of an interview or review of work. The artists are then invited to develop a site-specific proposal for a particular project. The artists are given an honorarium and all the necessary information as well as the opportunity to present a

model and proposal to the committee. The selection committee then reviews the submitted proposals and recommends acquisitions. This process might be most appropriate for art projects calling for collaboration between an artist and an architect or landscape artist.

C. **Direct Invitation:** In this process, if there is a majority of the Public Art Committee that feels one artist is particularly well qualified for a project s/he might be invited to submit a proposal and a model thereby bypassing the competition process. This process may be suitable should the appropriate situation arise (skip to D.8. below).

D. Acquisition Procedures

1. Public Art Committee defines the project, i.e. location of work or capital project with which art is associated, and the method of selection. Methods of selection may include open competition; invitational competition; or direct selection.
2. Public Art Committee defines parameters of project to be used in the call for artists or direct selection, develops a budget for the project, and drafts a proposed call for artists or artists selection for City Council approval. Public comment will be invited before the Public Art Committee. For direct selection, proceed to step #8.
3. City Council considers proposal.
4. Public Art Committee determines need for panel to work on selection process for project and identifies participants. Panels will include members of the Public Art Committee, design professionals, and representatives of the user group/neighborhood.
5. Public Art Committee reviews initial submittals, which include the artist's experience and qualifications, references, and preliminary proposal(s) for the project or specific works of art, to determine compliance with the call for artists.
6. The panel, if convened by the Public Art Committee, selects two or three semi-finalists from the group of qualified artists submitted to the panel by the Public Art Committee. The semi-finalists may be asked to submit refined proposal(s). Semi-finalists may be paid a fixed honorarium, costs of travel and a per diem, depending upon the approved budget.
7. The Public Art Committee reviews the submittals of the two to three semi-finalists. The artist(s) may present their work at a public meeting. The artists' work is displayed in a public place for up to one week. Written comments from the public will be invited during this week. A public forum is held for discussion and input to the Public Art Committee on selection of the preferred artist. The Public Art Committee recommends the finalist to the City Council.
8. City Council approves or denies the selection. Denial requires direction to the Public Art Committee from the City Council and beginning the process again at the appropriate step.
9. After an affirmative vote by the Council, the Public Art Committee works with selected artist on refinement of concept, timeframe for completion of work, final budget, and approves the contract for work.
10. The Public Art Committee recommends contract to City Council
11. City Council approves contract.

VI. 12.46.060 Maintenance

Before a work is accepted into the City's collection, the artist must submit:

- A. A detailed list of exact types, brands, and colors of materials used.
- B. A summary of cleaning instructions.

C. Estimated annual maintenance needs and costs in dollars.

This information will be kept on file with the inventory of the City's collection. Any maintenance or restoration responsibilities that the artist might have must be clearly explained in the contract and agreed upon before the work becomes a part of the City's collection. A maintenance and inspection schedule suitable for the site and the work will be discussed with the artist and implemented upon possession of the work. Complete records of inspections, cleanings, and conditions of the works will be kept on file in the inventory. If a work in the City's possession becomes damaged in any way, the City may contact the artist to see if s/he can make the necessary repairs, or contact the necessary agencies or conservators to repair the work.

VII. 12.46.070 Deaccession/Relocation

After due consideration, the City Council may authorize the removal of a work. To remove a piece one or more of the following situations must exist:

- A. The artwork in its present state poses a safety hazard to the public or the environment.
- B. Restoration of the work aesthetically and/or structurally is not feasible, or the expense of such restoration would be disproportionate to the value of the work
- C. The architectural support (building, wall, streetscape) is to be removed or destroyed if relocation of the work is not feasible.
- D. Prolonged protest of the work persists to the extent that the work detracts rather than enhances the site and the community
- E. The work acts as an encumbrance to the use of public property
- F. The public use of the site has changed or is proposed to change in a manner that is no longer compatible with the artwork.
- G. If a work is to be moved/modified, the artist must be notified before the change, if at all possible. In the instance that a work must be removed from the City's collection, the artist must be notified and given the opportunity to purchase the art from the City. In all situations, the rights of the artist will be respected as defined in the Visual Artists Rights Act of 1990, unless waived by the artist.

VIII. 12.46.080 Community Initiated Public Art

The **Community Initiated Public Art Application** should be completed and submitted with proposals to the Public Art Committee for their review and possible recommendation to the City Council for final consideration.

Applications can be submitted to Neighborhood Services Department at the City of Whitewater located at 312 W Whitewater St. Applications must be submitted no less than one week prior to the "Public Discussion of any item not on the agenda". Applications presented at "public discussion" cannot be officially discussed or acted upon by the Public Art Advisory Committee until the next meeting when it can be placed on the agenda.

IX. 12.46.090 Public Art Committee

This Committee acts in the public interest on all matters relating to the Public Art Ordinance including the selection, placement, and maintenance of works of public art throughout the City. The Committee provides public input in the administration and planning of the Public Art.

Membership:

The membership of this Committee shall be appointed by the procedure set forth in chapter 2.12.011 shall be comprised of five (5) members. Composition is specified as follows:

- 1 member from the Whitewater Arts Alliance
- 1 member from Board of Common Council or their designee
- 1 member of Downtown Whitewater

- 2 members who are private citizens of the City of Whitewater with demonstrated knowledge and appreciation for visual art
- As the need arises, the Committee may appoint non-voting ex-officio members to provide expertise or otherwise represent a particular interest unique to a location or characteristic of a work of art

TERMS:

Members shall serve three (3) year terms.

Ordinance introduced by Councilmember Kidd who moved its adoption. Seconded by Councilmember Binnie. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. FIRST READING APPROVED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING NUMBER OF MEMBERS ON URBAN FORESTRY COMMISSION. Urban Forestry Commission Chairperson Coburn requested the Council to approve an additional member to their Board to serve in an alternate capacity. It was noted that occasionally there are quorum problems when members have other commitments.

ORDINANCE NO. 1901A

FIRST READING OF AN ORDINANCE ADDING AN ALTERNATE MEMBER TO THE URBAN FORESTRY COMMISSION.

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

SECTION 1: Whitewater Municipal Code Chapter 2.52, Section 2.52.090(1) is hereby amended to read as follows:

- (1) Creation and Membership. The urban forestry commission is hereby established as a permanent committee of the parks and recreation Board. There shall be seven regular members and one alternate member on the Whitewater Urban Forestry Commission. Membership shall be as follows:
 - (a) Five citizen members and an alternate citizen member shall be appointed under the procedures set forth in Whitewater Municipal Code, Chapter 2.12, each serving three-year terms, staggered annually.

Ordinance introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Binnie. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. FIRST READING APPROVED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING MUNICIPAL BOUNDARIES. When annexations occur, it is necessary to update the City boundaries. Based on the 2014 Fairhaven annexation (Prairie Village area – north portion of City), it is necessary to update the boundary ordinance.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 1.24 “CITY LIMITS”

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

SECTION 1. Whitewater Municipal Code Section 1.24.010 is hereby amended to read as follows:

1.24.010 City boundaries.

All that territory and section of Walworth and Jefferson Counties, Wisconsin described as follows shall constitute the extent and limits of the City of Whitewater:

Beginning at the NE corner of Section 3, T4N, R15E, thence West along the North line of said Section 3, 65.5 feet more or less, to the SE corner of Section 34, T5N, R15E; thence North along the East line of said Section 34, to a point 2474.96 feet South of the East 1/4 corner of said Section 34; said point being the SE corner of Certified Survey Map 2436; thence westerly 333.90 feet along the South line of said Certified Survey Map; thence North 391.37 feet along the West line of said Certified Survey Map; thence East 333.90 feet along the North line of said Certified Survey Map to the East line of said Section; thence North along the East line of said Section 34 2083.59 feet to the East 1/4 corner of said Section 34; thence West along the South line of the Northeast 1/4 of said Section 34 to its intersection with the southerly extension of the West line of the Plat of Crestwood Heights as recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 8 of Plats on page 32; thence northerly along said extension and the West line of said Crestwood Heights to the Northwest corner of Crestwood Heights; thence southeasterly along the North line of Crestwood Heights 504.59 feet to an angle point in the northerly line of Lot 10 of Crestwood Heights; thence S 74°43' E along the North line of Crestwood Heights 216.18 feet to the Northeast corner of Lot 10 of Crestwood Heights; thence continuing S 74°43' E 1292.16 feet more or less to the East line of the Northeast 1/4 of said Section 34; thence North along the East line of the Northeast 1/4 of said Section 34 to a point lying 572.3 feet South of the Northeast corner of said Section 34; thence N 85°20' W 779.0 feet; thence N 0°31' E 510.7 feet to a point on the North line of said Section 34 which lies 771.1 feet West of the Northeast corner of said Section 34; thence West along the North line of the Northeast 1/4 of said Section 34 to the North 1/4 corner of said Section 34; thence westerly and southwesterly along the centerline of State Trunk Highway 59 to the point of intersection of said centerline and the westerly extension of the northerly-most line of Lot 1 of Certified Survey Map No. 3197 recorded in the Office of the Jefferson County Register of Deeds in Volume 13 of Certified Surveys at page 249; thence N 84°51'50" E, along said extension of the northerly-most line of said Lot 1, to the East right of way line of STH 59; thence southerly along said right of way 1368.94 feet, as described on CSM #3197, to the NW corner of an existing parcel; thence S 84°19'20" E along the North line of said parcel 179.91 feet; thence N 1°20'45" W 2.0 feet; thence S 84°02'15" E 432.77 feet to the NE corner of said parcel; thence S 0°22'15" E 194.44 feet to the SE corner of said parcel; thence N 86°27'10" W 607.71 feet to the SW corner of said parcel, said corner described on the East right of way line of STH 59; thence S 11°30'15" E along said right of way line 152.76 feet; thence S 1°19'25" E along said right of

way line 976.83 feet; thence southeasterly along a curve in said right of way line 665.86 feet; thence S 11°28'15" E along said right of way line 210.31 feet to the NW corner of an existing tract; thence N 78°31'45" E 535.85 feet to the NE corner of said tract; thence S 11°28'15" E 417.39 feet; thence S 3°09'45" W 599.15 feet to the SE corner of said tract; thence S 88°56'40" W 415.0 feet to the SW corner of said tract, described on the East right of way line of STH 59; thence southeasterly along a curve in said right of way line 66.0 feet to the South line of Section 34; thence S 88°56'40" W along said South line to the SW corner of said Section 34; thence westerly along the South line of Section 33, T5N, R15E, to the SW corner of the SE 1/4 of the SE 1/4 of said Section 33; thence northerly along the West line of the SE 1/4 of the SE 1/4 and along the West line of the NE 1/4 of the SE 1/4 of said Section 33 to the NW corner of the NE 1/4 of the SE 1/4 of said Section 33; thence East along the North line of the NE 1/4 of the SE 1/4 of said Section 33 to the SW corner of Lot 1 of Certified Survey Map No. 1909 recorded in the Jefferson County Register of Deeds Office in Volume 6 of Certified Survey Maps at page 133; thence North along the West line of Lot 1 of said CSM 1909 to the Northwest corner of said Lot 1 of CSM 1909, said Northwest corner of Lot 1 of CSM 1909 also being the Southwest corner of Lot 1 of Certified Survey Map No. 2744 recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 10 of Certified Surveys at page 250; thence North along the West line of Lot 1 of said CSM 2744 to the Northwest corner of Lot 1 of said CSM 2744, said Northwest corner of said Lot 1 of CSM 2744 being a point on the West line of CSM 369 recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 2 of Certified Surveys at page 137; thence northerly along the West line of said CSM 369 to the Northwest corner of CSM 369; thence easterly, along the North line of said CSM 369, 558.78 feet more or less to a point on the West right of way line of STH 59; thence northerly along the West right of way line of STH 59 to the point of intersection of said westerly right of way line of STH 59 with the westerly right of way line of County Trunk Highway D; thence northerly along the westerly right of way line of County Trunk Highway D to the North line of Section 33; thence easterly 33 feet more or less along the North line of said Section 33 (said North line of Section 33 also being the South line of Section 28, T5N, R15E), to the Southeast corner of Section 28, T5N, R15E; thence North, along the East line of said Section 28, to the East 1/4 corner of said Section 28; thence West along the North line of the Southeast 1/4 of said Section 28 to the Northwest corner of the East 2/3 of the West 1/2 of the Southeast 1/4 of said Section 28; thence South along the West line of the East 2/3 of the West 1/2 of the Southeast 1/4 of said Section 28 to the South line of said Section 28, said South line of said Section 28 also being the North line of Section 33, T5N, R15E; thence westerly, along the North line of said Section 33, to a point 558.47 feet East of the NW corner of said Section 33; thence S 3 degrees 02' 00" W, 891.85 feet to the NE corner of CSM 1514; thence N 88°48'00" W, 517.03 feet along the North line of said CSM 1514 to the NW corner of said CSM 1514, said corner being 891.49 feet South of the NW corner of said Section 33 on the West line of said Section 33, said corner also being on the centerline of Fremont Road; thence S 0°21'57" W, 341.12 feet along said centerline; thence S 4°29'00" E, 452.52 feet along said centerline; thence S 3°30'00" E, 203.74 feet along said centerline; thence S 0°19'00" E 226.56 feet along said centerline; thence S 5°07'00" W, 173.31 feet along said centerline to the SW corner of said CSM 1514; thence S 7°34'54" W along said centerline of Fremont Road 323.00 feet more or less to the intersection of said centerline and the West line of said Section 33; thence southerly, along the West line of said Section 33 55.80 feet more or less to the Southwest corner of the Northwest 1/4 of said Section 33; thence South 86°58'33" West, along the southerly line of the Northeast 1/4 of Section 32, T5N, R15E, 35.58 feet more or less to the West right of way line of Fremont Road; thence North 4°47'33" East 315.37 feet more or less along the West right of way of Fremont Road to a point on the East line of the Northeast 1/4 of said Section 32; thence North 01°41'08" West, along the East line of said Northeast 1/4, 102.19 feet more or less to the

centerline of the Whitewater River; thence along the centerline of the Whitewater River the following courses: North 42°09'05" West 222.55 feet to a point; thence North 75°19'03" West 56.53 feet to a point; thence North 16°12'25" West 129.26 feet to a point; thence North 08°35'23" East 148.32 feet to a point; thence North 17°45'44" East 85.33 feet to a point; thence North 11°17'11" West 77.56 feet to a point; thence North 54°08'47" West 95.70 feet to a point; thence North 23°33'33" West 58.56 feet to a point; thence North 0°00'00" East 72.60 feet to a point; thence North 26°46'44" East 199.82 feet to a point; thence North 02°51'10" West 87.23 feet to a point; thence North 29°42'47" West 133.49 feet to a point; thence North 20°31'02" West 148.69 feet to a point; thence North 12°45'09" West 127.76 feet to a point; thence North 36°21'17" West 139.35 feet to a point; thence North 18°36'22" West 488.07 feet to a point; thence North 00°03'39" West 174.82 feet more or less to a point 50 feet southerly of the North line of the Northeast 1/4 of said Section 32; thence (leaving the centerline of said River) westerly 789 feet more or less to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 32, which point lies 50 feet southerly of the North line of the Northeast 1/4 of said Section 32; thence southerly along the West line of the East 1/2 of the Northeast 1/4 of said Section 32, and along the West line of Certified Survey Map No. 4964 recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 26 of Certified Surveys at Page 108 as Document No. 1204670, 36.03 feet more or less to the easterly-most Northeast corner of Lot 1 of Certified Survey Map No. 5539 recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 30 of Certified Surveys at Page 291 as Document No. 1341230; thence N 59°20'22" W, along the northerly line of Lot 1 of CSM 5539, said northerly line also being the South right-of-way line of C.T.H. "U", 70.09 feet; thence S 89°44'33" W, continuing along said northerly line of Lot 1 of CSM 5539 and said South right-of-way line of C.T.H. "U", 340.52 feet; thence N 00°15'27" W, continuing along said northerly line of Lot 1 of said CSM 5539 and said South right-of-way line of C.T.H. "U", 17.00 feet; thence N 00°15'27" W, 33.00 feet to the North line of the NE 1/4 of Section 32, T5N, R15E; thence S 89°44'33" W, along said North line of the NE 1/4 of said Section 32, 659.30 feet to the Northwest corner of said CSM 5539, said Northwest corner of said CSM 5539 also being the Northeast corner of Certified Survey Map No. 1749 recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin in Volume 5 of Certified Surveys at Page 387; thence S 02°00'37" E, along the West line of said CSM 5539 and along the East line of said CSM 1749, a distance of 434.08 feet to the Southeast corner of said CSM 1749; thence S 00°50'09" E, continuing along the West line of said CSM 5539, a distance of 895.60 feet to a point on the North line of the SW 1/4 of the NE 1/4 of Section 32, T5N, R15E, said point also being the Southwest corner of Lot 1 of said CSM 5539; thence westerly, along the North line of the SW 1/4 of the NE 1/4 of said Section 32, a distance of 274.66 feet, more or less, to the Northwest corner of the SW 1/4 of the NE 1/4 of said Section 32; thence N 88°40' W, 2060.31 feet along the North line of the South 1/2 of the NW 1/4 of said Section 32 to the NE corner of Block 3 of Twin Oaks Subdivision; thence S 00°44' W along the East line of said Twin Oaks Subdivision, 731.00 feet to the NE corner of Lot 6 of Block 2 of said Twin Oaks Subdivision; thence N 88°40' W along the North line of said Lot 6 190.00 feet to the East line of County Trunk Highway "N" also being the West line of said Block 2; thence S 00°44' W along the West line of said Block 2, 285.00 feet to the SW corner of said Block 2; thence N 88°40' W, 33.00 feet to the centerline of said County Trunk Highway "N"; thence S 00°44' W along said centerline 320.61 feet to the North line of the NW 1/4 of the SW 1/4 of said Section 32; thence Westerly along said North line of said NW 1/4 of said SW 1/4 of said Section 32 to the West 1/4 corner of said Section 32; thence Westerly along the North line of the NE 1/4 of the SE 1/4 of Section 31, T5N, R15E to the NW corner of said NE 1/4 of said SE 1/4; thence Southerly along the West line of the East 1/2 of the Southeast 1/4 of said Section 31, said West line of the East 1/2 of said Southeast 1/4 of said Section 31 being the westerly-most boundary of the City of Whitewater in

said Section 31, to the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 31; thence leaving said westerly-most boundary of the City of Whitewater in Section 31 and running thence Easterly along the South line of Northeast 1/4 of the Southeast 1/4 of said Section 31 and the South line of the Northwest 1/4 of the Southwest 1/4 of Section 32, T5N, R15E, through lands located in the City of Whitewater, to the Southeast corner of Lot 29, Park Crest Subdivision, a subdivision located in the City of Whitewater, said Southeast corner of said Lot 29 being the point of beginning of the description of lands (hereinafter referred to as the "Excluded Lands") lying in part in the West 1/2 of the Southwest 1/4 of Section 32 and in part in the East 1/2 of the Southeast 1/4 of Section 31, T5N, R15E, Jefferson County, Wisconsin which remain a part of the Town of Cold Spring, Jefferson County, Wisconsin and lying in part in the Northeast 1/4 of the Northeast 1/4 of Section 6, T4N, R15E, Walworth County, Wisconsin which remain a part of the Town of Whitewater, Walworth County, Wisconsin; thence N 00°12'09" E along the East line of Lots 29 and 28 of Park Crest Subdivision 229.62 feet to the northerly-most Northwest corner of that portion of the Excluded Lands which remain a part of the Town of Cold Spring, Jefferson County, Wisconsin; thence S 89°36'33" E 486.59 feet to a point on the centerline of County Trunk Highway N as originally laid out as a 66-foot wide right of way, said point being the northerly-most Northeast corner of that portion of the Excluded Lands which remain a part of the Town of Cold Spring, Jefferson County, Wisconsin; thence S 26°36'48" E along said centerline 257.70 feet to the South line of the NW 1/4 of the SW 1/4 of said Section 32; thence continue S 26°36'48" E along said centerline of County Trunk Highway N 395 feet more or less to the point of intersection of said centerline and the westerly extension of the southerly line of Lot 11, South Blooming Field Acres Subdivision; thence N 89°35'24" E 244.12 feet to the Southeast corner of said Lot 11; thence S 00°23'18" E 89.84 feet; thence S 89°37'34" West 199.94 feet to said centerline of County Trunk Highway N; thence S 26°36'48" E along said centerline 73.54 feet; thence N 89°35'59" E 244.17 feet; thence S 00°20'03" E 89.69 feet; thence N 89°30'54" E along the southerly-most line of Lot 12, South Blooming Field Acres Subdivision to the East line of the SW 1/4 of the SW 1/4 of Section 32, T5N, R15E; thence South along said East line 180 feet; thence West to said centerline of County Trunk Highway N; thence along said centerline to the Southeast corner of Certified Survey Map recorded in Volume 2 of Certified Surveys on Page 205; thence West along the South line of said Certified Survey Map to the West line of the SW 1/4 of the SW 1/4 of Section 32, T5N, R15E; thence South along said West line 250 feet; thence East 1205.52 feet more or less to said centerline of County Trunk Highway N; thence southeasterly along said centerline to a point on the South line of said Section 32, T5N, R15E, Jefferson County, Wisconsin, said point also being a point on the North line of Section 5, T4N, R15E, Walworth County, Wisconsin, and said point being the southerly-most southeasterly corner of that portion of the Excluded Lands which remain a part of the Town of Cold Spring, Jefferson County, Wisconsin; thence westerly along the North line of Section 5, T4N, R15E, to the NW corner of said Section 5, said NW corner of said Section 5 also being the NE corner of Section 6, T4N, R15E, Walworth County, Wisconsin and said corner also being the NE corner of that portion of the Excluded Lands which remain a part of the Town of Whitewater, Walworth County, Wisconsin; thence southerly along the East line of said Section 6, 251.46 feet more or less to a point on the southerly-most line of the lands described in Deed recorded in Volume 619, page 773 (Jefferson County) and Volume 283, page 922 (Walworth County), said point on the southerly-most line of the lands described in said Deed being the southeasterly corner of that portion of the Excluded Lands remaining a part of the Town of Whitewater, Walworth County, Wisconsin; thence westerly, along the southerly-most line of the lands described in said Deed, 365 feet more or less to the southwesterly-most corner of the lands described in said Deed, said southwesterly-most corner of the lands described in said Deed being the Southwest corner of that portion of the Excluded Lands remaining a part of the Town of Whitewater, Walworth County, Wisconsin; thence northerly, along the westerly-most

line of the lands described in said Deed, 251.46 feet more or less to the Southwest corner of Section 32, T5N, R15E, Jefferson County, Wisconsin, said Southwest corner of said Section 32 being the Northwest corner of that portion of the Excluded Lands remaining a part of the Town of Whitewater, Walworth County, Wisconsin and also being the southerly-most Southwest corner of that portion of the Excluded Lands remaining a part of the Town of Cold Spring, Jefferson County, Wisconsin; thence N 0°24' E, along the West line of the Southwest 1/4 of said Section 32, 292.85 feet; thence West 10.00 feet; thence N 0°24' E, parallel with said West line of said Southwest 1/4 of said Section 32, 260.00 feet to a point on the South line of Lot 1 of Certified Survey Map recorded in Volume 2 of Certified Survey Maps of Jefferson County at page 205; thence westerly, along the South line of said Lot 1, 149.80 feet more or less to the Southwest corner of said Lot 1; thence northerly, along the West line of said Lot 1, 183.24 feet more or less to the Northwest corner of Lot 1; thence easterly, along the northerly line of said Lot 1, 1136.4 feet more or less to a point 5 feet southwesterly of the centerline of C.T.H. "N" as originally laid out as a 66-foot wide right of way; thence northwesterly, along a line drawn parallel to and 5.00 feet southwesterly of said centerline of C.T.H. "N", 441 feet more or less to a point 177.96 feet southerly of the North line of the Southwest 1/4 of the Southwest 1/4 of Section 32, T5N, R15E; thence westerly parallel with said North line, 325.60 feet more or less to a point 331.20 feet West of said centerline of C.T.H. "N"; thence northerly 177.96 feet to a point on the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 32 that lines 240 feet West of said centerline of C.T.H. "N"; thence westerly, along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 32 (also being the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 32), to the Southeast corner of Lot 29, Park Crest Subdivision and the ending point of the description of the Excluded Lands; thence leaving the boundary of said Excluded Lands and running westerly, along the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 32, and along the South line of the Southeast 1/4 of the Northeast 1/4 of Section 31, T5N, R15E, through lands located in the City of Whitewater to the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 31, said Southeast corner being a point on the westerly-most boundary of the City of Whitewater in said Section 31; thence southerly, along the West line of the East 1/2 of the Southeast 1/4 of said Section 31, 1330.52 feet more or less to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 31 (said Southwest corner also being a point on the North line of Section 6, T4N, R15E, Walworth County, Wisconsin); thence westerly along the North line of Section 6, T4N, R15E, to the Northwest corner of said Section 6; thence southerly, along the West line of said Section 6, 123.49 feet; thence continuing southerly, along the West line of said Section 6, said West line also being the centerline of Warner Road, 866.51 feet more or less to the Northwest corner of the parcel described in Volume 669 of Deeds at page 374, Walworth County Register of Deeds; thence easterly, along the North line of said parcel described in Volume 669 of Deeds at page 374, 484 feet more or less to the northerly most Northwest corner of the parcel described in Volume 307 of Records at page 385, Walworth County Register of Deeds; thence easterly along the North line of said parcel described in Volume 307 of Records at page 385, 325.75 feet more or less to the Northwest corner of Lot 1 of Breidsan Hills Subdivision (subdivision plat recorded as Document No. 334782); thence easterly, along the north line of said Lot 1, 195 feet more or less to the Northwest corner of Lot 2 of Certified Survey Map No. 1871 recorded in Volume 9 of Certified Surveys at page 33; thence easterly, along the north line of said Lot 2 of CSM 1871, 90.57 feet more or less to the Southwest corner of parcel described in Volume 652 of Records, page 8209; thence northwesterly, along the southwesterly line of said parcel, 230.16 feet to the westerly-most corner of said parcel; thence northeasterly, along the northwesterly line of said parcel, 171.04 feet more or less to the southwest right-of-way line of former USH 12/STH 89; thence southeasterly, along said southwest right-of-way line, 477.75 feet more or less to the north line of Lot 2 of Certified Survey Map No. 1871; thence

easterly, along said north line, 46.12 feet more or less to the centerline of former USH 12/STH 89; thence southeasterly, along the centerline of Business Highway 12 (formerly US Highway "12") 1410 feet more or less to the northerly-most corner of Certified Survey Map No. 3227 recorded in the Office of the Walworth County Register of Deeds in Volume 18 of Certified Surveys at page 44; thence westerly, along the North line of CSM 3227, 345.43 feet more or less to the Northwest corner of CSM 3227; thence continuing westerly, along the North line of the parcel described in Deed recorded in the Office of the Walworth County Register of Deeds as Document No. 529107, 2239.77 feet more or less to a point on the West line of said Section 6 which lies 999.8 feet North of the West 1/4 corner of said Section 6; thence South along said West line of said Section 6, the centerline of Warner Road, 999.8 feet to the West 1/4 corner of said Section 6; thence S 0°29'07" E, along the West line of the Southwest 1/4 of Section 6, T4N, R15E, 251.14 feet; thence N 89°30'53" E 141.38 feet; thence S 29°39'21" E, along the westerly line of the right of way of U.S. Highway 12, 1892.03 feet; thence S 08°14'40" E, along said westerly line of said U.S. Highway 12 right of way, 690.32 feet; thence S 5°57'24" E, 307.67 feet to a point on the southwesterly line of the right of way of US Highway 12; thence S 13°03'07" E, along said right of way line, 45.77 feet; thence continuing along said right of way line 500.93 feet along a curve to the left having a radius of 728.35 feet and a chord direction of S 34°46'21" E and a chord length of 491.12 feet; thence S 54°28'32" E, along said right of way line, 126.80 feet; thence N 89°24'04" E, along said right of way line, 66.78 feet; thence S 54°52'46" E, along said right of way line, 735.12 feet more or less to a point on a line drawn from the Southeast corner of Lot 1 of Certified Survey Map No. 1099 southerly to a point on the South line of Section 7, T4N, R15E lying 409.00 feet West of the South 1/4 corner of said Section 7; thence southerly, along said line drawn southerly from the Southeast corner of CSM 1099, and the southerly extension thereof, 4276.19 feet more or less to the northwesterly line of the former Chicago, Milwaukee & St. Paul Railroad right of way; thence continuing S 0°18'58" E along said line, 75.25 feet M/L, to the S'ly R/W line of said railroad; thence N 60°58'58" E, along said S'ly R/W line, 2029.25 feet M/L, to the beginning of a tangent curve, concave to the NW and having a radius of 5803.00 feet; thence continuing along said S'ly R/W line and NE'ly along said curve, through a central angle of 10°29'05", an arc distance of 1061.91 feet M/L, to a point of tangency; thence continuing along said S'ly R/W line, N 50°29'53" E, 1635.55 feet M/L, to the NW corner of that certain parcel described in a deed recorded in Vol. 650, Page 8477, records of Walworth Co., WI; thence S 29°45'34" E, along the W'ly line of said parcel, 690.02 feet M/L, to a point on the centerline of State Highway "59"; thence N 29°42'26" E, along said centerline, 510.27 feet M/L to the beginning of a tangent curve, concave to the SE and having a radius of 1206.23 feet; thence NE'ly along said curve and centerline, through a central angle of 14°33'19", an arc distance of 306.43 feet M/L, to a point of tangency; thence northeasterly, along said centerline, 416.29 feet M/L, to the SW corner of that certain parcel of land described in a deed recorded in Vol. 347, page 363, Records of Walworth County; thence S 79 degrees 21'54" E, along the S. line of said parcel, 511.79 feet, to an angle point therein; thence continuing along said S. line, S 59 degrees 08'33" E, 272.80 feet, to a point on the N-S 1/4 line said Sec. 8, said point being 380.19 feet S'ly of the center of said Sec. 8; thence continuing S 59 degrees 08'33" E, 920.81 feet more or less, to a point on the W. line of State Highway "89"; thence N 0 degrees 01'19" W, 357.09 feet more or less, to the NW corner of that certain parcel described in a deed recorded in Vol. 670, page 1339, Records of Walworth County, said corner being described as on the centerline of State Highway "89"; thence S 81 degrees 49'00" E, along the N. line of said parcel, 550.68 feet more or less, to the NW corner of Certified Survey Map No. 489, recorded in Vol. 2, page 311 of Certified Surveys of Walworth County; thence N 68 degrees 59'00" E, along the N'ly line of said CSM, 86.68 feet, to an angle point therein; thence continuing along said N'ly line, S 86 degrees 52'00" E, 355.06 feet, to the NE corner thereof; thence S 0 degrees 16'43" W, along the E. line of said

CSM, 160.00 feet to the Northeast corner of Lot 3 of said CSM 489; thence N 87 degrees 10' W, along the N. line of said Lot 3 of said CSM 489, 153.87 feet to the NW corner of said Lot 3; thence S, along the W. line of said Lot 3, 457.97 feet more or less to a point on the N'yly right of way of Willis Ray Road; thence continue S 33.01 feet more or less to the centerline of Willis Ray Road, said centerline being the S'yly boundary of said CSM 489; thence S 86 degrees 23' E, along said centerline of Willis Ray Road and said S'yly line of said CSM 489, 153.99 feet to the SE corner of said CSM 489; thence N, along the E'yly line of said CSM 489, 147.88 feet; thence S 86 degrees 06'06" E (recorded as parallel to the centerline of Willis Ray Road) 856.31 feet, to a point on the E. line of said Section 8, said point being 110.59 feet N'yly of the SE corner of the NE 1/4, SE 1/4, said Section 8; thence N 0 degrees 56'05" E, along the E. line of said Section 8, 1208.78 feet, to the E 1/4 corner, Section 8; thence Easterly along the E-W 1/4 line of Sections 9 and 10 to the center of said Section 10, T4N, R15E; thence northerly, along the N-S 1/4 line of Section 10, T4N, R15E, 6 chains; thence East along a line drawn parallel to the South line of the Northeast 1/4 of said Section 10, to the Northwest corner of Lot 1 of Certified Survey Map No. 1643 recorded in the Walworth County Register of Deeds Office as Document No. 155915; thence easterly along the northerly-most line of said Lot 1 of said CSM 1643 to the northerly-most Northeast corner of said Lot 1, said northerly-most Northeast corner of said Lot 1 of CSM 1643 also being the Northwest corner of Certified Survey Map No. 1010 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 4 of Certified Surveys at page 285 as Document No. 56192; thence easterly along the North line of said CSM 1010 to a point on the centerline of Old Highway P; thence northwesterly along the centerline of Old Highway P to the Southeast corner of Certified Survey Map No. 2616 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 13 of Certified Surveys at page 139 as Document No. 310254; thence southwesterly along the southeasterly line of said CSM 2616 to the Southwest corner of said CSM 2616; thence northwesterly along the southwesterly line of said CSM 2616 to the Northwest corner of said CSM 2616; thence northeasterly along the northwesterly line of said CSM 2616, 389.86 feet more or less to a point on the southwesterly right of way line of Old Highway P; thence northwesterly along the southwesterly right of way line of Old Highway P to a point where the southwesterly right of way line of Old Highway P intersects with the southerly right of way line of State Trunk Highway 59 (formerly U.S. Highway 12); thence northwesterly along said southerly right of way line of Highway 59 to a point which lies N 73°41' E 1112.00 feet more or less from a point on the West line of Northeast 1/4 of Section 10, T4N, R15E located 1325.94 feet South of the North 1/4 corner of said Section 10; thence N 41°58' W along the southerly right of way line of said State Trunk Highway 59 (also referred to as Elkhorn Road and formerly known as U.S. Highway 12) 406 feet more or less to the southeasterly boundary of an existing parcel; thence S 48°02' W 323 feet; thence N 41°58' W 150 feet; thence N 48°02' E 356 feet to the centerline of State Trunk Highway 59 (formerly U.S. Highway 12); thence N 41°58' W along the centerline of said highway 787.40 feet to the North line of said Section 10; thence S 87°37' W 193.38 feet along the North line of said Section 10 to the North 1/4 corner of said Section 10; thence N 3°08'18" W, along the N-S 1/4 line of Section 3, T4N, R15E to the point of intersection of said N-S 1/4 line with the centerline of State Trunk Highway 59/Elkhorn Road (formerly United States Highway 12); thence southeasterly along said centerline to the point of intersection of said centerline and the southwesterly extension of the Northwest line of the public road Sunrise Lane; thence N 45°19'42" E along the Northwest line of Sunrise Lane, 126.59 feet to the Southwest corner of Lot 1 of CSM 1292; thence N 3°08'18" W, 237.00 feet to the Northwest corner of said Lot 1 of CSM 1292; thence N 85°39'12" E, 323.50 feet to the Northeast corner of said Lot 1; thence continue N 85°39'12" E 80.00 feet; thence S 3°08'18" E, 237.00 feet to the North line of Outlot 1, CSM 2620 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 13 of Certified Surveys at Page 147, as

Document No. 310791; thence N 85°39'12" E along said North line 209.86 feet to the Northeast corner of said Outlot 1; thence S 4°22'43" E, 66.00 feet to the Southeast corner of said Outlot 1, said corner being the Northeast corner of Lot 1, of said CSM 2620; thence continuing S 4°22'43" E along the East line of said CSM 2620, 236.09 feet to the Southeast corner of said Lot 1, said corner being on the South line of said Section 3, 720 feet more or less East of the South 1/4 corner of said Section 3; thence West along the South line of said Section 3 (the South line of said Section 3 also being the North line of Section 10, T4N, R15E) 479.58 feet more or less to the northerly right of way line of State Trunk Highway 59 (also sometimes referred to as Elkhorn Road and formerly designated as U.S. Highway 12); thence southeasterly along the northerly right of way line of said highway 536.38 feet more or less to a point on the North line of Certified Survey Map No. 503 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 2 of Certified Surveys on page 333 as Document No. 694000; thence East along the North line of said CSM 503 430.95 feet to the Northeast corner of said CSM 503; thence South along the East line of said CSM 503 235.98 feet to the Southeast corner of said CSM 503; thence West along the South line of said CSM 503 266.34 feet more or less to the centerline of State Trunk Highway 59 (formerly US Highway 12); thence southeasterly along the centerline of the road that existed and was known and designated as United States Highway 12 prior to construction of the US Highway 12 By-Pass of the City of Whitewater to the intersection of said former centerline and the East line of said Section 10, said point of intersection being approximately 145.5 feet more or less North of the East 1/4 corner of said Section 10; thence North along the East line of said Section 10 to the NE corner of said Section 10; thence continuing North along the East line of Section 3, T4N, R15E, 728.24 feet to the Northeast corner of Walton's Pine Bluff Subdivision; thence S 88°32'30" W along the North line of Walton's Pine Bluff Subdivision 147.41 feet to the Southeast corner of Lot 7, Pine Bluff Subdivision; thence N 00°00'00" E 333.29 feet to the Northeast corner of Lot 4 of Pine Bluff Subdivision; thence S 79°14'04" E 27.00 feet to the Southeast corner of Lot 3 of Pine Bluff Subdivision; thence N 00°00'02" E, 252.43 feet more or less to the Northeast corner of Lot 1 of Pine Bluff Subdivision; thence continue N 00°00'02" E 35 feet more or less to the centerline of Bluff Road; thence easterly along the centerline of Bluff Road to the East line of Section 3, T4N, R15E; thence North along said East line of said Section 3, the centerline of Howard Rd., to the point of intersection of said centerline with the E-W 1/4 line of said Section 3; thence West along said E-W 1/4 line 463.82 feet to the Southwest corner of Certified Survey Map No. 1771 recorded in the Register of Deeds Office for Walworth County, Wisconsin in Volume 8 of Certified Surveys at Page 210 as Doc. No. 172293; thence N 01°13' E, along the West line of CSM 1771, 374.66 feet to the Northwest corner of CSM 1771; thence East, parallel with said E-W 1/4 line of said Section 3 and along the North line of CSM 1771, 466.51 feet to the East line of said Section 3 and the centerline of Howard Road; thence South along the West line of Section 2, T4N, R15E (said West line of Section 2 also being the East line of Section 3, T4N, R15E) and the centerline of Howard Road 341.66 feet more or less to a point on the West line of said Section 2 lying 33 feet North of the West 1/4 corner of said Section 2; thence easterly, parallel with the East-West 1/4 line of said Section 2 33 feet; thence southerly parallel to the West line of said Section 2, 33 feet to the East-West 1/4 line of said Section 2; thence East, along the East-West 1/4 line of said Section 2, 549 feet more or less to a point on said East-West 1/4 Section line which lies 582 feet East of the West 1/4 corner of said Section 2; thence South, parallel with the West line of the Southwest 1/4 of said Section 2, said West line also being the centerline of Howard Road, 883.51 feet; thence West, parallel with the East-West 1/4 line of said Section 2, 356 feet; thence South, parallel with the West line of said Southwest 1/4 of Section 2 162 feet to the northerly line of the Wisconsin & Southern Railroad right of way; thence easterly along the northerly line of the said railroad right of way to the North-South 1/4 line of said Section 2; thence North along the said North-South 1/4 line of said Section 2 to the Northeast

corner of the South 1/2 of the Northwest 1/4 of said Section 2; thence West along the North line of the South 1/2 of the Northwest 1/4 of said Section 2 to the Northeast corner of Certified Survey Map No. 1480 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 7 of Certified Surveys on Page 56; thence southerly along the East line of said CSM 1480 to the Southeast corner of said CSM 1480, said Southeast corner of CSM 1480 also being the Northeast corner of Lot 2 of Certified Survey Map No. 906 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin in Volume 4 of Certified Surveys at Page 133; thence South along the East line of Lot 2 of said Certified Survey Map No. 906 222.87 feet more or less to the Southeast corner of Lot 2 of said Certified Survey Map No. 906; thence West along the South line of Lot 2 of said CSM 906 179.48 feet more or less to the easterly right of way line of Howard Road; thence continuing westerly 33 feet more or less to the centerline of Howard Road, said centerline also being the East line of Section 3, T4N, R15E; thence North along said East line of said Section 3 to a point 1670.46 feet north of the East 1/4 corner of said Section 3; thence S 89°45' W, 357.00 feet; thence North, parallel with said East line of said Section 3, 702.70 feet; thence N 89°45' E, 357.00 feet to the said East line of said Section 3; thence North along said East line to the NE corner of said Section 3.

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

Ordinance introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Kidd. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. FIRST READING APPROVED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE ADOPTING LOCK BOX INSTALLATION ON EXTERIOR OF STRUCTURES.

SECOND READING OF AN ORDINANCE REQUIRING STRUCTURES TO HAVE A KEY LOCK BOX INSTALLED ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSE

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

SECTION 1. Whitewater Municipal Code Chapter 14.15 is hereby created to read as follows:

- 14.15.010 Declaration of Purpose
- 14.15.020 Key Lock Box System
- 14.15.030 Installation
- 14.15.040 Maintenance
- 14.15.050 Contents of Lock Box
- 14.15.060 Fire Department Responsibilities
- 14.15.070 Exceptions to Requirement to Install a Key Lock Box System
- 14.15.080 Penalties
- 14.15.090 Invalid Provisions

14.15.010 Declaration of Purpose.

- a. The City of Whitewater, Wisconsin Common Council hereby determines that the health, safety, and welfare of the citizens of the City of Whitewater, Wisconsin are promoted and safeguarded by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the City of Whitewater, Wisconsin Fire Department to gain access to the structure when the same is not occupied or when the occupants are unable to grant ingress to the Fire Department.
- b. The key lock box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.
- c. This section will provide for effective fire protection by providing a method for rapid response entry into and throughout locked buildings in emergency situations where time may be of the essence.

14.15.20 Key Lock Box System. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief.

14.15.21 Commercial and Industrial Structures.

- a. Multi-family-residential structures that have restricted access through locked doors but have a common corridor for access to the living units.
Schools, whether public or private.
Government structures and nursing care facilities
- b. All new construction of structures listed above, and remodeling of structures listed above that are required to have a building permit issued, shall have a key lock box installed and operational, based on the discretion of the Fire Chief, prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section shall have a key lock box installed and operational within six months of the effective date of the Ordinance, unless an extension is granted by the Fire Chief.
- c. The type of key lock boxes to be implemented within the City of Whitewater, Wisconsin shall be subject to the approval of the Fire Chief.

14.15.30 Installation.

- a. All lock boxes shall be installed on the lock side of the main business door.
- b. All lock boxes shall be flush or surface mounted between five (5) and seven (7) feet from the ground to the center of the entry if possible.
- c. In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height, the City of Whitewater Fire Chief may designate in writing a different location and installation specifications.
- d. All realty and/or property with an electronic security gate shall have the lock box installed outside of the gate.
- e. A window decal that is included when the lock box is delivered shall be placed on the exterior access door to alert the fire department that a key box is provided.
- f. The Fire Chief must approve any changes in the installation.

14.15.040 Maintenance. The operator of the building shall immediately notify the Fire Chief and provide the new keys when a lock box key is changed or rekeyed.

14.15.050 Contents of Lock Box. The contents of the lock box shall be as follows:

- a. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.

- b. Keys to all mechanical rooms.
- c. Keys to all locked electrical rooms.
- d. Keys to elevator and their control rooms.
- e. Keys to the Fire Alarm panels.
- f. Keys (special) to re-set pull stations or other Fire Protective devices.
- g. Keys to any other areas as requested by the Fire Chief.

14.15.60 Fire Department Responsibilities.

- a. No fire department personnel shall carry a lock box key.
- b. All lock box access keys shall be installed in a lock box Key Secure system installed in the Fire Apparatus.

14.15.070 Exceptions To Requirement To Install A Key Lock Box System. The following structures are encouraged to, but are exempt from the mandate to install a key lock box system:

- a. Single family structures and multi-family structures that do not meet the definition set forth in Section 14.15.20.
- b. Structures that have 24 hour, 365 day on-site security personnel, or have other personnel on site.
- c. Businesses that are open and staffed 24 hours, 365 days per year (which may include but are not limited to, Nursing Homes, Hospitals, Police Stations. etc.).
- d. Rental storage facilities where there are locks on the separate storage pods, however, locked entry security gates will require a lock box.

14.15.080 Penalties. The penalty for any person, entity or corporation who has violated any provisions of this ordinance or who has failed to comply with any order issued by Fire Chief, or his designee, or has failed to comply with any order issued pursuant to any section thereof shall, upon conviction before the proper judicial authority, pay a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day for each violation, together with cost of prosecution. Each day a violation continues shall be considered a separate offense.

15.15.090 Invalid Provisions. If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of the same contained in this Ordinance. It is hereby declared as the intent of City of Whitewater, Wisconsin Common Council that this Ordinance would have been adopted even if such unconstitutionality, illegality or invalid sentence, clause or section or part thereof had not been included therein.

Ordinance introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Binnie. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. ADOPTED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 1.21, SCHEDULE OF DEPOSITS, TO INCORPORATE KEY LOCK BOX PENALTIES INTO MUNICIPAL CODE.

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

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

SECTION 1. Whitewater Municipal Code Section 1.21.010 is hereby amended adding the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
14.15	Violation of fire lock box ordinance	1 st offense - \$100 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment 2 nd offense - \$150 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 Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. ADOPTED: July 7, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

TELEPHONE SYSTEM. Informational Technologies Coordinator Nobling presented a request for proposals document for replacement of the City’s 20+ year old telephone system, and requested authorization to go to bid. It was moved by Stauffer and seconded by Binnie to approve the proposal as presented, and authorize the project to go to bid. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

DOWNTOWN WHITEWATER’S REQUEST TO CLOSE STREET TO HOST NEW “CITY MARKET”. It was moved by Kidd and seconded by Abbott to authorize the closure of a portion Fremont Street to allow a weekly “City Market” (outdoor market) to run from July through October. The hours of closure will be from 3:00 p.m. – 7:00 p.m. each Tuesday during that time period. Discussion regarding possible closure of Second Street occurred as well. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

AWARD OF CONTRACT TO PIONEER ROOFING OF JOHNSON CREEK, WISCONSIN, FOR MUNICIPAL BUILDING ROOFING PROJECTS. It was moved by Stauffer and seconded by Abbott to approve a contract with Pioneer Roofing to complete the roofing project for the Downtown Armory (\$49,255); reject the Starin Park Community Building bid and rebid the project in the Fall, and award of a roofing maintenance contract at a labor cost of \$61 per hour, with a materials markup of 25%. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

MEMORANDUM OF UNDERSTANDING BETWEEN CITY AND UWW RELATING TO POLICE COMMUNICATIONS CENTER. As part of the 2015 municipal budget going forward, the UWW will fund 1/3 of the overall budget for the Communications Center. The Memorandum of Understanding specifies the terms of that arrangement. The City will provide officers serving on the campus of the UWW with the same level of service as is provided to officers of the Whitewater Police Department. Although this has been the standard for operation for some time; however, the Memorandum of Understanding clarifies the agreement. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

AGREEMENT WITH WISCONSIN MAIN STREET COMMUNITIES AND WISCONSIN ECONOMIC DEVELOPMENT CORPORATION, AND DOWNTOWN WHITEWATER, INC. It was moved by Binnie and seconded by Kidd to endorse the annual agreement between Wisconsin Main Street Communities, Wisconsin Economic Development Corporation, and Downtown Whitewater, Inc. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

WASTEWATER UTILITY PRIMARY CLARIFIER BID AWARD. The Wastewater Utility is having problems with leaking gearboxes that rotate our primary clarifiers. In addition, elevation variations with associated devices require verification and adjustment so all features of the process work together properly. Due to the extent of repairs necessary the original equipment manufacturer will have to be involved. It was moved by Binnie and seconded by Abbott to approve award the bid for the Primary Clarifier rehabilitation project to J.F. Ahern Company in the amount of \$70,000. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

STRAND ASSOCIATES TASK ORDER FOR CENTER STREET RECONSTRUCTION. Per Christopher McDonell, Assistant City Manager, this task order was presented to Council on June 19th, but it excluded the cost for design and bidding services associated with the Boone Street and Boone Court improvements. The previous task order had a not-to-exceed fee of \$85,400 based on a cost for construction of \$1,250,000, which did not include contingencies and technical services. The project includes complete street and utility construction on Center Street between Franklin and Summit and on Summit between Highland and Conger. The project may also include storm sewer replacement on Boone Street south of Center Street. On Boone Court, north of Center, there may be water / sewer main replacement and the installation of storm sewer/inlets. Bidding of the project is anticipated for January, 2016, with a contract awarded in February / March, 2016. This would allow work to start as early as April 1, weather permitting. Based on the project scope, the construction cost is expected to be approximately \$1,512,050, excluding technical services and contingencies. Strand Associates has provided the City with a Task Order for design and bidding services. The task order does not include construction related services, such as contract administration, construction staking, and construction observation services. Strand Associates will be compensated on an hourly basis plus expenses, for a not-to-exceed fee of \$97,000. It was moved by Kidd and seconded by Binnie to approve a Task Order with Strand Associates for the Center Street reconstruction project. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS. Councilmember Abbott informed Council that a presentation from Downtown Whitewater, the Chamber of Commerce, and the Whitewater Tourism Committee regarding the Memorandum of Understanding be discussed.

ADJOURNMENT. It was moved by Abbott and seconded by Grady to adjourn the meeting. AYES: Stauffer, Abbott, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSENT: None. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Michele R. Smith, Clerk