

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

March 15, 2016

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

It was moved by Binnie and seconded by Goettl acknowledge receipt and filing of the Report of Manually-Issued Checks for February, 2016; the Financial Reports for February, 2016; the Whitewater Police Department Consolidated Monthly Report for December, 2015; and the Fire – EMS Task Force Minutes of 2/16/16. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Goettl to approve payment of city invoices in the sum of \$82,899.89. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

STAFF REPORTS: GIS Technician Weberpal gave an update on the Geographical Information Systems (“GIS”) implementation. CDA Director Cannon and CDA Chair Jeff Knight gave an update on CDA activities, including the amendment to TIF district 5.

AUTHORIZING THE SALE OF REAL ESTATE TO DP ELECTRONICS. (Vacant Land east of Provisur (formerly Weiler’s) property on E. Main Street.

RESOLUTION

WHEREAS, the City of Whitewater is the owner of the following property:

Lot 1 of Certified Survey Map No. 4442 recorded October 5, 2012 in Volume 29 of Certified Surveys on Page 30 as Document No. 848249, located in the NW ¼ of the NE ¼ of the SE ¼ of Section 3, T4N, R15E, City of Whitewater, Walworth County, Wisconsin.

Together with all that portion of East Main Court appurtenant to said Lot 1 as set forth in a Resolution Discontinuing East Main Court recorded as Document No. 920136.

WHEREAS, DP Electronic Recycling, Inc. seeks to purchase said property for the purpose of constructing an approximately 100,000 square foot recycling facility, and

WHEREAS, the sale of said property will promote economic development in the City of Whitewater, and

WHEREAS, it is in the City’s and public’s best interest to sell said property to DP Electronic Recycling, Inc. for this purpose,

NOW, THEREFORE, BE IT RESOLVED that the City of Whitewater City Manager and City Clerk are authorized to sign any documents and take action to sell said property to DP Electronic Recycling, Inc.

Resolution introduced by Councilmember Goettl, who moved its adoption. Seconded by Councilmember Langnes. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: March 15, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING OF UP \$21,605,138 SEWER REVENUE BONDS. Due to the possibility of obtaining a more favorable interest rate, the proposed borrowing was removed from the agenda, to be brought back at a later date.

SECOND READING OF ORDINANCE AMENDING CHAPTER 19 (IMPERVIOUS SURFACE). Lengthy discussion ensued as Councilmember Goettl, who also served on the subcommittee reviewing this ordinance, indicated that what was presented for approval was not what the group had agreed upon. Changes were made to make the ordinance compatible with committee discussions.

SECOND READING OF ORDINANCE AMENDING CHAPTER 19 (LOT COVERAGE / IMPERVIOUS SURFACE).

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

SECTION 1. Whitewater Municipal Code Section 19 is amended to read as follows:

I. Amendment Chapter 19.15 (R-1 One-Family Residence District)

II. 19.15.070 Lot Coverage.

- A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty (30%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1 is 10,000 sq ft).

- C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work

with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director’s decision to the Plan and Architectural Review Commission.

- a. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
 - b. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
 - c. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

III.

IV. Amendment Chapter 19.16 (R-1X District)

V. 19.16.021 Maximum Lot coverage.

- A. Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1X District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1X is 12,000 sq ft).

- C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director’s decision to the Plan and Architectural Review Commission.
 - d. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
 - e. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
 - f. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

VI. Amendment Chapter 19.18 (R-2 One-and Two-Family Residence District)

VII. 19.18.070 Lot coverage.

- A. Maximum lot coverage (principal and accessory structures) in the R-2 district is thirty (30%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-2 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-2 is 8,000 sq ft for single-family and 12,000 square feet for two-family).

- C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director’s decision to the Plan and Architectural Review Commission.
 - g. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
 - h. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
 - i. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

Minimum lot width in the R-3 district is:

- A. One-family and two-family dwellings 66 feet for all improved lots existing at the time of adoption of the ordinance codified in this section;
- B. One family, 66 feet for all new single-family dwellings constructed after the adoption of the ordinance codified in this section;
- C. Two-family, 80 feet (80') for all newly constructed two-family dwellings;
- D. Multi-family dwellings, one hundred (100) feet.

19.21.060 Yard Requirements for One-Family and Two-Family Dwellings, located in the R-3.

- A. Front, thirty (30) feet first floor (not more than 40% of the yard may be an impervious surface except as a conditional use).
- B. Side, fifteen (15) feet; corner lots twenty-five (25) feet.
- C. Rear, thirty (30) feet (not more than 40% of the yard may be an impervious surface except as a conditional use).
- D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition, may require DNR approval.

19.21.065 Yard Requirements for R-3 Multi-Family Dwelling Units.

- A. Front, thirty (30) feet first floor (a lesser front yard may be allowed by a conditional use permit).
- B. Side, fifteen (15) feet; corner lots twenty-five (25) feet, a lesser side yard may be allowed by a conditional use permit).
- C. Rear, thirty (30) feet (a lesser rear yard may be allowed by conditional use permit).
- D. Shore, seventy-five (75) feet, all Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

19.21.070 Lot Coverage.

A. Three hundred fifty (350) square feet of usable open space shall be required per each dwelling unit for structures with two (2) or more units.

- 1. Usable open space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces, and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage.
- 2. EXAMPLE: A four Unit building is required to have 1,400 square feet of usable open space.

B. The maximum impervious surface:

1. Maximum lot coverage (principal and accessory structures) for one-family and two-family dwellings in the R-3 is thirty percent (30%).

a. Maximum impervious surface for one-family and two-family dwellings located in the R-3:

1. Not more than forty percent (40%) of the front yard shall be impervious surface except as a conditional use. Not more than forty percent (40%) of the rear yard shall be impervious surface except as a conditional use.
2. The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on one-family and two-family lots in the R-3 District.

Maximum Impervious Surface	
Less than 7,000 sq. ft.	65%
7,000 sq. ft to 8,499 sq ft.	60%
8,500 sq ft. to 9,999 sq. ft.	55%
10,000 sq. ft. and over	50%

3. Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-3 is eight thousand square feet for single-family and twelve thousand square feet for two-family).

2. Maximum Impervious surface for multi-family dwellings:

Review by engineering staff and approval by the neighborhood services Department or the plan and Architectural Review Commission shall be required.

3. The principals and standards set forth the in the City of Whitewater Erosion Control and Stormwater Management requirements policy which includes the City's stormwater management ordinance (Chapter 16.16) and the City's construction site control ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans.

Ordinance introduced by Councilmember Goettl, who moved its adoption. Seconded by Councilmember Kidd. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: March 15, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

JEFFERSON COUNTY ECONOMIC DEVELOPMENT COMMISSION. A lengthy report regarding the activities of the JCEDC was presented.

INTEREST RATE REPORT FOR \$2,700,000 BORROWING. Finance Director Saubert presented information on quotes received from local financial institutions in conjunction with the George Street borrowing. Saubert indicated that he had obtained quotes from area banks. It was moved by Binnie and seconded by Goettl to proceed with the borrowing process. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

AGREEMENT WITH BAKER TILLY FOR PURPOSE OF IDENTIFYING A JOINT-VENTURE PARTNER FOR CONSTRUCTION OF A HIGH STRENGTH WASTE STATION AT THE WASTEWATER TREATMENT PLANT. Discussion relating to entering into a contract with Baker Tilly to review the possibility of including a new high strength waste receiving station at the Wastewater Treatment plant occurred. Baker Tilly would locate a joint venture partner that would provide most or all of the funding to construct the station and revenue sharing for services provided by the utility. The \$10,000 non-refundable retainer and a success fee that would equal 10% of the construction cost of the station, but not less than \$40,000. A lengthy discussion ensued where numerous concerns were expressed, including concern about the limited experience Baker Tilly has with regard to this type of task. It was moved by Binnie and seconded by Grady to approve the proposal from Baker Tilly to locate a joint venture partner that will provide most or all the funding to construct the high strength receiving station. AYES; Wellnitz, Grady, Binnie, Kidd. NOES: Langnes, Goettl, Singer.

FIRE PROTECTION AGREEMENT. Approval of the agreement between the City and the Whitewater Fire Department was removed from the agenda, and will be brought to the Council at a later date.

CURB CUT CHANGE AT ELIZABETH AND MAIN STREET INTERSECTION. Due to the planned development of an Advance Auto Parts business across from the Elizabeth and Main Street intersection, a new curb cut will be required. It was noted that a change would improve the intersection, especially in light of the high traffic levels at that location. It was moved by Kidd and seconded by Binnie to approve the request for a curb cut change at Elizabeth and Main. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

CONTRACT WITH MIDWEST AQUATICS. It was moved by Goettl and seconded by Langnes to approve a contract with Midwest Aquatics for completion of mechanical Lake harvesting. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

FEASIBILITY STUDY ON DREDGING OF CRAVATH AND TRIPPE LAKES. It was moved by Goettl and seconded by Kidd to authorize city staff to move forward with a dredging feasibility study. (Relocation of funds from original Capital Improvement Plan (\$125,000) to and eliminate \$6,900 bid ready plans). AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

PURCHASE OF BRUSH CHIPPER. It was moved by Binnie and seconded by Goettl to approve the purchase of the demo chipper from Vermeer Wisconsin for a price of \$53,147.40 (includes trade in of existing unit, with trade in value of \$6,700). AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS: None.

ADJOURNMENT. It was moved by Kidd and seconded by Goettl to adjourn the meeting. The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Michele R. Smith, Clerk