

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

May 16, 2017

The regular meeting was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: McCormick, Langnes, Binnie, Singer, Allen. MEMBERS ABSENT: Grady, Goettl.

It was moved by Binnie and seconded by Langnes to acknowledge receipt and filing of the Financial Reports for April, 2017 and the Parks and Recreation Board Minutes of 3/15/17. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Goettl, Grady.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Langnes to approve payment of city invoices in the total sum of \$84,836.89. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Goettl, Grady

CITY MANAGER UPDATE AND STAFF REPORTS. City Manager Clapper gave his bi-weekly update on City happenings. PR and Communications Manager Mickelson gave an update on her activities since beginning the newly-created PR and Communications position in January. Downtown Whitewater Director Courtney Nelson announced the public art installations at the intersection of Wisconsin and E. Main Streets on May 25.

CITIZEN COMMENTS: Greater Whitewater Committee Chairperson Jeff Knight invited everyone to the Highway 12 Transportation Forum at Gateway Technical College on May 19, hosted by the Red Line Coalition, organized to promote continuation of the Environmental Impact Statement relating to Highway 12 expansion.

RESOLUTION ADOPTING CITIZEN PARTICIPATION PLAN. The City had previously adopted a Citizen Participation Plan, but it is in need of updating to comply with requirements of the Franklin / Ann Street reconstruction grant application. No citizens spoke with regard to the update of the Participation Plan.

Resolution to Adopt a Citizen Participation Plan

WHEREAS, the City of Whitewater has applied for
(County, City, Village, or Town) *(UGLG/Unit of General Local*
Government's Name)

a Community Development Block Grant (CDBG); and

WHEREAS, the State of Wisconsin Department of Administration (DOA) and the U.S. Department of Housing and Urban Development (HUD) require recipients of Community Development Block Grant (CDBG) monies to have in place a Citizen Participation Plan; and

WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by

persons of low to moderate income), provide citizens reasonable and timely access to local meetings and information, provide for technical assistance, provide for public hearings, provide for complaint procedures, and accommodate non-English speaking residents; and

WHEREAS, the City of Whitewater has prepared
(County, City, Village, or Town) (UGLG/Unit of General Local Government's Name)

and publicly reviewed a Citizen Participation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council
(City Council, County Board, Village Board, Town Board)

of the City of Whitewater officially
(County, City, Village, or Town) (UGLG/Unit of General Local Government's Name)

adopts the Citizen Participation Plan.

ADOPTED on this 16th day of May, 2017. ATTEST:
(Day) (Month) (Year)

The governing body of City of Whitewater Common Council has authorized the above resolution
(UGLG/Unit of General Local Government's Name)

by Resolution No.: n/a, dated May 16, 2017.
(Resolution Number) (Date Authorized)

Patrick Singer

Signature of the Chief Elected Official Council President 5/16/17
Date Signed Title

Patrick J. Singer
Typed Name of the Chief Elected Official

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Grady, Goettl.

RESOLUTION ADOPTING POLICY TO PROHIBIT USE OF EXCESSIVE FORCE AND BARRING OF ENTRANCES / EXITS FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.

The Whitewater Police Department does have a Departmental policy addressing these issues, but the Franklin / Ann Street grant requirements request that the City have a Resolution adopting the prohibition. Police Department has reviewed the Resolution and agrees that their policy does coincide with the Resolution proposed. No citizens spoke regarding the adoption of the Resolution.

Resolution to Adopt the Policy to
Prohibit the Use of Excessive Force and the Barring of Entrances/Exits
for Non-Violent Civil Rights Demonstrations

**A RESOLUTION OF THE CITY OF WHITEWATER OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

**POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE AND THE BARRING OF
ENTRANCES/EXITS FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS**

WHEREAS Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS it is in the interest of the CITY OF WHITEWATER to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WHITEWATER;

It is POLICY of the CITY OF WHITEWATER to prohibit the use of excessive force by law enforcement agencies within the CITY OF WHITEWATER'S jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

It is POLICY of the CITY OF WHITEWATER to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the CITY OF WHITEWATER'S jurisdiction.

The officials and employees of the CITY OF WHITEWATER shall assist in the orderly prevention of all excessive force within the CITY OF WHITEWATER by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.

The COMMON COUNCIL OF THE CITY OF WHITEWATER directs the WHITEWATER, WISCONSIN POLICE DEPARTMENT AND POLICE CHIEF to implement this Resolution by amending applicable CITY OF WHITEWATER POLICE DEPARTMENT procedures.

Resolution introduced by Councilmember Allen. Seconded by Councilmember Binnie. Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: McCormick, Langnes, Binnie, Singer Allen. NOES: None. ABSENT: Grady, Goettl.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WHITEWATER.

Patrick J. Singer, Chief Elected Official

Michele R. Smith, City Clerk

RESOLUTION ADOPTING A FAIR HOUSING ORDINANCE. Also required by the Franklin / Ann Street grant application is an up-to-date Resolution adopting a Fair Housing Ordinance. No citizen comments were received relating to the Resolution.

Resolution to Adopt a Fair Housing Ordinance

AN ORDINANCE TO CREATE SECTION TBD OF THE MUNICIPAL CODE
OF THE CITY OF WHITEWATER
ADOPTING WISCONSIN STATUTES, SECTION 106.50, AS AMENDED,
RELATING TO THE EQUAL RIGHTS OF ALL PERSONS TO FAIR HOUSING, AND
PROVIDING MEANS FOR THE IMPLEMENTATION AND ENFORCEMENT THEREOF.

THE CITY OF WHITEWATER DOES ORDAIN AS FOLLOWS:

Section TBD is created to read as follows:

FAIR AND OPEN HOUSING

WHEREAS, the Common Council of the City of Whitewater recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT:

- 1) The Common Council of the City of Whitewater hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- 2) The officials and employees of the City of Whitewater shall assist in the orderly prevention and removal of all discrimination in housing within the City of Whitewater by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- 3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Whitewater to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Resolution introduced by Councilmember Allen. Seconded by Councilmember Binnie. Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: McCormick, Langnes, Binnie, Singer Allen. NOES: None. ABSENT: Grady, Goettl.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WHITEWATER.

Patrick J. Singer, Chief Elected Official

Michele R. Smith, City Clerk

ANNEXATION OF REAL ESTATE OWNED BY KIENBAUM FAMILY, LOCATED ON WEST SIDE OF NORTH TRATT STREET (RYAN HUGHES, PETITIONER). Plan Commission has reviewed the annexation petition filed by Ryan Hughes on behalf of the Kienbaum family. The approximately 10.6 acre parcel to be annexed is partially in the Town of Cold Spring and partially in the Town of Whitewater. The area is located within the City's Sanitary Sewer Service area and the Comprehensive Plan Future Land Use map shows this area as future neighborhood and higher density residential. The temporary zoning classification assigned to the property is R-3, Multi-Family residence.

**FIRST READING AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF WHITEWATER, WISCONSIN (JEFFERSON COUNTY)**

The Common Council of the City of Whitewater, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 4th day of April, 2017, signed by the owners of the land in area in the territory (there are no electors in the territory), the following described territory in the Town of Cold Spring, Jefferson County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

See attached Exhibit A which is incorporated herein.

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Whitewater.

SECTION 3. The territory annexed to the City of Whitewater by this ordinance is temporarily zoned as follows, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes:

R-3 Multi-Family Residence District

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Council not later than May 15, 2018.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward (to be determined) of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to the Town of Cold Spring, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2016.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Binnie, who moved its adoption.

Seconded by Council Member McCormick. AYES: McCormick, Langnes, Binnie, Singer. NOES: Allen. ABSENT: Goettl, Grady. FIRST READING APPROVED: May 16, 2017.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF WHITEWATER, WISCONSIN (WALWORTH COUNTY)**

The Common Council of the City of Whitewater, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 4th day of April, 2017, signed by the owners of the land in area in the territory (there are no electors in the territory), the

following described territory in the Town of Whitewater, Walworth County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

See attached Exhibit A which is incorporated herein.

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Whitewater.

SECTION 3. The territory annexed to the City of Whitewater by this ordinance is temporarily zoned as follows, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes:

R-3 Multi-Family Residence District

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Council not later than May 15, 2018.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward [to be determined] of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to the Town of Whitewater, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2016.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Binnie, who moved its adoption.

Seconded by Council Member McCormick. AYES: McCormick, Langnes, Binnie, Singer. NOES: Allen. ABSENT: Goettl, Grady. FIRST READING APPROVED: May 16, 2017.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF CHAPTER 11.16.150, STREET INDEX OF PARKING RESTRICTIONS. It was noted that if parking locations shift and negatively affect the neighborhood, Council will revisit the ordinance.

**ORDINANCE NO. 1937A
SECOND READING OF AN ORDINANCE AMENDING CHAPTER 11.16 PARKING
LIMITATIONS**

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 is amended by deleting from Section 11.16.150 the parking restrictions set forth below:

S	Prince St.	East side; from the north curbline of W. Peck, north to a point 250 feet north	11.22.015	No stopping, standing or parking from 7:30 am to 4:30 pm except Saturday, Sunday and holidays
S	Prince St.	West side; from S curbline of Highland Street thence south 285 feet	11.16.031	Fifteen minute parking
S	Prince St.	West side; from the north curbline of W. Peck extended, north to a point 70 feet north	11.16.080	No parking

SECTION 2. Whitewater Municipal Code Chapter 11.16 is hereby amended by adding to Section 11.16.150, the No Stopping, Standing or Parking areas set forth below:

S	Prince St.	Both sides; from W. Highland Street, thence south to the south curb line of W. Peck Street	11.22.010	No stopping, standing or parking 7:00 a.m. to 4:30 p.m. during scheduled school days
S	Prince St.	Both sides; from the south curb line of W. Peck Street thence south 300 feet	11.22.010	No stopping, standing or parking 7:00 a.m. to 4:30 p.m. during scheduled school days
W	Peck St.	Both sides; from S. Prince Street, to the east curb line of Greenhouse Lane	11.22.010	No stopping, standing or parking 7:00 a.m. to 4:30 p.m. during scheduled school days

Ordinance introduced by Councilmember Allen. Seconded by Binnie.. AYES: McCormick, Binnie, Singer, Allen. NOES: Langnes. ABSENT: Grady, Goettl. ADOPTED: May 16, 2017.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

PRINCE STREET DRIVEWAY OPENING CURB CUT REQUIREMENT AMENDMENT FOR WHITEWATER UNIFIED SCHOOL DISTRICT. The School District has asked for permission to construct a 36' driveway at their Lincoln School site on Prince Street. (The code currently limits the opening width to 35'). It was moved by Binnie and seconded by Langnes to approve the School District's request to increase the driveway opening by one foot more than Section 12.16.030 of the municipal code allows. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Goettl, Grady.

APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS. It was moved by Allen and seconded by Binnie to appoint the following citizens to the Boards and Commissions noted below: **BIRGE FOUNTAIN** – Jay Craggs; **BOARD OF ZONING APPEALS** – Bonnie Miller, reappoint Koller Stettler; **COMMUNITY DEVELOPMENT AUTHORITY** – Albert Stanek; **COMMUNITY INVOLVEMENT COMMISSION** – Lisa Dawsey Smith, James Stewart; **LANDMARKS COMMISSION** – Reappoint Pat Blackmer; **LIBRARY BOARD** – Reappoint Julie Caldwell and reappoint Richard Helmick; **PARKS AND RECREATION BOARD** – Appoint Ken Kidd to regular position, appoint Jaime Weigel to alternate position; **PLAN COMMISSION** reappoint Kristine Zaballos; **POLICE AND FIRE COMMISSION** – Beverly Stone; **URBAN FORESTRY COMMISSION** – Reappoint Anne Zarinnia. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Goettl, Grady.

POLCO CIVIC ENGAGEMENT PLATFORM POLICY. The Council President and city staff have been working closely to develop guidelines for the use of POLCO's civic engagement platform. The City entered into an agreement with POLCO for use of their online platform in 2016. In addition, no official rollout of POLCO's system has been completed, and staff would like to finalize plans and execute the rollout as soon as possible. It was moved by Langnes and seconded by Singer to approve the City of Whitewater POLCO usage policy as presented. AYES: McCormick, Langnes, Binnie, Singer, Allen. NOES: None. ABSENT: Goettl, Grady.

REQUEST FOR FUTURE AGENDA ITEMS. Councilmember Allen noted that the Plan Commission had requested a joint meeting between the City, Plan Commission, and CDA, and they had indicated they were hoping to hold this meeting at the same time as the joint meeting being planned to allow local business owners to speak before the Council/Committees. Allen prefers that these be separate meetings, and the possibility of TIF funding be discussed. Councilmember Langnes announced that he will be resigning from Council effective May 23. He is graduating from UWW and will be leaving the City.

EXECUTIVE SESSION. City Manager Clapper informed the Council that he did not have any new information to relay regarding the proposed closed session discussion (potential lawsuit regarding 2016 parking lot resurfacing) and the subsequent reconvene into open session. It was agreed that the Council would not enter into closed session.

ADJOURNMENT. It was moved by Binnie and seconded by Allen to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Michele R. Smith, Clerk