

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

August 15, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by President Jim Allen.

**MEMBERS PRESENT:**

Councilmember Neil Hicks  
Councilmember David Stone  
Councilmember Jim Allen  
Councilmember Lisa Dawsey Smith  
Councilmember Brienne Brown  
Councilmember Jill Gerber  
City Attorney Jonathan McDonell  
City Manager John Weidl  
Public Works Director Brad Marquardt  
City Clerk Karri Anderberg

**MEMBERS ABSENT:**

Councilmember Lukas Schreiber

**SWEARING-IN**

Swearing-in of Finance & Administrative Services Director Rachelle Blitch - Clerk Anderberg swore in new Finance and Administrative Services Director Rachelle Blitch. HR Director Sara Marquardt gave a little background information on Finance Director Blitch.

**CONSENT AGENDA:**

It was moved by Councilmember Gerber and seconded by Councilmember Hicks to Acknowledgement of Receipt and Filing of: Landmarks Committee Minutes from July 06, 2023, Common Council Minutes from July 18, 2023, and Public Works Committee Minutes from July 11, 2023. July 2023 Combined Financial Statement, Request for authorization to waive the 72-hour notice required by the City of Whitewater Transparency Ordinance to consider Discussion and possible action regarding retaining an attorney to represent Common Council on personnel matters and Discussion and possible action regarding the motion to reconsider Tripp and Cravath Lake dredging services bid: Councilmember Hicks, Councilmember Gerber, Councilmember Brown, Councilmember Stone, Council President Allen. NOES: Councilmember Dawsey Smith, ABSENT: Councilmember Schreiber. Motion passed.

## **CITY MANAGER REPORT**

City Manager Weidl gave his bi-monthly update of City events and accomplishments, including reports from the following departments: Public Works, IT, Neighborhood Services, Library, Parks and Recreation, Police, and Human Resources.

## **STAFF REPORTS:**

### **Presentation on a housing study by Tracy Cross and Associates - Neighborhood Services-**

Eric Doersching with Tracy Cross and Associates and Eric Fowle from Cedar Corp presented the new housing study that was funded by a grant. Councilmembers asked questions about the study.

### **Business and marketing plan for Whitewater Aquatic and Fitness Center- Aquatic Center**

Lorelei Bowen – Aquatic Center Manager and Kristina Koslasky from Kreative Solutions presented the new business and marketing plan for the aquatic center. Councilmembers asked questions.

Jeff Knight – Thanked WAFC staff for all the hard work on the marking plan and he stated that the plan looked great.

### **TV Station update**

IT Director Tim Neubeck on behalf of the media services department gave an update on the TV station. IT Director Neubeck stated that the TV station is up and running and the media services department is working on getting a TV lineup on social media.

### **Special Olympics Update**

City Manager Weidl gave an update on the Special Olympics and how the event went. Councilmembers asked questions.

## **HEARING OF CITIZEN COMMENTS:**

Jane Hoskey of Clay Street– Would like to voice her concerns about the cleanliness of the WAFC. Ms. Hoskey stated there are rusty and broken tiles that she would like to see cleaned up.

## **RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING**

Public Works Director Brad Marquardt gave a summary of the resolution. Moved by Councilmember Dawsey Smith to approve. Seconded by Councilmember Brown. AYES: Councilmember Dawsey, Councilmember Smith, Councilmember Hicks, Councilmember Gerber, Councilmember Brown,

Councilmember Stone, and Council President Allen. NOES: None. ABSENT: Councilmember Schreiber Motion passed.  
See the resolution attached.

### **First Reading**

#### **Ordinance 2062 an ordinance amending changes to portions of the zoning code dealing with code enforcement, building standards, and penalties.**

Alice Schwark from Municipal Code Enforcement summarized the ordinance and councilmembers asked questions and suggested changes. Moved by Councilmember Allen seconded by Councilmember Gerber to approve Ordinance 2061 with changing letter G Services to change it to both mail and fix it to the door. Under letter J change it to 5 business days. And adding a line if someone needs to request the letter in Spanish to email or call Neighborhood Services.

AYES: Councilmember Dawsey Smith, Councilmember Hicks, Councilmember Gerber, Councilmember Brown, Councilmember Stone, Council President Allen. NOES: None. ABSENT: Councilmember Schreiber. Motion passed.

Councilmember Hicks amended the motion amended letter D number 16 subsection 4 to 48 hours parking instead of 24 Seconded by Council Member Dawsey Smith

AYES: Councilmember Dawsey Smith, Councilmember Hicks, Councilmember Brown, Councilmember Stone. NOES: Council President Allen, Councilmember Gerber. ABESENT: Councilmember Schreiber. Motion passed.

See the ordinance attached.

#### **Ordinance 2063 Ordinance amending Chapter 11.16.15, adding No Stopping, Standing or Parking on the east side of Elizabeth Street at Court Street and Laurel Street.**

Public Works Director Brad Marquardt gave a summary of the Ordinance. Director Marquardt stated the school is in favor of the ordinance. Council President Allen stated that the School district wants the kids to get picked up on the side streets. Moved by Councilmember Gerber to approve. Seconded by Councilmember Allen. AYES: Dawsey-Smith, Gerber, Stone, Allen. NOES: Brown, Hicks ABSENT: Schreiber Motion passed.

Moved by Councilmember Gerber to waive the second hearing Seconded by Councilmember Allen. AYES: Councilmember Gerber, Councilmember Stone, Council President Allen. NOES: Councilmember Brown, Councilmember Hicks, Councilmember Dawsey Smith ABSENT: Councilmember Schreiber. Motion Failed.

See the ordinance attached.

#### **Ordinance 2064 Ordinance amending Chapter 11.16.15, Parking restrictions on 2<sup>nd</sup> Street between Whitewater Street and North Street**

Public Works Director Brad Marquardt gave a summary of the Ordinance.

Moved by Councilmember Dawsey Smith to approve. Seconded by Councilmember Brown.

AYES: Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Stone, Council President Allen, Councilmember Brown, Councilmember Hicks. NOES: NONE: ABSENT: Councilmember Schreiber Motion passed.

See the ordinance attached.

## **SECOND READING**

### **Ordinance 2061 an ordinance amending Chapter 2.28 Police and Fire Commission**

Moved by Councilmember Dawsey Smith to approve Ordinance 2061, seconded by Councilmember Hicks. AYES: Councilmember Dawsey Smith, Gerber, Stone, Allen, Brown, Hicks. NOES None ABSENT: Councilmember Schreiber. Motion passed.

See the ordinance attached.

## **CONSIDERATIONS:**

### **Discussion and possible action regarding the Twin Oaks mobile home permit**

Neighborhood Services Director Chris Bennett gave an update on the code enforcement issues that are holding up the annual permit. Councilmembers asked questions No action was taken at the meeting.

### **Discussion and possible action regarding FirstNet cell phone provider**

Chief Meyer and IT Director Tim Neubeck gave the background on the request. Chief Meyer stated that this will help in emergencies to have city cell phones be a priority. Brandon Harris from First Net presented the contract and answered questions

Motion made by Council President Allen Councilmember Dawsey Smith Seconded to approve FirstNet as the City of Whitewater cell phone provider.

AYES: Councilmember Dawsey Smith, Councilmember Hicks, Councilmember Gerber, Councilmember Brown, Councilmember Stone, Council President Allen NOES: none ABSENT: Councilmember Schreiber.

Motion passed.

### **Discussion and possible action to Award Northside Water Main Extension Project Contract 3-2023 to Wondra Construction Inc. of Iron Bridge, WI**

Brad Marquardt Director of Public Works summarized the bids.

Councilmember Dawsey Smith by Councilmember Hicks to award to one draft. AYES: Councilmember Gerber, Councilmember Brown, Councilmember Dawsey Smith, Council President

Allen, Councilmember Stone, Councilmember Hicks. NOES: None ABSENT: Councilmember Schreiber. Motion passed.

**Discussion and possible action regarding Disposal of City-owned property through online auction.**

Public Works Director Marquardt summarized the request.

Councilmember Dawsey Smith made a motion to approve the disposal of City-owned property through online auction. Seconded by Councilmember Brown.

AYES: Councilmember Dawsey Smith, Councilmember Hicks, Councilmember Gerber, Councilmember Brown, Councilmember Stone, Council President Allen. NOES: None.

ABESENT: Councilmember Schreiber. Motion passed.

**Discussion of the current exit interview process including adjustments or improvements made recently**

City Manager and HR Director Sara Marquardt went over the current policy for exit interviews. Councilmembers asked questions. Councilmember Gerber asked for a formal policy to be brought back in front of the council.

**Discussion and possible action regarding a comparison study of salary, wages, and benefits for the City of Whitewater versus comparable cities.**

HR Director Sara Marquardt and Accountant Jeremiah Thomas went over the documents and numbers that were a part of the packet Councilmembers asked questions. Council members would like to see local cities in the study and cities that have less than 14,000 population and also have hourly employees along with Department Directors in the study. Discussion item only.

**Discussion of the current goals, objectives, and management plan for the City Manager:**

HR Director Sara Marquardt asked for feedback on the direction that the council is looking for. Council member Hicks asked for City Manager to give an update on the management plan. City Manager Weidl stated he would provide an update for the first meeting in September. Discussion item only.

**Discussion of Competencies Categories for City Manager Evaluation**

HR Director Sara Marquardt provided samples and asked for feedback from the City Council. Councilmember Gerber would like to see feedback from the citizens after an event where the City Manager speaks or presents. Would like to see a staff survey on the City Manager from first-line workers. Discussion item only.

**Discussion and possible action regarding annual training pertaining to elected officials on open meetings, open records, and common council operations.**

Councilmember Dawsey Smith would like to see annual training for elected officials.

Motion made by Councilmember Dawsey-Smith to direct staff to draft a council policy regarding annual training Seconded by Councilmember Brown.

AYES: Councilmember Dawsey Smith, Councilmember Brown, NOES: Councilmember Hicks, Councilmember Gerber, Council President Allen, Councilmember Stone ABSENT: Schreiber. None. Motion Failed.

**Discussion and possible action regarding the motion to reconsider the Tripp and Cravath Lake dredging services bid**

Council President Allen asked for the item to be put back on the agenda for reconsideration. Council President Allen explained why he does not feel we should be putting another \$80,000.00 in the lakes that the city is not happy with.

The motion was made by Council President Allen and Seconded by Stone to reconsider the motion to award the bid for Tripp and Cravath Lake.

AYES: Council President Allen, Councilmember Gerber, Councilmember Stone NOES: Councilmember Hicks, Councilmember Gerber, Councilmember Dawsey Smith, Councilmember Brown ABSENT: Councilmember Schreiber. Motion Failed.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.**

Allen - Discuss hiring a temporary, hourly, assistant to the city manager on the next agenda

Discuss agenda item request policy on the next agenda

Hicks- Discuss Cravath Lake Park landscaping/flower bed maintenance. Update on plans and costs for downtown flower baskets for the next budget cycle is working with Brad.

Dawsey Smith – Training for Elected officials in April/May 2024

**Discussion and possible action regarding retaining an attorney to represent the Common Council on personnel matters**

Council member Stone made a motion to authorize the council to retain a separate attorney for common council use about personnel matters or employees of that Council President Allen seconded Councilmembers discussed getting quotes for an attorney. HR Director Marquardt read the procurement policy to the council. Council President Alan stated he talked to the League and stated that this would be their best route to go for personal matters issues on employees hired by the council. Council member Brown asked why this was needed and stated that no one was explaining the reasoning and that she was concerned that open meeting act violations were going on. Dawsey-Smith stated this is not something the council wants as a whole and asked President Allen to stop using the word “we”.

AYES: Councilmember Stone, Councilmember Gerber. NOES: Councilmember Hicks, Council President Allen, Councilmember Dawsey Smith, Councilmember Brown ABSENT: Councilmember Schreiber. Motion Failed.

## **CLOSED SESSION.**

Council President Allen Moved to go into closed session seconded by Hicks.

AYES: Councilmember Hicks, Councilmember Stone, Council President Allen, Councilmember Dawsey Smith, Councilmember Brown, Councilmember Gerber. NOES: None. ABSENT: Councilmember Schreiber. Motion passed.

CLOSED SESSION. Adjourn to closed session, to **reconvene in open session**, pursuant to Chapter 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." **Items to be discussed:** 1) Negotiation of Aquatic and Fitness Center Agreement with School District, Chapter 19.85(1)(c) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. **Items to be discussed:** 1) Discussion regarding the performance evaluation of the City Manager

The council went into closed session at 9:35 pm

The council came back into open session at 10:48 pm

Councilmember Dawsey Smith Moved to come back into open session seconded by Councilmember Brown.

AYES: Councilmember Hicks, Councilmember Stone, Councilmember Allen, Councilmember Dawsey Smith, Councilmember Brown, Councilmember Gerber. NOES: None. ABSENT: Councilmember Schreiber. Motion passed.

## **Discussion and possible action regarding the performance evaluation of the City Manager.**

No action was taken

## **Adjournment**

Motion made by Councilmember Brown seconded by Councilmember Hicks to adjourn.

AYES: Councilmember Hicks, Councilmember Dawsey Smith, Councilmember Brown, Councilmember Stone, Councilmember Gerber

NOES: None Absent: Councilmember Schreiber, Council President Allen. Motion passed.

The meeting adjourned at 10:49 pm

Respectfully submitted,

Karri Anderberg, City Clerk

# RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

**WHEREAS**, the City of Whitewater, Walworth and Jefferson County, Wisconsin (the "Municipality") plans to undertake the replacement of the Vanderlip Pumping Station and Force Main, Project Number 4558-09 (the "Project"); and

**WHEREAS**, the Municipality expects to finance the Project on a long-term basis by issuing tax-exempt bonds or promissory notes (the "Bonds"); and

**WHEREAS**, because the Bonds will not be issued prior to January 1, 2024, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

**WHEREAS**, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Whitewater that

1. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.
2. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$4,658,361.00.
3. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.
4. This resolution shall be made available for public inspection at the City Clerk's office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

**BE IT FURTHER RESOLVED** this resolution shall be effective upon its adoption and approval.

Resolution introduced by Councilmember Dawsey -Smith who moved its adoption. Seconded by Brown  
AYES: Allen, Brown, Dawsey-Smith, Gerber, Hicks, Stone NOES: ABSENT: Schreiber ADOPTED:  
August 15, 2023

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John Weidl, City Manager

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Karri Anderberg, City Clerk



ORIDINANCE NO. 2062  
AN ORDINANCE CREATING TITLE 20 PROPERTY MAINTENANCE

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

SECTION 1. Whitewater Municipal Code Title 20 is hereby created to read as follows:

**A. INTENT, PURPOSES.**

- (1) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (2) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the City as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the City.

**B. APPLICABILITY.**

- (1) **General.** The provisions of this Chapter shall apply to all properties and buildings within the City and its jurisdiction.

**C. GENERAL MAINTENANCE REQUIRED; DEFINITION.**

- (1) The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse.
- (2) “Debris and refuse” shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which

constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the City in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor.

- (3) The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable City ordinance including but not limited to fire, building and zoning code requirements and restrictions.

#### **D. SPECIFIC MAINTENANCE REQUIRED.**

##### **(1) Exterior Walls and Foundations.**

- (a) Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (b) Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (c) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

- (2) **Paint and Other Preservatives.** Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

##### **(3) Doors, Windows and Basement Hatchways.**

- (a) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.

- (b) Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.
  - (c) **Insect screens.** During the period from April to October, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly fitting screens.
    - i. Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.
  - (d) **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (4) **Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios.** Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.
- (a) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (5) **Roofs and Drainage.**
- (a) All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.
  - (b) All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible and shall not cause nuisance water to flow onto neighboring properties.
- (6) **Fence and Retaining Wall Requirements.**
- (a) All fences shall be properly maintained and kept in a good and sound state of repair.
  - (b) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage

of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

- (7) **Exterior Property Areas.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.
- (8) **Grading and Drainage of lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (9) **Landscaping.** All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
  - (a) Landscaping material. No person shall accumulate, allow to accumulate or store landscaping material in an unused state and open to the public view for a period exceeding ten days.
- (10) **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (11) **Overhand extensions.** Overhand extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (12) **Accessory structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- (13) **Motor Vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles, or motor vehicle parts shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

- (a) **Exception.** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (14) **Residential yard parking regulations.** The parking of any vehicle upon a residential lot shall be in compliance with the following standards:
  - (a) The parking of any vehicle within the front yard or (street) side yard shall be on an improved surface driveway or parking pad. Improved surface shall mean a surface of concrete, asphalt, or other material other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water. The remainder of the required front yard setback, and the streetside yard setback on any corner lot, shall not be considered a part of the permitted parking area and shall be landscaped.
  - (b) No parking pad shall be allowed in the minimum front yard setback or minimum street side yard setback established for the district except that one additional parking pad up to ten feet wide may be added directly abutting a single-width or double-width driveway leading to an approved parking area, provided the parking pad shall not be located in front of a home.
  - (c) Parking is prohibited within a driveway right-of-way.
- (15) **Pools, Spas and Hot Tubs.**
  - (a) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
  - (b) **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.
    - i. **Exception.** If a hot tub is outfitted with a securely locking, tightly fitted cover, the hot tub will not require an enclosure.
- (16) **Storage and parking of recreational vehicles and trailers.** In all residential and commercial districts provided for in the zoning chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:
  - (a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.

- (b) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line.
- (c) Parking is permitted outside on a hard-surfaced or well-graveled driveway.
- (d) No part of the unit may extend over the public sidewalk or public right-of-way.
- (e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding 48 hours.
- (f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
  - a. Used for dwelling or cooking purposes.
  - b. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (g) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (h) The unit shall be owned by the resident on whose property the unit is parked for storage.
- (i) The number of units on any property within City jurisdiction shall not exceed two (2).

#### **E. ACCESS TO PROPERTY.**

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

#### **F. ENFORCEMENT.**

##### **(1) Enforcement.**

- (a) **Order to correct conditions.** Whenever the City, through its agents or employees shall, upon inspection of the premises within the City, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.
- (b) Contents of the order shall include:
  - i. A description of the premises and the violation of the Chapter;

- ii. A statement of the correction necessary to bring the property into compliance;
- iii. A statement specifying the time within which the owner and occupant shall comply with the order; and
- iv. A statement of the penalty section of the ordinance for noncompliance.
- v. A statement specifying accessibility needs, and request for language translation.

#### **G. SERVICE.**

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises and by regular mail to the owner and occupant of the premises.

#### **H. FAILURE TO COMPLY; DECLARATION OF PUBLIC NUISANCE.**

##### **(1) Failure to comply.**

- (a) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code found in Section 1.20 of the City's Code of Ordinances. A citation may be issued pursuant to Sec. 1.20 of the City's Code or Ordinances.
- (b) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the City may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.
- (c) **Injunctive Relief.** In addition to other applicable enforcement procedures the City shall have the right to abate any violation of this Chapter by an action for injunctive relief in Walworth or Jefferson County Circuit Court.

##### **(2) Abatement**

- (a) Enforcement. The chief of police, the chief of the fire department, the building inspector, neighborhood services officer, or other designee shall enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.
  - (b) Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the president may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
  - (c) Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (b) of this section.
  - (d) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.
  - (e) Court order. Except when necessary under subsection (b) of this section, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (3) **Cost of abatement.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## **I. REINSPECTION FEES**

The following fees shall be imposed for the administration of this Chapter.

- (1) First re-inspection fee of \$75.00 per property upon verification of continued violation by City Building Inspector, Neighborhood Services Officer, Code Enforcement Officer or designee.



- (2) For a second reinspection, a fee of \$200.00
- (3) For a third reinspection a fee of \$400.00, and for each subsequent reinspection for the same condition.

If a property owner fails to pay such fees after billing, the City may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.

## **J. APPEAL**

Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Common Council. Requests for such hearing will be filed with the Clerk no later than 5 business days from the date of the final notice of the order.

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_

AYES:  
NOES:  
ABSENT:  
ADOPTED:

\_\_\_\_\_  
John Weidl, City Manager

\_\_\_\_\_  
Karri Anderberg, City Clerk

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE AMENDING SUBSECTION 11.16.150  
STREET INDEX OF PARKING RESTRICTIONS

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 hereby amended by deleting from Subsection 11.16.150 the parking restrictions set forth below:

<u>S</u>	<u>Elizabeth</u> <u>St</u>	<u>East side, along entire frontage of</u> <u>401 S Elizabeth (Middle School)</u>	<u>11.16.080</u>	<u>No Parking</u>
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SECTION 2. Whitewater Municipal Code Chapter 11.16 is hereby amended by adding to Subsection 11.16.150, the parking restrictions set forth below:

<u>S</u>	<u>Elizabeth</u> <u>St</u>	<u>East side, along entire frontage of</u> <u>401 S Elizabeth (Middle School)</u>	<u>11.22.010</u>	<u>No Stopping, Standing or</u> <u>Parking</u>
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<u>S</u>	<u>Elizabeth</u> <u>St</u>	<u>East side, from the south</u> <u>property line of 401 S</u> <u>Elizabeth (Middle School)</u> <u>south to Walworth Avenue</u>	<u>11.22.010</u>	<u>No Stopping, Standing</u> <u>or Parking</u>
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Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ADOPTED:

\_\_\_\_\_  
John Weidl, City Manager

\_\_\_\_\_  
Karri Anderberg, City Clerk

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE AMENDING SUBSECTION 11.16.150  
STREET INDEX OF PARKING RESTRICTIONS

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	Second (2 <sup>nd</sup> ) St	Both sides; from Main St (Old Hwy 12), to W Whitewater St	11.16.070	Four-hour parking
S	Second (2 <sup>nd</sup> ) St	West side; from the south curblane of Whitewater St north for 120 feet	11.16.145	Permit parking area
N	Second (2 <sup>nd</sup> ) St	Both sides; from Main St (Old Hwy 12), to W North St	11.16.075	Four-hour parking

SECTION 2. Whitewater Municipal Code Chapter 11.16 is hereby amended by adding to Section 11.16.150, the parking restrictions set forth below:

S	Second (2 <sup>nd</sup> ) St	Both sides; from Main St (Old Hwy 12), to W Whitewater St	11.16.070	Two-hour parking
N	Second (2 <sup>nd</sup> ) St	Both sides; from Main St (Old Hwy 12), to W North St	11.16.070	Two-hour parking
S	Second (2 <sup>nd</sup> ) St	West side; adjacent to 202 W. Whitewater St	11.16.145	Permit parking area
S	Second (2 <sup>nd</sup> ) St	West side; adjacent to 206 Second Street and 201 W. Center St	11.16.145	Permit parking area
S	Second (2 <sup>nd</sup> ) St	East side; adjacent to 162 W. Whitewater St	11.16.145	Permit parking area

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ADOPTED:

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John Weidl, City Manager

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Karri Anderberg, City Clerk

ORDINANCE No. 2061  
AN ORDINANCE AMENDING CHAPTER 2.28  
POLICE AND FIRE COMMISSION

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

SECTION 1. Whitewater Municipal Code Chapter 2.28 is hereby amended to read as follows:

**2.28.010 Created—Membership.**

There shall be created as hereinafter specified a police and fire commission consisting of five citizen members who shall have the power and perform the duties as specified in Wis. Stats. § 62.13.

**2.28.020 Appointment—Terms.**

The board of police and fire commissioners shall be appointed by the common council at the time specified by statute, one member to serve until the first day in May; and annually thereafter one commissioner who shall hold his/her office for five years and until his/her successor is appointed and qualified.

**2.28.030 State statutes applicable.**

The provisions of Wisconsin Statute 62.13, and all acts amendatory thereto so far as the same are applicable, are incorporated herein and shall be effective in the same manner as if set forth in full herein.

AYES: Allen, Brown, Dawsey-Smith, Gerber, Hicks, Stone

NOES:

ABSENT: Schreiber

ADOPTED:

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John Weidl, City Manager

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Karri Anderberg, City Clerk