

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

**April 16, 2019**

The organizational meeting of the Common Council was called to order at 6:30 p.m. by City Manager Clapper. **COUNCIL MEMBERS PRESENT:** Schulgit, Palmer, McCormick, Singer, Binnie, Allen, Brown. **ABSENT:** None **LEGAL COUNSEL PRESENT:** Wallace McDonell.

**SWEARING IN OF NEWLY-ELECTED COUNCILMEMBERS:** Newly-elected Councilmembers Carol McCormick, representing Aldermanic District 1; Brienne Diebolt-Brown, representing Aldermanic District 3; McKinley Palmer, representing Aldermanic District 5; and Patrick Singer, elected as Councilmember at Large, were sworn in by City Clerk Smith.

**ELECTION OF COUNCIL PRESIDENT:** Schulgit moved to nominate Patrick Singer to be reappointed as Council President. Nomination seconded by Binnie. No further nominations were received. **AYES:** McCormick, Schulgit, Brown, Binnie, Palmer, Allen. **NOES:** None. **ABSTAIN:** Singer. Schulgit nominated Lynn Binnie to serve as President Pro Tem. Nomination seconded by Allen. No further nominations were received. **AYES:** McCormick, Schulgit, Brown, Palmer, Allen, Singer, Allen. **NOES:** None. **ABSTAIN:** Binnie.

**APPOINTMENT OF COUNCIL REPRESENTATIVES TO BOARDS AND COMMISSIONS:** It was moved by Allen and seconded by Binnie to appoint the following councilmembers to serve as representatives to Boards and Commissions: **Alcohol Licensing Committee** –Carol McCormick, McKinley Palmer, and Jimmy Schulgit; **Birge Fountain Committee** –James Allen; **Board of Review-**; McKinley Palmer; **Community Development Authority** –Patrick Singer and Jim Allen; **Community Involvement Commission** – Brienne Brown; **Whitewater Fire Dept. Board** - Lynn Binnie; **Finance Committee** –Patrick Singer, Lynn Binnie, and McKinley Palmer; **Landmarks Commission** – Jimmy Schulgit; **Library Board** – Brienne Brown; **Parks & Recreation Board-** Carol McCormick; **Plan and Architectural Review Commission** – Lynn Binnie as regular member and Brienne Brown as alternate member; **Police and Fire Commission** - Jim Allen; **Technology Park Board** – Patrick Singer; **Public Works Committee** – Carol McCormick, Jimmy Shulgit, and McKinley Palmer; and **Finance Committee** - Patrick Singer, Lynn Binnie, and McKinley Palmer. **AYES:** McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. **NOES:** None. **ABSENT:** None.

It was moved by Binnie and seconded by Allen to acknowledge receipt and filing of the Financial Reports for March, 2019; the Public Works Committee Minutes of 3/12/19; and the Parks and Recreation Board minutes of 1/23/19 and 2/20/19. **AYES:** McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. **NOES:** None. **ABSENT:** None.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Allen to approve payment of city invoices in the total sum of \$114,418.47. **AYES:** McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. **NOES:** None. **ABSENT:** None.

**CITY MANAGER UPDATE:** Manager Clapper provided an explanation of the four resolutions that were approved to be sent to the Legislature in support of the initiatives in the Governor’s budget proposal.

**CITIZEN COMMENTS:** Landmarks chairperson Pat Blackmer, of 445 W. Center Street, reported that the Commission has completed their Historic District Lamp post project. She displayed the banners that were created to be hung on the posts, noting that the brick background was a photograph taken by David Saalsaa, depicting Bassett House bricks. Blackmer also invited the community to Heritage Day, which is scheduled for June 23<sup>rd</sup>.

**RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES.** The City is required to adopt authorized Depositories each year.

**RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES**

WHEREAS, it is deemed necessary and expedient to designate official depositories for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Whitewater that PremierBank, First Citizens State Bank, Associated Bank, American Deposit Management, LLC, be and the same hereby are, designated the official depositories for the City, as well as the State of Wisconsin – Local Government Investment Pool, and Fort Community Credit Union.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Allen. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION ADOPTING OFFICIAL NEWSPAPER.** Per Statute, the City is required to adopt an official newspaper each year.

**RESOLUTION ADOPTING OFFICIAL NEWSPAPER**

WHEREAS, it is deemed necessary and expedient to designate an official newspaper for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Wisconsin, Walworth and Jefferson Counties, that THE WHITEWATER REGISTER be, and the same hereby is, designated the official newspaper of said City.

Resolution introduced by Councilmember Binnie and seconded by Councilmember Allen, who moved its adoption. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION SUPPORTING WISCONSIN SHARED REVENUE FUNDING.**

**RESOLUTION STATING SUPPORT FOR SHARED REVENUE FUNDING INCREASE**

**WHEREAS**, for over ninety years the state shared revenue program has been a key component of Wisconsin's state and local relationship and an important part of the state's overall program of property tax relief; and

**WHEREAS**, over the last 18 years shared revenue funding for municipalities has been cut by \$94 million; and

**WHEREAS**, to create and maintain quality communities that attract businesses and families, municipalities must invest in services and infrastructure that people and businesses expect, like police protection, fire suppression, road maintenance, snowplowing, libraries and parks; and

**WHEREAS**, the state should reinvest a portion of its sales and income tax revenue growth in local communities to spur further economic growth and make Wisconsin communities places where people want to live and work; and

**WHEREAS**, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, a two percent (\$15 million) increase in shared revenue funding to take effect in 2020; and

**WHEREAS**, under the Governor's proposal each municipality would receive in 2020 a 2 percent increase over the amount it received in 2019;

Now, therefore, **BE IT RESOLVED**, that the City of Whitewater as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget retaining the 2% increase in shared revenue funding and directs the Clerk to send a copy of this resolution to the state legislators representing the City of Whitewater, to Governor Tony Evers and to the League of Wisconsin Municipalities.

Resolution introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Allen. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION SUPPORTING ABILITY TO INCREASE LEVY LIMITS.** The League of Wisconsin Municipalities has recommended adoption of a Resolution authorizing municipalities to raise levy limits be adopted and submitted to Governor Evers.

**RESOLUTION STATING SUPPORT FOR INCREASED LEVY LIMITS FLEXIBILITY.**

**WHEREAS**, since 2006 the state has limited the ability of municipalities to increase their property tax levies from one year to the next; and

**WHEREAS**, prior to 2011 the levy limit law allowed communities who were not experiencing growth to increase their levy a minimum amount roughly equal to the rate of inflation; and

**WHEREAS**, since 2011 the limits have been based exclusively on the community's percentage increase in property value caused by new construction; and

**WHEREAS**, the state's levy limit policy has created a dynamic in which fast growing cities and villages have the financial resources to invest in services and infrastructure that help them further increase their growth, while no-growth and slow-growth communities stagnate; and

**WHEREAS**, Wisconsin has the strictest levy restriction in the country; and

**WHEREAS**, between 2012 and 2018 only 62 of 600 cities and villages experienced new construction averaging at least 2% per year, and 186 experienced growth of less than .5% per year; and

**WHEREAS**, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, allowing municipalities to increase their annual levies over the prior year by the greater of the percentage change in equalized values due to net new construction or 2%; and

**WHEREAS**, The Governor also proposes eliminating the requirement that a municipality reduce its allowable levy by the amount of fee revenue it received in lieu of property taxes for providing a specified service (i.e., snow plowing, storm water management, fire protection, garbage collection, and street sweeping) that was funded with the property taxes in 2013.

Now, Therefore, **BE IT RESOLVED**, that the City of Whitewater, as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget retaining the levy limit law changes recommended by the Governor, including a 2% floor for levy limits, and directs the Clerk to send a copy of this resolution to the state legislators representing the City of Whitewater, to Governor Tony Evers and to the League of Wisconsin Municipalities.

Resolution introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Allen. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION RELATING TO STATE / LOCAL TRANSPORTATION AIDS.**

**RESOLUTION STATING SUPPORT FOR FIXING THE STATE'S TRANSPORTATION FUNDING SHORTFALL AND INCREASING LOCAL TRANSPORTATION AIDS**

**WHEREAS**, a safe, efficient, and well-maintained state and local transportation system, including transit, is critical to Wisconsin's economic prosperity and quality of life; and

**WHEREAS**, while the increase in transportation funding for local governments in the last state budget was certainly appreciated, general transportation aid (GTA) funding levels for cities and villages are not yet back to 2011 levels; and

**WHEREAS**; local governments, including the City of Whitewater continue to struggle to meet even the most basic maintenance needs for our transportation system; and

**WHEREAS**, states surrounding Wisconsin and across the country have stepped up with sustainable funding plans for their state and local roads; and

**WHEREAS**, Wisconsin will be at a competitive disadvantage if it does not implement a revenue and spending plan addressing both our Interstates that were built in the 1950's and 60's *and* our local and state roads and transit; and

**WHEREAS**, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, an 8-cent gas tax increase, restoration of annual gas tax indexing, various fee increases, and a reduction in borrowing as first steps toward addressing the long-term shortfall in the state's transportation fund; and

**WHEREAS**, The Governor's budget proposal also includes funding increases for the following local transportation aid programs:

- **General Transportation Aids.** The Governor recommends increasing general transportation aids by 10%, from \$348,639,300 to \$383,503,200 for 2020 and thereafter.
- **Transit Operation Aids.** The Governor recommends increasing general transit aids by 10 percent above 2019 program levels.
- **Transit Capital Assistance.** The Governor recommends creating a transit capital assistance program to aid in the replacement of buses and funding the program at \$10 million annually.
- **LRIP.** The Governor recommends increasing funding for entitlement and discretionary grants in the Local Roads Improvement Program (LRIP) by 2 percent in FY20 and 2 percent again in FY21.
- **Railroad Crossing and Repair Assistance.** The Governor recommends increasing funding for railroad crossing and repair to address a backlog of projects.

Now, Therefore, **BE IT RESOLVED**, that the City of Whitewater, as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget fixing the long-term shortfall in transportation funding by enacting an adequate, equitable, and sustainable transportation funding system; and retaining the funding increases to local transportation assistance programs proposed by Governor Evers.

**BE IT FURTHER RESOLVED** that the Clerk be directed to send a copy of this resolution to the state legislators representing the City of Whitewater, to Governor Tony Evers and to the League of Wisconsin Municipalities.

Resolution introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Allen. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION SUPPORTING CLOSURE OF DARK STORE TAX LOOPHOLES.**

**RESOLUTION STATING SUPPORT FOR CLOSING THE DARK STORE AND WALGREENS PROPERTY TAX LOOPHOLES AND STOPPING THE SHIFT**

**WHEREAS**, a growing number of big box and medium box retail properties are using property tax avoidance strategies known as the dark store and *Walgreens* loopholes to push their fair share of paying for the cost of critical local services on to homeowners and small businesses; and

**WHEREAS**, municipal officials across the state are deeply concerned about more of the property tax burden being shifted onto homeowners and small businesses; and

**WHEREAS**, homeowners should not and cannot bear more of the property tax burden than they already do, which is 68% of the total state levy; and

**WHEREAS**, the Wisconsin Supreme Court's 2008 *Walgreens* decision has resulted in properties leased to Walgreens and CVS stores that are selling on the open market for \$4 to \$8 million being assessed at \$1.9 to \$3.4 million; and

**WHEREAS**, courts and tax appeals commissions in other states have reached the opposite conclusion from the Wisconsin Supreme Court on how to value leased commercial properties, concluding instead that it is perfectly appropriate for assessors to consider actual rent and recent sale prices of the property when valuing such properties; and

**WHEREAS**, big box chains are using what is known as the "Dark Store Theory" to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

**WHEREAS**, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, closing the dark store and *Walgreens* loopholes; and

**WHEREAS**, Senator Duey Stroebel (R-Saukville) and Rep. Rob Brooks (R-Saukville) have introduced Senate Bill 130/Assembly Bill 146, closing the dark store and *Walgreens* loopholes.

Now, Therefore, **BE IT RESOLVED**, that the City of Whitewater, as a member of the League of Wisconsin Municipalities, calls on the Legislature to close the dark store and *Walgreens* loopholes and stop the tax shift to homeowners and small businesses by either passing SB 130/AB 146 or adopting a state budget that includes language accomplishing that goal.

**BE IT FURTHER RESOLVED**, that the clerk is directed to send a copy of this resolution to the state legislators representing the City of Whitewater, to Governor Tony Evers, and to the League of Wisconsin Municipalities.

Resolution introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Allen. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None. ADOPTED: April 16, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION AUTHORIZING CITY TO PARTICIPATE IN WISCONSIN PUBLIC EMPLOYERS' GROUP HEALTH INSURANCE PROGRAM.**

**EXISTING EMPLOYER UPDATE RESOLUTION**

**WISCONSIN PUBLIC EMPLOYERS' GROUP HEALTH INSURANCE PROGRAM**

RESOLVED; by the Common Council of the City of Whitewater

that pursuant to the provision of Wis. Stat. § 40.51 (7) hereby determines to continue in the Wisconsin Public Employers (WPE) Group Health Insurance program that is offered to eligible personnel through

the program of the State of Wisconsin Group Insurance Board (Board) and agrees to abide by the terms of the program as set forth in the *Local Employer Health Insurance Standards, Guidelines and Administration Manual* (ET-1144).

We will continue to participate in the program option in which we are currently enrolled. If we wish to elect a new program option for 2020 we will file a separate resolution to do so.

All participants in the WPE Group health Insurance program need to be enrolled in a program option. Individual employees cannot choose between program options.

**The resolution must be received by the Department of Employee Trust Funds as soon as possible, but no later than October 1, in order to continue participation without lapse. If more time is needed, contact ETF.**

The proper officers are herewith authorized and directed to take all actions and make salary deductions for premiums and submit payments required by the Board to provide such Group Health Insurance.

**Certification**

I hereby certify that the foregoing is a true, correct and complete copy of the resolution duly and regularly passed by the above governing body on the \_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_ and that said resolution has not been repealed or amended, and is now in full force and effect.

Dated this \_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_.

I understand that Wis. Stat. § 943.395 provides criminal penalties for knowingly making false or fraudulent statements, and hereby certify that, to the best of my knowledge and belief, the above information is true and correct.

39-6005658 \_\_\_\_\_

\_\_\_\_\_  
Federal Tax Identification number (FEIN/TIN)                      Authorized employer representative signature

69-036-0070-  
000 \_\_\_\_\_

ETF Employer Identification number                      Authorized employer representative printed  
name

Number of Eligible Employees 96                      Authorized representative  
title \_\_\_\_\_

WALWORTH COUNTY

Employer County

[jatkinson@whitewater-wi.gov](mailto:jatkinson@whitewater-wi.gov)                      312 W Whitewater St, Whitewater WI  
53190

Employer benefit contact email address                      Mailing Address

Submit completed form to ETF at [ETF SMBESSNewEmployer@etf.wi.gov](mailto:ETF SMBESSNewEmployer@etf.wi.gov)                      ET-1169 (REV  
3/14/2019)

**APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS:** Nominations Committee members Patrick Singer and City Manager Clapper have recommended the following citizens for appointment / reappointment to the following Boards and Commissions: **Birge Fountain Committee** -Donna Henry; **Board of Zoning Appeals** –Beverly Stone as regular member and Ken Kienbaum as alternate member; **Landmarks Commission** - Ken Kienbaum and Dan Richardson; **Library Board** - Anne Hartwick and James Winship as regular members and Jamie Wiegel as an alternate member; **Community Development Authority** - Ray Burkholtz and Denise Ehren; **Landmarks Commission** – Ken Kienbaum and Dan Richardson; **Parks & Recreation Board** - Jamie Wiegel, Larry Kachel, and Jan Bilgen as regular members and Tracy Wilson as the alternate member; **Plan and Architectural Review Commission** - Tom Miller; **Urban Forestry Commission** -Sherry Stanek and Koller Stettler. It was moved by Allen and seconded by Binnie to approve the recommendations as submitted by the Nominations Committee. AYES: Singer, Binnie, Palmer, Brown, Allen, McCormick, Schulgit. NOES: None. ABSENT: None.

**SQUAD CAR PURCHASE:** Police Chief Raap indicated that the Police Department is proposing the purchase of a 2015 Ford Police SUV for a total cost of \$14,230. The intent is to replace a high-mileage 2013 Ford sedan. Remaining funds exist in the 2019 police squad budget. He noted that the purchase will be made through a financially-sound municipality in Indiana. Chief Raap reported that the automobile has been involved in two minor accidents. It was moved by Schulgit and seconded by McCormick to approve the purchase of the vehicle as presented by Chief Raap. AYES: Allen, Binnie, Singer, Palmer, McCormick, Brown, Schulgit NOES: None. ABSENT: None.

**AGREEMENT WITH TWIN OAKS MHC, LLC:** Presented for approval was an agreement between the City and Twin Oaks MHC, LLC, relating to collection of monthly parking permit fees at the Twin Oaks Mobilehome Park located on N. Tratt Street. The agreement guarantees that the City receives the full amount of the annually-assessed mobile home fees from the Company instead of having to collect them from residents where there is potential to have to write off bad debt. City Attorney McDonell explained that mobile homes are not on a permanent foundation, therefore are handled more like a personal property tax. The fee is set by State Statute and is collected by the City. The Statutes do allow for a mobile home park business to collect for those taxes. The Company has agreed to be fully responsible for the taxes, regardless of whether they are successful collecting them from the residents. It was moved by Binnie and seconded by Schulgit to approve the agreement between the City and Twin Oaks MHC, LLC. AYES: Allen, Binnie, Singer, Palmer, McCormick, Brown, Schulgit. NOES: None. ABSENT: None.

**REQUESTS FOR FUTURE AGENDA ITEMS AND REQUESTS FOR FUTURE POLCO QUESTIONS:** None

**ADJOURNMENT:** It was moved by Schulgit and seconded by Palmer to adjourn the meeting. AYES: Allen, Binnie, Singer, Palmer, McCormick, Brown, Schulgit NOES: None. ABSENT: None. The meeting adjourned at 7:07 p.m.

Respectfully Submitted,

Michele R Smith, Clerk

