

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

**May 21, 2019**

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

It was moved by Binnie and seconded by Allen to approve the Council minutes of April 4, 2019; April 16, 2019; and May 7, 2019. (Approval of the Council Minutes of the 3/19/19 meeting was removed from the agenda pending the final version of the rewrite of Chapter 16); and to acknowledge receipt and filing of the Public Works Committee minutes of 4/9/19; the Parks and Recreation Board Minutes of 4/24/2019; the Finance Committee Minutes of 2/26/2019; and the Financial Reports for April, 2019. AYES: McCormick, Allen, Singer, Binnie, Palmer, Brown, Schulgit. NOES: None. ABSENT: None.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Allen to approve payment of city invoices in the sum of \$43,915.17. AYES: McCormick, Allen, Singer, Binnie, Palmer, Brown, Schulgit. NOES: None. ABSENT: None.

**STAFF REPORTS:** Police Chief Raap presented the annual Police and Civilian awards. The following awards were given: **Officer of the year award** given to Mike Zens; **Civilian of the Year Award** to Support Services Manager Sabrina Ojibway; **Distinguished Service Award** to School Resource Officer Shane Brandl; **Raymond Trost Trainer of the Year Award** – Communications Coordinator Heidi Gempler; **Citizen Community Service Award** to Paul Essock and Whitewater High School Class of 1982; **Exceptional service Award** to Records Technician Angela Sahr; **Civilian Gallantry** to Pam Brotzman; and **Lifesaving Medals** to Lt. Shawn Reif and Officer Nick Borchardt.

**CITIZEN COMMENTS:** None

**RESOLUTION ADOPTING SANITARY SEWER USER AND CONNECTION FEES.** Finance Director Hatton presented an overview of the report prepared by Ehlers. Proposed was a 19.66% increase for the water service and a 17.5% increase for the Wastewater utility portion of the bill. (Wastewater effective 6/27/19). Councilmember Allen expressed concern over the substantial rate increases. He noted that past financial decisions were based on information that led Council to believe future rate increases would be minimal. He expressed disappointment. Allen suggested that City management be creative in their budgeting and check to see whether some future projects can be delayed. City Manager Clapper indicated that projects were rated and prioritized by the Common Council, and management is basing the projects on Council requests. Clapper noted that the internal rate of return on utility accounts is of utmost importance. Clapper also said that if planned projects keep getting pushed forward, that there is a risk of higher costs due to inflation that occurs during postponement. Clapper noted that the wastewater fee increases are required to meet the City's bond covenant requirements. Finance Director Hatton indicated that the study indicated that the use volume is not what it was previously anticipated to be.

Councilmember Allen suggested considering re-prioritizing projects. Public Works Director Marquardt cautioned that some of the projects are already in process, and some are dictated by the Department of Transportation and cannot be delayed. Marquardt added that the city water tower project is very important.

Councilmember Allen indicated that tax increment financing money (“TIF”) is not free money. Councilmember Singer indicated that the University contributes to projects, too. Ehlers representative, Brian Roemer, explained that the City must realize growth for a successful TIF district. It was explained that in the past, the City has filed for a simple water rate increase, and now the City has applied for a full rate increase. Finance Director Hatton indicated that Whitewater scores in the bottom 10% of water rate comparisons in the State. He further indicated that processing of the application could take as long as twelve months. (Wastewater treatment rate increases would take effect at the end of June).

Larry Kachel, 457 S. Buckingham Blvd., indicated that the rates listed on his billing statement in comparison with the handout presented by the City did not match. Finance Director Hatton explained that a different unit of measure was used (cubic feet per thousands of gallons). Kachel did not believe the water usage capacity had ever been an issue. He wonders whether this becomes a regressive tax.

City Manager Clapper responded that the city facilities were based on actual size and usage necessary. *Councilmember Allen moved that the Council send the sewer rate increase proposal back to staff, asking that projects be re-prioritized and to review TIF matters. Motion was seconded by McCormick.* City Manager Clapper expressed concerns citing that deadlines are near. Councilmember Allen responded that this matter should have been brought before the Council earlier. Finance Director Hatton responded that this was budgeted for in late 2018, and was discussed with Council at budget time. Council President Singer understands the urgency issue but indicated it is the responsibility of the Council to understand and protect the infrastructure of the City and to do the responsible thing, even if it’s a hard thing to do. Councilmember McCormick has concerns about the City’s bond rating declining if this is not approved. Councilmember Binnie inquired whether there were other projects not already discussed that are tied to this projection. Hatton indicated that future projects are methodical and selective. He encouraged adopting the wastewater increase because of the timeline and necessity. *Councilmember Allen withdrew his motion to send the matter back to staff for further review.* Councilmember Binnie expressed concern over the effect of the substantial increase on residents with lower incomes. Binnie would like to see less emphasis on fixed rates and more on the consumption side.

**RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES**

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the costs of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established,  
effective June 27, 2019.

**DOMESTIC SEWAGE  
CUSTOMERS**

<u>Meter Size</u>	<u>Monthly Facilities Charge</u>
5/8”	\$12.75
3/4”	\$12.75
1”	\$31.88
1 ½”	\$63.75
2”	\$102.00
3”	\$191.25
4”	\$318.75

6"	\$637.50
8"	\$1,020.00
<u>Volume Charge:</u> \$11.99 per 1,000 gallons	

NON DOMESTIC SEWAGE CUSTOMERS

<u>Monthly Facilities Charge:</u> Sewage Customers	Same as Domestic
<u>Volume Charge:</u> Sewage Customers	Same as Domestic

Surcharge per lb. over Domestic

Strength Sewage:

B.O.D. (over 300 mg/1)	\$0.89 per pound
T.S.S. (over 300 mg/1)	\$0.46 per pound
NH <sub>3</sub> -N (over 30 mg/1)	\$4.50 per pound
Total Phosphorus (over 12 mg/1)	\$7.24 per pound

New Building

Connection

Fee:

(a) Per family dwelling or R.E.U. without individual laundry Facilities-per unit or R.E.U.	\$1,824.00 (b) Multiple family dwellings
(c) All others:	\$1,368.00
	\$1,824 per each 275 gls per day of usage (Minimum \$1,824 per unit or R.E.U.).

Other

Sewage

Customer

s:

Septic Tank Waste	\$46.00 per 1,000 gls
Pit Rate Waste	\$17.91 per 1,000 gls
Leachate Rate Waste	\$18.00 per 1,000 gls
Holding Tank Waste	\$17.00 per 1,000 gls

Resolution introduced by Councilmember Schulgit. Seconded by Councilmember Palmer. AYES: McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: May 21, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE PROHIBITING SMOKING AND VAPING IN CITY PARKS:**

As directed by the Council, Parks Director Boettcher took the proposed ordinance relating to smoking / vaping in city parks to the Parks and Recreation Board for further review and discussion. Changes proposed by the Parks Board suggested having designated smoking areas, with an understanding that exemptions could be made during special events. Boettcher indicated that signage would be coined in a positive, non-offensive tone, asking to please not smoke or vape.

Long-time 4<sup>th</sup> of July Committee member Blake Scharine indicated that the ordinance is discriminatory, and would create a division among people. Scharine noted that alcohol is far more intrusive than smoking. He disagrees with the concerns about effect on health of bystanders. David Saalsa, business owner at 186 W. Main Street, has concerns about lack of participation in Parks and events in the City, and has concerns that prohibiting smoking would make the problem worse. Saalsa questioned how this would be enforced.

Councilmember McCormick, who serves as Council representative to the Parks Board, indicated the Parks Board had lengthy discussions relating to all scenarios, and this would be self-policed. She expressed concern over the trend of vaping, particularly as it relates to young people. Councilmember Allen indicated he could not support this ordinance. Councilmember Binnie expressed appreciation to the Parks Board, but had hoped for a less restrictive proposal. He provided statistics relating to smoking and mentioned that the city's POLCO surveying software had completed a survey. Results of the survey did not support the ban. It was moved by Schulgit and seconded by McCormick to approve the proposed ordinance. Councilmember Schulgit had completed some research and noted that perhaps there could be liability for those who did not take measures to prohibit these vices.

### **AN ORDINANCE PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS**

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

SECTION 1. Whitewater Municipal Code Chapter 8.36, Section 8.36.015, is hereby created to read as follows:

8.36.015 – Smoking and Vaping in Public Parks.

(a) Smoking and Vaping Prohibited. To protect the health and comfort of the public, smoking and vaping is prohibited in all public parks under the jurisdiction of the city, except within designated parking areas.

Ordinance introduced by Council Member Schulgit. Seconded by Councilmember McCormick. AYES: Schulgit, McCormick. NOES: Singer, Binnie, Brown, Palmer, Allen. ABSENT: None.  
**MOTION FAILS.**

**FIRST READING OF ORDINANCE IMPOSING R-2A RESIDENTIAL OVERLAY ZONING CLASSIFICATION FOR PROPERTY AT 261 CHURCH STREET.** Neighborhood Services Director Munz-Pritchard explained that property owners Jeff and Jackie Hale have requested the rezone so that they can exceed current zoning limitations related to number of occupants. Request is to increase number of unrelated people at this location to four. The property is 1,658 square feet.

### **FIRST READING OF AN ORDINANCE IMPOSING THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do pursuant to Municipal Code Chapter 19.19, hereby impose the R-2A Residential Overlay District Zoning Classification (19.19) on the below properties:

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

Property Address: Tax ID#: Property Owner:  
261 Church Street / OT 00188 Geoff Hale

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

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

Ordinance introduced by Councilmember Schulgit, who moved its adoption. Seconded by Councilmember Allen AYES: Singer, Binnie, Schulgit, Brown, Allen, McCormick, Palmer. NOES: None. ABSENT: None. FIRST READING APPROVED: May 21, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE IMPOSING THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 231 S. Janesville St. (Ceranske Property Management).** It was noted that this property has a year to conform to the requirements placed on the rezoning. Councilmember Allen expressed concern about the process to follow up on these conditions. Neighborhood Services Director Munz-Pritchard indicated that they are tracked and will ultimately come to her (and subsequently assigned to her Neighborhood Services Officers) for review.

**SECOND READING OF AN ORDINANCE IMPOSING THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do pursuant to Municipal Code Chapter 19.63, hereby impose the R-2A Residential Overlay District Zoning Classification (19.19) on the below properties:

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

Property Address: 231 S. Janesville Street, Tax Parcel No. WS 00001  
Property Owner: Ceranske Property Management (Brad and Patty Ceranske)

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

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

Ordinance introduced by Council Member Palmer, who moved its adoption. Seconded by Council Member McCormick. AYES: Schulgit, Palmer, Binnie, Singer, Allen, Brown, McCormick. NOES: None. ABSENT: None. ADOPTED: May 21, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE IMPOSING THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 243 S. Janesville Street (Ceranske Property Management)**

**SECOND READING OF AN ORDINANCE IMPOSING THE R-2A RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do pursuant to Municipal Code Chapter 19.63, hereby impose the R-2A Residential Overlay District Zoning Classification (19.19) on the below properties:

**Section 1.** The R-2A Residential Overlay District Zoning Classification is hereby imposed upon:

Property Address: 243 S Janesville Street, Tax Parcel No. CL 00105A  
Property Owners: Ceranske Property Management (Brad and Patty Ceranske)

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

**Section 3.** This Ordinance shall become effective upon passage and publication as provided by law.

Ordinance introduced by Council Member Palmer, who moved its adoption. Seconded by Council Member McCormick. AYES: Schulgit, Palmer, Binnie, Singer, Allen, Brown, McCormick. NOES: None. ABSENT: None. ADOPTED: May 21, 2019.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SUBMISSION OF WATER RATE INCREASE APPLICATION TO PUBLIC SERVICE COMMISSION.** In the Summer of 2018, the City retained Ehlers to complete a financial management plan for the City's water and wastewater utilities. The water rates are regulated by the Public Service Commission, while the wastewater rates are unregulated. It was noted that expenses have increased, while a decrease in usage has occurred. Approval has been requested for submission of an application to the Public Service Commission at this time, as it will take 5-12 months to process the paperwork. It was moved by Schulgit and seconded by Palmer to authorize submission of an application to the Public Service

Commission for water rate increase. AYES: Binnie, Schulgit, Singer, Brown, Palmer, Allen, McCormick. NOES: None. ABSENT: None.

**BUSINESS IMPROVEMENT DISTRICTS.** City Manager Clapper has elected to defer discussion on this subject to a future meeting.

**STRAND ASSOCIATES TASK ORDER – SANITARY SEWER SMOKE TESTING** DPW Director Marquardt explained that smoke testing is needed to ensure that clear water is not getting into the sewer system. Proposed is a contract with Strand to complete this testing once per year, over a three year period, at a cost of \$20,000 per year. Councilmember Binnie asked whether any other bids or proposals were obtained, and recommended this be done since this is not an urgent matter. It was moved by Binnie and seconded by Allen to obtain comparable quotes for sewer smoke testing (and defer action on the Strand Task Order). (Public Works Committee will not be required to review the quotes prior to them coming before the Council). AYES: Binnie, Schulgit, Singer, Brown, Palmer, Allen, McCormick. NOES: None. ABSENT: None.

**WASTEWATER UTILITY (SANITARY SEWER SYSTEM) MAINTENANCE FOR 2019.** DPW Director Marquardt indicated that the Wastewater utility will be contracting for several different services to maintain the City's system. Quotes have been obtained. They include CCTV (television), installation of cured in place pipe (CIPP), and pressure testing and sealing of sanitary pipe joints. It was moved by Allen and seconded by Schulgit to approve expenditures in the total sum of \$61,964.95 (CCTV to Northern Pipe, Inc. of Green Bay, WI; CIPP to Terra Engineering of Madison; and Press Test/Seal with Visu-Sewer of Pewaukee, WI). AYES: Binnie, Schulgit, McCormick, Brown, Palmer, Singer, Allen. NOES: None. ABSENT: None.

**CONTRACT WITH PIONEER ROOFING FOR WASTEWATER UTILITY ROOF REPAIR.** The roof replacement is for the main control building at the Wastewater Treatment Plant. Quotes were obtained, and the lowest proposal was from Pioneer Roofing in the sum of \$152,794.00. Marquardt indicated that he believes local roofing companies were contacted for quotes. It was moved by \_\_\_ and seconded by \_\_\_ to approve a contract with Pioneer Roofing Company of Johnson Creek, Wisconsin, for a sum not to exceed \$152,794. AYES: Schulgit, Binnie, Palmer, Brown, McCormick, Singer, Allen. NOES: None. ABSENT: None.

**REQUESTS FOR FUTURE AGENDA ITEMS AND FUTURE POLCO QUESTIONS:** Councilmember Allen would like staff to review the manner in which we calculate our sewer and water rates, and see if there is any method to make adjustments to ease the burden for lower income families. Allen also requested that the amount of time allowed to comply with R-2 zoning overlay requirements be reviewed. Allen believes a year may be too long. Councilmember Binnie recommended that clarification of timelines be considered.

**LIBRARY EXPANSION PROJECT.** Library Director Lunsford and City Manager Clapper presented information related to a possible Library Expansion Project. After completion of several studies, the Library Board had decided to look into mixed use alternatives as well as public-private investments. The Library Board created a committee to review the process. A request for proposals was submitted, and the group was contacted by two different organizations. The Committee reviewed the proposals, including making site visits. During their April, 2019 meeting, the group decided to pursue the Behr Development and Angbert Anderson proposal, which consisted of a library expansion project and other mixed uses to be determined at a later time. City Manager Clapper indicated that the next step would be to bring this before the Common Council in executive session. Behr Development and Angbert Anderson provided

background information on their company and provided a history of other projects they have been involved in. Further information will be coming.

**EXECUTIVE SESSION:** It was moved by Singer and seconded by Allen to Adjourn to Closed Session, NOT TO RECONVENE, pursuant to Chapter 19.85 (1)(e) of the Wisconsin Statutes, “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 Development Agreement for Library Project; 2) Negotiation Relating to Possible Purchase of 292 S. Wisconsin Street; 3) Negotiation Relating to Possible Purchase of 406 and 412 W. Whitewater Street. And 4) Negotiation of sale of real estate near roundabout on E. Milwaukee St. AYES: Singer, Schulgit, Brown, Palmer, Binnie, McCormick, Allen. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Pamela A. Cronce  
Administrative Assistant /Deputy City Clerk