

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

April 15, 2014

The organizational meeting of the Common Council was called to order by City Manager Clapper. MEMBERS PRESENT: Frawley, Abbott, Winship, Binnie (by telephone), Singer, Bregant, Kidd. MEMBERS ABSENT: None.

SWEARING IN OF NEWLY-ELECTED COUNCIL MEMBERS. City Clerk Michele Smith administered the oath to newly-elected council member at large Kenneth Kidd; Councilmember Aldermanic District 1 Phil Frawley; Councilmember Aldermanic District 2 Stephanie Abbott; and Councilmember Aldermanic District 4, Lynn Binnie (Oath for Councilmember Binnie administered by conference telephone call).

ELECTION OF COUNCIL PRESIDENT AND COUNCIL PRESIDENT PRO TEM. Councilmembers Winship and Kidd nominated Patrick Singer to serve as Council President. No other nominations were received. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSTAIN: Singer. Councilmembers Winship and Kidd nominated Councilmember Binnie to serve as Council President Pro Tem. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSTAIN: Binnie.

APPOINTMENT OF COUNCIL REPRESENTATIVES TO CITY BOARDS AND COMMISSIONS: It was moved by Abbott and seconded by Bregant to make the following councilmember appointments to City boards and commissions:

Alcohol Licensing Committee – Bregant, Abbott, Singer; **Aquatic Center Board** – Frawley; **Birge Fountain Committee** – Frawley; **Cable TV Committee** – Binnie; **Community Development Authority** – Singer, Winship; **Landmarks Commission** – Bregant; **Library Board** – Winship; **Parks and Recreation Board** – Kidd; **Plan Commission** – Binnie as regular member – Abbott as alternate member; **Police and Fire Commission** – Kidd; **Technology Park Board** – Bregant. (Kidd and Frawley retained existing appointments to the **Fire Department / Rescue Squad Task Force Committee**). AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

ACKNOWLEDGEMENT OF RECEIPT AND FILING OF MINUTES. It was moved by Abbott and seconded by Bregant to acknowledge receipt and filing of the following: Fire and Rescue Task Force Minutes of 2/13/14 and 2/27/14; Financial Reports for March, 2014; and Report of Manually-Produced Checks for March 2014. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd, Binnie. NOES: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Abbott and seconded by Bregant to approve payment of city invoices in the total sum of \$49,122.47. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd, Binnie. NOES: None.

STAFF REPORTS: City Manager Clapper and Council representatives presented plaques in recognition of the following UW-Whitewater Teams: UW-Whitewater Men's Wheelchair Basketball Team; UW-Whitewater Women's Wheelchair Basketball Team; UW-Whitewater Men's Basketball Team; UW-Whitewater Women's Gymnastics Team. A Proclamation in recognition of National Public Safety Telecommunications Week (April 14 – 20th) was presented. Assistant City Manager McDonell provided an update on Whitewater's Make a Difference Day scheduled for Saturday, April 26th.

CITIZEN COMMENTS. None.

RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES. The annual resolution authorizing official depositories was presented to Council for approval.

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 the Commercial Bank, the First Citizens State Bank, Associated Bank, all in said City, 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 Abbott and seconded by Councilmember Bregant, who moved its adoption. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd, Binnie. NOES: None. ABSENT: None. ADOPTED: April 15, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING OFFICIAL NEWSPAPER. The annual resolution authorizing official newspaper was presented for council approval.

RESOLUTION ADOPTING WHITEWATER REGISTER AS 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 Abbott and seconded by Councilmember Bregant, who moved its adoption. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd, Binnie. NOES: None. ABSENT: None. ADOPTED: April 15, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION AMENDING SANITARY SEWER RATES.

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 24, 2014.

DOMESTIC SEWAGE CUSTOMERS

<u>Meter Size</u>	<u>Monthly Facilities Charge</u>
5/8"	9.56
3/4"	9.56
1"	15.23
1 1/2"	24.68
2"	36.02
3"	62.46
4"	98.28
6"	195.02
8"	308.07

Volume Charge: \$6.57 per 1,000 gallons

NON DOMESTIC SEWAGE CUSTOMERS

Monthly Facilities Charge: Same as Domestic Sewage Customers
Volume Charge: Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:

B.O.D.	(over	300	mg/1)
\$0.58	per pound	T.S.S. (over	300 mg/1)
\$0.55	per pound	NH3-N (over	300 mg/1)
\$0.99	per pound	Total Phosphorus (over	12 mg/1)
\$7.57	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 | \$1,368.00 |
| (c) All others: | | \$1,824 per each 275 gls per day of usage (Minimum \$1,824 per unit or R.E.U.). | |

Other Sewage Customer

S:
Holding Tank Waste \$17.00 per 1,000 gls Septic Tank Waste
\$46.00 per 1,000 gls Grease

Resolution introduced by Councilmember Kidd and seconded by Councilmember Winship. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ADOPTED: April 15, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO SIGN AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH TRANE, USA, INC. FOR CITY FACILITY IMPROVEMENTS.

Very lengthy discussion regarding the projects included in the Scope ensued. Concerns about replacing units that have not reached their life expectancy, as well as what should actually be included in a performance contract were expressed. After a very lengthy discussion regarding the scope of the project, it was moved by Binnie and seconded by Winship to remove armory windows from the proposed contract. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant. NOES: Kidd. ABSENT: None. It was then moved by Binnie and seconded by Abbott to remove the municipal building and Armory roofs from the proposal. AYES: Frawley, Abbott, Binnie, Singer. NOES: Winship, Bregant, Kidd.

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO SIGN AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH TRANE USA, INC.

WHEREAS, the City of Whitewater has reviewed the information concerning recommendations for the amount the City of Whitewater should spend on energy conservation and facility improvement measures on various City facilities, and after said review, the City Council hereby makes the following finding.

FINDING

The City Council hereby finds that the amount the City of Whitewater would spend on the energy conservation and facility improvement measures recommended in the report from Trane USA Inc. is not likely to exceed the amount to be saved in energy and operation costs over the remaining useful life of the facilities to which the measures apply.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, hereby authorizes the City Manager and the City Clerk to sign the contract and any other documents approved by the City Attorney necessary to enter into an energy savings performance contract with Trane USA, Inc.

It was moved by Binnie and seconded by Winship to approve the contract as amended (remove the municipal building and armory roofs from the contract, the armory windows, and approve the remainder of the contract contingent upon final edits to be approved by the City Manager and City Attorney, with reaffirmation that the Starin Park building metal roof, bathroom upgrades and siding be removed from the contract). AYES: Frawley, Winship, Binnie, Bregant, Singer, Kidd. NOES: Abbott. ADOPTED: April 15, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCES: None.

DOWNTOWN WHITEWATER REQUEST FOR SPONSORSHIP OF JACK HANNA PROGRAM.

Downtown Whitewater representatives indicated that profits from the Jack Hanna show would fund the façade grant program administered by Downtown Whitewater. The fund is currently out of money. The profits would also fund Streetscape improvements. Downtown Whitewater received a grant to develop a plan and has been working with UW Madison. It was noted that the Hanna program grossed \$30,900. The cost to host the event was approximately \$22,000. Profit proceeds of \$9,000 will go towards future façade improvement grants or streetscape improvements. Downtown Whitewater requested a contribution from the City to assist with the façade and Streetscape grants. Council determined that since the donation was not budgeted, it would have to be paid from the City's contingency fund. Councilmember Kidd questioned whether there was funding for Streetscaping. Downtown Whitewater representative David Saalsa indicated there was not. Councilmember Singer questioned whether the Community Development Authority was going to be asked to contribute. Councilmember Binnie expressed support for Downtown Whitewater, but indicated it would be helpful

for those seeking sponsorships to make the request in advance of a project. Councilmember Winship expressed concern about requests being received after the City's annual budget has been adopted. He continued by stating that if the \$3,100 request were approved, the city funds would have to be taken from the City's contingency account. It was noted that the Council would welcome a request for funds when the Streetscaping project is started. Councilmember Abbott expressed frustration over the fact that it was indicated the venue was better (University) but that the profits were less. She is not convinced the venue is better. Abbott believes the Council is being asked to make up for a fundraiser that did not generate as much revenue as was expected. Abbott continued by stating that a donation at this point would not seem fair to the other groups out of budget season. Councilmember Kidd indicated that too much time was being spent criticizing the efforts of well-intended volunteers. Downtown Whitewater representative Saalsa indicated that the request for funding was due to a lapse in a staff member getting an agenda item on in time.

JANESVILLE TRANSIT SERVICE ("JTS") PRESENTATION (INNOVATION BUS). JTS representative Smith informed the Council that when UWW students learned about the reduction in Saturday hours, they recognized value of that service and wanted it continued. As a result, the Residence Life and Residence Hall student associations are sponsoring two trips every Saturday during the school year. Smith also indicated that meetings are being set up with industrial employers. Councilmember Bregant indicated that it is difficult to analyze which routes are most beneficial when counts occur only when passengers board. Smith indicated that an annual survey is also completed. Councilmember Abbott expressed frustration about the statistics given. She would like more detail. Smith indicated that the type of statistics could be looked at and possibly changed in the future. Abbott expressed frustration with the fact that detailed information has been asked for on more than one occasion. Abbott believes the City is spending a great deal of money for approximately 14 boarding passengers per day.

City Manager Clapper indicated that there has not yet been discussion with Generac regarding their contribution. Clapper has no indication that they will not support the service in the future. Councilmember Winship suggested that information regarding the new Blackhawk Technical College in Milton, and what effect that will have on the service, be obtained. Councilmember Abbott asked how the route will be affected when students are on break. Smith indicated that there will be changes in the Fall, once Blackhawk Technical School in Milton opens.

STORMWATER PROJECTS AND STORMWATER PROJECT BORROWING. Assistant City Manager McDonnell reported that Strand recently completed several drainage studies. The Woodland Drive Drainage study identified improvement alternatives to mitigate flooding issues that are being experienced along Woodland Drive. Conceptual drawings and cost estimates for each alternative is included in Strand's study. A study on Basin 15 provided an update to the Basin 15 Stormwater study that was prepared in December of 2002. City staff have recommended pursuing the Woodland Drive project Alternative No. 4 in 2014. This includes a 100 year pipe capacity with 24" sanitary sewer between 256 and 248 Woodland Drive with no overland route established. The cost would be \$86,000. The advantage of this is it will add additional piping and stormwater inlets to the existing piping and inlets at the location. Also noted was a Church Street / Whitewater Street problem area (as identified in the Basin 15 Drainage Study). If this project were to be completed in 2014, it would be additional cost of \$600,000 for a 100-year solution to the current problem.

No formal action was taken, although Council was very supportive of resolving the problems. Further information will be forthcoming.

WATER RATE INCREASE. Finance Director Saubert indicated that effective 6/24/14, he is seeking a water rate increase effective 6/24/14. Saubert presented documentation as to why the increase should occur. Council consensus was to bring the rate increase back for approval at the next meeting. Saubert indicated that the average increase for a residential customer will be 64 cents per month. It was moved by Winship and seconded by Bregant to bring forth the Resolution to increase the water rates by 3% as

requested. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

AWARD OF CONTRACT FOR DOWNTOWN EAST GATEWAY PROJECT. Assistant City Manager McDonell stated that three bids for the Downtown East Gateway project were received, and bids came in lower than expected. The low bid of \$1,778,910.50 was submitted by Forest Landscaping of Lake Mills, Wisconsin. It was noted that the City was recently awarded a grant from the Wisconsin Department of Natural Resources Municipal Dam Grant program. This grant requires a 50% match. The grant will cover up to \$115,591 of costs for improvements related to abandonment of the existing Mill Race facilities and replacement with a new Mill Race culvert and control structure. The bid also includes \$75,000 for disposal of contaminated soils that may be encountered during the constructions. The estimate for this disposal could vary. It was moved by Abbott and seconded by Bregant to approve a contract with Forest Landscaping of Lake Mills, Wisconsin, to complete the Downtown East Gateway project. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

DOWNTOWN EAST GATEWAY PROJECT STREET LIGHT PURCHASE. It was moved by Abbott and seconded by Frawley to approve the street lights and bollards purchase from Enterprise Lighting, Ltd., of Waukesha, Wisconsin in the sum of \$69,295.50. In response to Council questions, it was noted that no comparative quotes have been obtained, as the product needed to match existing lights is proprietary to this Company. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

STRAND ASSOCIATES TASK ORDER 13-03 (UPDATE OF STRAND DOWNTOWN EAST GATEWAY PROJECT SCOPE OF SERVICE). Presented for approval was Strand's agreement. Assistant City Manager McDonell indicated that by the end of March, Strand exceeded their approved engineering fee. An amendment is needed to cover costs associated with additional engineering services that were not anticipated or included in the original agreement. The total estimated cost for Amendment No. 1 to Task Order 13-03 is \$183,250. Strand will bill the city based on an hourly rate. It was moved by Winship and seconded by Abbott to approve an amendment to Task Order 13-03 with Strand Associates. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

COMMUNICATIONS CENTER (DISPATCH) OPTION REVIEW. Brief overview began with discussion of staffing in communications center. Otterbacher indicated that they are at maximum for existing staffing. It was indicated that if things continue as are, they would need to increase the number of employees. Review of alternatives began. Otterbacher recommended a "communication bridge," which allows linking into Walworth County's system. Otterbacher continued by stating that the City would be better equipped to service needs. She indicated that the University is supportive of the communications bridge option. She indicated that there would be a reduced cost if the University would be willing to contribute a portion of funding once everything is set up. Otterbacher indicated that she has met with Walworth County representatives, and they are not yet ready to combine resources. She indicated that Walworth County would be unable to effectively assume the dispatch service as they are understaffed for such a role. Now there is a lack of adequate software to make that happen. Otterbacher stated that County Sheriff Graves would require a Feasibility Study before going further, but Otterbacher believes relocating current dispatch services to the County would not be "free" for the City of Whitewater. UWW Police Chief Kiederlen stated that if the County decided to go with a specific set of protocols, local Police would have to go with their policies, and that could be a problem.

Concern about lack of communication with the Fire and Rescue groups was expressed. Councilmember Binnie did not agree that it was likely that Whitewater would be charged an "extra" fee for dispatching services as all County residents get that service as part of their tax bill payment. It was agreed that the Solacom software purchase would be delayed until a complete picture could be reviewed.

Police Chief Otterbacher inquired what would come of all of the extra non-emergency duties that dispatchers take on, if transfer of the 911 services to the County were to occur. It was moved by Kidd and seconded by Winship to move ahead towards the communications bridge, which will require work. Direction should be given to the County so that further details can be brought forth. No vote was taken on this motion. It was then moved by Winship and seconded by Kidd to endorse the Communications Bridge concept and ask Whitewater (City), County, and UWW to move forward with a detailed study, and report findings back to the Council by July 1st. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

SOLACOM 9-1-1 SOFTWARE PURCHASE. Details regarding costs and which license we should have are questions that need to be answered. The variation in price could be as large as an \$80,000 difference. It was agreed to delay a decision on the software purchase.

AMENDMENT TO PROFESSIONAL SERVICES CONTACT WITH MUNICIPAL ZONING INSPECTION SERVICES. City Manager Clapper recommended amendment of the existing contract with Greg Noll of Municipal Zoning Inspection Services to incorporate additional duties Noll will now be responsible for since the resignation of Latisha Birkeland. There is a \$2,000 per month retainer. Councilmember Binnie expressed concern about contract language referring to portions of the contract being “temporary.” It was noted that until the skill set of Birkeland’s replacement is known, final negotiation of the duties is pending. City Attorney McDonell indicated that Noll understands that when a replacement employee is hired, the contract will be revisited. It was moved by Abbott and seconded by Abbott to approve the contract with Municipal Zoning Inspection Services. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

AMENDMENT TO PROFESSIONAL SERVICES CONTACT WITH GRAEF (TO DEVELOP A PARKING SUMMIT). City Manager Clapper indicated that a Parking Summit is being prepared to address parking concerns that relate directly to the proposed zoning code updates. Per Council and Plan Commission direction at a zoning rewrite meeting, parking changes will be handled as a separate matter. Councilmember Abbott supports the Parking Summit concept, but does not believe it must be done through a consultant. Graef of Milwaukee, Wisconsin presented proposals to 1) Continue and complete the zoning update; 2) Facilitate discussions and recommendations for parking regulations, policies, compliance and enforcement; and 3) Prepare supporting amendments to the Comprehensive Plan. It was moved by Winship and seconded by Abbott to approve proposal #1 and also proposal #2, only as it relates to parking. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Singer, Kidd. NOES: None.

ZONING REWRITE ORDINANCE TIMELINE AND PARKING SUMMIT. Timeline specifics are not yet available. Potential discussion of the timeline will occur at the first Council meeting in May. Further information will be forthcoming.

NEIGHBORHOOD SERVICES DIRECTOR POSITION DUTIES, JOB DESCRIPTION AND AUTHORIZATION TO COMMENCE HIRING PROCESS. City Manager Clapper presented the job description for the recently vacated Neighborhood Services Director position. Clapper indicated that there will be a well-rounded interview panel to allow for good feedback. No formal action was taken, although the Council consensus was to begin the hiring process as soon as possible.

REEB CERTIFIED SURVEY MAP. It was moved by Singer and seconded by Abbott to waive the requirement for a 72 hour notice on approval of the Reeb Certified Survey Map (“CSM”), and to approve the CSM as submitted. AYES: Frawley, Abbott, Singer, Bregant, Kidd, Winship. NOES: None. ABSTAIN: Binnie.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. None.

EXECUTIVE SESSION. **EXECUTIVE SESSION.** It was moved by Singer and seconded by Abbott to adjourn to Closed Session, **NOT TO RECONVENE** per Wisconsin Statutes 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.” And Wisconsin Statutes 19.85(1)(g): “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved” and 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:

Settlement Agreements and strategy discussions concerning acquisition of property interests in the following property for the East Gateway Transportation Project:

<u>Plat #.</u>	<u>Tax Key No.</u>	<u>Address</u>	<u>Owner</u>
5	/WUP 00257A	108 W. Main St.	Donna J. Henry
11	/WUP 00266	227 East Main St.	Donna J. Henry
15	/TRA 00003	212 East Main St.	Donna J. Henry

(Due to the lateness of the meeting, the City Manager Performance Evaluation will take place at a future meeting). (Note – The agenda indicated that the Council would reconvene into open session, but the circumstances changed, and the Council moved “not to reconvene.”)

AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Michele R. Smith, Clerk