

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

November 3, 2009.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Olsen and seconded by Taylor to acknowledge receipt and filing of the Landmarks Commission minutes of 8/5/09 and the CDA minutes of 9/28/09. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Taylor to approve payment of city invoices in the total sum of \$177,891.74. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

CITIZEN COMMENTS: Kienbaum spoke on behalf of a resident who feels that there should be more signage allowed in the City for the benefit of those who are visiting. She stated that some of the regulations for signage should be relaxed. Caitlin Dobson, an intern with Career and Leadership Development on campus and a member of SEAL (Student Entertainment and Awareness League), asked for a community drop-off site to be designated for Whitewater Toys for Tots. Taylor commended the Lego League on their presentation to the Park Board. This grade school project researched the expansion of bike paths in the City.

**RESOLUTION AUTHORIZING SUBMITTAL OF ENERGY EFFICIENCY
COMMUNITY BLOCK GRANT.** City Manager Brunner stated that the City is in a good position to receive up to \$225,000 in Energy Efficiency and Conservation Block Grant funds for municipal building retrofits and energy efficient or LED light replacements. Potential projects are still being evaluated, although the list of proposed projects include the Young Memorial Library building VAV system and variable frequency drive blowers and hot water circulating pumps; the Downtown Armory hot water heater replacement; the White Memorial Building boiler replacement with two smaller boilers; the Municipal Building boiler replacement, variable frequency drives for hot water circulating pumps and hot water heater replacement; and the downtown lighting (Street, City parking lot and bollards). Not all of the proposed projects can be included in the grant application. The exact final project list would be determined by city staff in consultation with Focus on Energy. The grant requires a 20% match, so the projects would not exceed \$260,000.

RESOLUTION APPROVING SUBMITTAL OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FOR MUNICIPAL BUILDING RETROFITS AND ENERGY EFFICIENT OR LED LIGHT REPLACEMENT

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, and the Whitewater Common Council have taken numerous actions in recent years to have its facilities become more energy efficient; and

WHEREAS, the City of Whitewater has declared itself a partner with the State of Wisconsin in the pursuit of the State 25 x '25 goals for energy independence; and

WHEREAS, the State of Wisconsin has received funding from the American Recovery and Reinvestment Act (ARRA) through the Energy Efficiency and Conservation Block Grant (EECBG) Program of the U.S. Department of Energy; and

WHEREAS, approximately \$9.5 million of these funds will be awarded to local governments (non Community Development Block Grant entitlement municipalities) actively undertaking projects that improve energy efficiency and the reduction of energy use and fossil fuel emissions; and

WHEREAS, the city administration has identified a number of potential energy efficiency and reduction projects that qualify for potential EECBG projects;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin that the City Manager be authorized to submit an application to the State of Wisconsin for EECBG funding up to the allowable grant maximum of \$225,000 with a commitment of 20% of the final grant amount to be matched by the City with funds to be appropriated from the Capital Improvement Fund with a final list of projects to be submitted to be based upon the best rate of return on investment as determined by city staff and Wisconsin Focus on Energy; and

BE IT FURTHER RESOLVED that the City Manager continue with efforts to work with Wisconsin Focus on Energy on funding available through its programs.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Kienbaum, Winship, Binnie, Stewart, Singer. NOES: None. ADOPTED: November 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVING DEVELOPMENT AGREEMENT WITH QIAN VENTURES LLC RELATING TO 850 JANESVILLE STREET. Presented for approval is a Development Agreement for commercial redevelopment of property at 850 S. Janesville Street. The proposal is consistent with the TIF 6 project plan.

RESOLUTION APPROVING DEVELOPMENT AGREEMENT (CONTRACT FOR REDEVELOPMENT) WITH QIAN VENTURES LLC (RUSSELL WALTON) FOR PROPERTY AT 850 S. JANESVILLE STREET.

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, supports orderly development of the community in accordance with adopted City plans and policies and the efficient provision of municipal services to serve such development, and

WHEREAS, Qian Ventures LLC (Russell Walton) has proposed a commercial redevelopment which is in conformance with adopted City plans, policies, and Titles 18 and 19 of the City Code of Ordinances of the City of Whitewater, and

WHEREAS this commercial redevelopment project is consistent with the Tax Incremental District No. 6 Project Plan and will serve to promote redevelopment within Whitewater TID No. 6 and eliminate blight within this area of the community; and

WHEREAS the City of Whitewater and Qian Ventures LLC have negotiated a development agreement (contract for redevelopment) to establish the responsibilities and timetables for the development, and Whitewater Community Development Authority has recommended its adoption,.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Whitewater authorizes the execution of a development agreement with Qian Ventures LLC for the redevelopment of the property located at 850 S. Janesville Street, and authorizes the City Manager and City Clerk to execute the agreements and documents necessary for said approvals.

BE IT FURTHER RESOLVED, that approval of this development agreement is conditioned upon final approval of the plans and specifications for this project by the Whitewater Plan and Architectural Review Commission, as required in the agreement.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: November 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING SUBMISSION OF SITE ASSESSMENT GRANT APPLICATION FOR PROPERTY LOCATED AT 202 E. MAIN STREET. City Manager

Brunner said that CDA took action to enter into a contract with Ayres Associates for the submittal of three DNR Site Assessment Grants. The Brownfield Assessment grant helps local governments conduct initial activities and investigations at properties with known or suspected environmental contamination. The CDA has recommended approval of submittal of the grant applications for three properties.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A ROUND 10 STATE GRANT APPLICATION FOR THE 202 E. MAIN STREET, WHITEWATER, WI 53190 PROPERTY BY KEVIN BRUNNER, CITY MANAGER, AND THE SUBSEQUENT APPROPRIATION OF CITY OF WHITEWATER TAX INCREMENT FINANCE DISTRICT 4 FUNDS FOR A BROWNFIELD SITE ASSESSMENT GRANT

WHEREAS, the City of Whitewater recognizes that the remediation and redevelopment of Brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the City of Whitewater Common Council has declared its intent to complete the Brownfield Site Assessment Grant activities described in the application if awarded funds; and

WHEREAS, the City of Whitewater will maintain records documenting all expenditures made during the Brownfield Site Assessment Grant period; and

WHEREAS, the City of Whitewater will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the City of Whitewater will submit a final report to the Department which will accompany the final payment request.

IT IS, THEREFORE RESOLVED THAT:

The City of Whitewater Common Council requests funds and assistance available from the Wisconsin Department of Natural Resources under the Brownfield Site Assessment Grant Program for 202 E. Main Street, Whitewater, WI 53190, and will comply with state rules for the program; and

HEREBY AUTHORIZES Kevin Brunner, City Manager, to act on the behalf of the City of Whitewater to: submit an application to the State of Wisconsin for financial aid for Brownfield Site Assessment Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: November 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING SUBMISSION OF SITE ASSESSMENT GRANT APPLICATION FOR PROPERTY LOCATED AT 212 E. MAIN STREET. City Manager Brunner said that CDA took action to enter into a contract with Ayres Associates for the submittal of three DNR Site Assessment Grants. The Brownfield Assessment grant helps local governments conduct initial activities and investigations at properties with known or suspected

environmental contamination. The CDA has recommended approval of submittal of the grant applications for three properties.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A ROUND 10 STATE GRANT APPLICATION FOR THE 212 E. MAIN STREET, WHITEWATER, WI 53190 PROPERTY BY KEVIN BRUNNER, CITY MANAGER, AND THE SUBSEQUENT APPROPRIATION OF CITY OF WHITEWATER TAX INCREMENT FINANCE DISTRICT 4 FUNDS FOR A BROWNFIELD SITE ASSESSMENT GRANT

WHEREAS, the City of Whitewater recognizes that the remediation and redevelopment of Brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the City of Whitewater Common Council has declared its intent to complete the Brownfield Site Assessment Grant activities described in the application if awarded funds; and

WHEREAS, the City of Whitewater will maintain records documenting all expenditures made during the Brownfield Site Assessment Grant period; and

WHEREAS, the City of Whitewater will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the City of Whitewater will submit a final report to the Department which will accompany the final payment request.

IT IS, THEREFORE RESOLVED THAT:

The City of Whitewater Common Council requests funds and assistance available from the Wisconsin Department of Natural Resources under the Brownfield Site Assessment Grant Program for 212 E. Main Street, Whitewater, WI 53190, and will comply with state rules for the program; and

HEREBY AUTHORIZES Kevin Brunner, City Manager, to act on the behalf of the City of Whitewater to: submit an application to the State of Wisconsin for financial aid for Brownfield Site Assessment Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: November 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RESOLUTION AUTHORIZING SUBMISSION OF SITE ASSESSMENT GRANT APPLICATION FOR PROPERTY LOCATED AT 503 S. JANESVILLE STREET. City

Manager Brunner said that CDA took action to enter into a contract with Ayres Associates for

the submittal of three DNR Site Assessment Grants. The Brownfield Assessment grant helps local governments conduct initial activities and investigations at properties with known or suspected environmental contamination. The CDA has recommended approval of submittal of the grant applications for three properties.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A ROUND 10 STATE GRANT APPLICATION FOR THE 503 S. JANESVILLE STREET, WHITEWATER, WI 53190 PROPERTY BY MARY NIMM, COMMUNITY DEVELOPMENT AUTHORITY COORDINATOR, AND THE SUBSEQUENT APPROPRIATION OF CITY OF WHITEWATER TAX INCREMENT FINANCE DISTRICT 6 FUNDS FOR A BROWNFIELD SITE ASSESSMENT GRANT

WHEREAS, the Whitewater Community Development Authority recognizes that the remediation and redevelopment of Brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the Whitewater Community Development Authority Board of Directors has declared its intent to complete the Brownfield Site Assessment Grant activities described in the application if awarded funds; and

WHEREAS, the Whitewater Community Development Authority will maintain records documenting all expenditures made during the Brownfield Site Assessment Grant period; and

WHEREAS, the Whitewater Community Development Authority will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the Whitewater Community Development Authority will submit a final report to the Department which will accompany the final payment request.

IT IS, THEREFORE RESOLVED THAT:

The Whitewater Community Development Authority requests funds and assistance available from the Wisconsin Department of Natural Resources under the Brownfield Site Assessment Grant Program for 503 S. Janesville Street, Whitewater, WI 53190, and will comply with state rules for the program; and

HEREBY AUTHORIZES Mary Nimm, Community Development Authority Coordinator, to act on the behalf of the City of Whitewater to: submit an application to the State of Wisconsin for financial aid for Brownfield Site Assessment Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Taylor. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: November 3, 2009.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

APPROVAL OF STRAND ASSOCIATES PROPOSAL TO COMPLETE FIVE POINTS INTERSECTION PRELIMINARY ENGINEERING STUDY. City Manager Brunner stated that there is interest in redevelopment of the Five Points area. DPW Director Fischer stated that the City has been asked several times to improve the Five Points intersection (Janesville, Walworth, and Summit intersection). Fischer explained that since the creation of TIF 6, the City now has a funding source for the project. It was moved by Olsen and seconded by Winship to approve a proposal with Strand Associates to complete a preliminary Engineering study for the Five Points intersection. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REPORT ON MAIN STREET CORRIDOR SAFETY IMPROVEMENTS. In response to a request from Councilmember Kienbaum, City Manager Brunner indicated that he has been contacted with Councilmember concerns about lack of lighting on W. Main Street, between Prairie Street and Whiton Street. DPW Director Fischer stated that the contract for engineering of the traffic signals has been sent to the State for execution. Upon approval, the State will advertise for bids for the project. Although the City has been trying to move the process along quickly, there are numerous approvals needed through various departments, and the process has been slow. Fischer stated that the existing pedestrian crossing equipment will be removed from Whiton and Main once the traffic signal installation starts. The Cottage and Main equipment does not have indicators for the pedestrians to know whether the lights are flashing for the vehicles, and does not have the eye-level flashing signage for the vehicles. These indicator lights and flashing signs will be moved from Whiton to Cottage once the traffic signal project starts. Increased lighting on Main Street will result from the installation of the traffic signal.

APPROVAL OF REQUEST FROM WHITEWATER SNO-SEEKERS SNOWMOBILE CLUB TO TRAVERSE CERTAIN CITY STREETS. It was moved by Olsen and seconded by Winship to approve the annual request from the Sno-Seekers Snowmobile Club to traverse certain city streets. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

REVIEW OF PROPOSED 2010 BUDGET AND POSSIBLE DIRECTION(S) REGARDING BUDGET, INCLUDING DISCUSSION OF OPTIONS REGARDING REORGANIZATION OF CITY EMPLOYEE AND OFFICER POSITIONS AND SALARIES. **Library** Library Director Lunsford informed Council that library visits, circulation and attendance at children's programs have all increased considerably. One particularly notable increase is in the use of computers by patrons and requests for computer related reference assistance. Wireless access has also increased the number of patrons using computers in the building. There is a fund-raising feasibility study in process for the library addition which is not yet complete. **Cable TV.** Cable Coordinator Luckett provided information relating to employee expenses as well as upcoming changes in equipment and programming. **CDA.** CDA Coordinator Nimm presented a budget that has been approved by the CDA board, and is \$17,000 less than the previous year's budget. **Police.** Chief Coan stated that the Police Department has made every effort to trim the budget to keep it in line with Council's request for a 0% increase. Coan stated that the Police Department will fill the open

Records Technician position in January. Brunner added that, although there has been a general hiring freeze, some positions must be filled because of legal and operational needs. The City has applied for and received funding from a joint grant in conjunction with Delevan and Lake Geneva to support an on-board computer system enabling officers to write tickets and write accident reports in the field for a total of around \$36,000. The City also has also received a grant to aid with costs of replacement of bullet proof vests. **Fire/Rescue**. Fire Chief Gregoire indicated the State is mandating narrow-band communications to start in 2011, which will mean that all pagers will have to be changed out and portable radios will need replacement or reprogramming. Saubert and Gregoire noted that there are user fees for fire and rescue calls, most of which are paid for by insurance companies. Roy Rockwell noted additional capital expenses for crash crew turnout gear, replacement of portable section units in the fire trucks and an ethernet switch for use in the training room.

In order to reach the zero percent increase requested by Council, City Manager Brunner explained that he made the following cuts to the budget: 1) \$15,000 decrease in the animal contract for a new total of \$7,000, 2) decrease in Library Services of \$2,919; 3) Reduction in Police capital equipment and overtime budgets in the total sum of \$10,419; 4) reduced ambulance operating supplies by \$5,000; 5) deleting Alliance of Cities dues of \$1,772; 6) reduce contingencies to reflect 1% of total operating budget; 7) \$2,000 savings on professional development for non-existent City Planner; 8) reductions in car allowances, and; 9) CDA transfer reduction of \$1,882. Saubert stated that the changes total a \$46,055 reduction.

It was moved by Winship and seconded by Stewart to approve the budget as presented by City Manager Brunner.

It was the moved by Winship and seconded by Stewart to amend the budget, with the intent to strike the Alliance of Cities reduction of \$1772 from the main amendment (thereby adding that expenditure back into the budget). AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Amendment passes.

It was moved by Taylor and seconded by Olsen to amend the budget to allow for the purchase of three portable radios for the Police Department at a cost of \$2,500. AYES: Olsen, Taylor, Singer. NOES: Winship, Binnie, Kienbaum, Stewart. ABSENT: None. AMENDMENT FAILS.

A vote was then taken on the amended motion to approve the budget, with the understanding that the Alliance of Cities dues will be put back into the budget (\$1772). AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

It was moved by Singer and seconded by Winship to cut the Human Resources Coordinator position and the half-time clerical position in the Wastewater budget, and to provide for a City Manager Assistant. Singer stated that the City Manager has expressed support for the new position, with the understanding that the position will also be responsible for Human Resources coordination. Singer recommended that the position be funded with the \$92,000 in salary savings, as well as a \$6,700 savings to the General Fund/Wastewater.

Brunner indicated the Human Resources Coordinator position is meant to include special projects which assist the City Manager and department heads. A City Manager Assistant would have human resource duties, as well as grant writing, project management, and general administrative responsibilities, including supervision. After discussion, the motion was withdrawn. The City Manager was directed to come back with a proposal concerning reorganization and assistance to his position. Brunner stated that he would prefer to stay within the existing budget.

It was then moved by Olsen and seconded by Kienbaum to return the Human Resources Coordinator position to a 50% position. AYES: Olsen, Kienbaum. NOES: Taylor, Winship, Binnie, Singer, Stewart. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Taylor requested a detailed listing of money the City spends on food.

ADJOURNMENT. Being no further business to come before the meeting it was moved by Olsen and seconded by Taylor to adjourn the meeting at 9:05 pm. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None.

Respectfully Submitted,

Michele R. Smith,
City Clerk