

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

March 1, 2011

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Kienbaum, Olsen, Stewart, Winship (arrived at 6:34 p.m.), Butler. MEMBERS ABSENT: Winship (arrived at 6:34 p.m.). LEGAL COUNSEL PRESENT: Wallace McDonell.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Kienbaum to approve payment of city invoices in the total sum of \$187,272.04. AYES: Kienbaum, Olsen, Winship, Binnie, Singer, Stewart, Butler. NOES: None. ABSENT: None.

APPROVAL OF MINUTES. It was moved by Olsen and seconded by Kienbaum to approve the Council minutes of 2/17/11 and to acknowledge receipt and filing of the following: Irvin L. Young Memorial Library Minutes of 01/10/2011; CDA Minutes of 01/24/11; January 2011 Financial Reports; and the Technology Park Board Minutes of 02/09/11. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

REPORTS: City employee John Alvarado was recognized for 35 years of service to the City and City employee Melody Lentz was recognized for 30 years of service to the City. City Manager Brunner announced there would be a North Street Bridge Information Meeting to be held on March 8th. Finance Director Saubert indicated that there is a water and sewer utility borrowing forthcoming. City Clerk Smith reported that 2011 assessment notices will be mailed out the week of April 4th, and that Accurate Appraisals has indicated that assessments will decrease, on the average, 1-3%.

HEARING OF CITIZEN COMMENTS. Residents Jeff Knight and Bob Freiermuth complimented the Public Works employees on the exceptional job they did on snow removal during the large snowstorm.

AUTHORIZING EXECUTION OF QUIT CLAIM DEED RELATIVE TO CITY OF WHITEWATER CRAVATH STREET WATER TOWER REAL ESTATE. Per City Attorney McDonell, it is necessary to adopt a Resolution authorizing execution of a Quit Claim Deed which will correct legal description errors relating to property near the city water tower on Cravath Street.

**RESOLUTION AUTHORIZING THE SIGNING OF A QUIT CLAIM DEED AND RECEIVING
A QUIT CLAIM CONCERNING THE CITY OF WHITEWATER CRAVATH STREET WATER
TOWER REAL ESTATE**

WHEREAS, the City of Whitewater is the owner of a water tower situated on real estate located on Cravath Street in the City of Whitewater, and

WHEREAS, it has been determined that when the City of Whitewater acquired the land on which the water tower is located in 1973 and 1976 there were serious chain of title defects in the real estate received by the City, and

WHEREAS, the chain of title defects have caused title problems for the real estate in the area throughout the years, and

WHEREAS, the City, in an effort to correct the problems, has caused a survey of the property in the area to be completed, and

WHEREAS, the surveyor has recommended that the City and the Arnold Estate exchange quit claim deeds in order to correct the real estate title problems in the area, and

WHEREAS, it is in the City of Whitewater's best interest to exchange quit claim deeds with the Arnold Estate.

Now, therefore, **BE IT RESOLVED**, subject to the approval of the City of Whitewater Plan Commission, as follows:

1. The City Manager and the City Clerk of the City of Whitewater are hereby authorized to sign the attached Quit Claim Deed granting the City's interest (if any) in Parcel A to the Arnold Estate.

2. The City Manager and the City Clerk of the City of Whitewater are hereby authorized to accept a Quit Claim Deed from the Arnold Estate granting the Arnold Estate's interest in Parcel C (if any) to the City of Whitewater.

Resolution introduced by Councilmember Olsen, who moved its adoption. Resolution seconded by Councilmember Kienbaum. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: March 1, 2010.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADOPTION OF 25 X 25 PLAN FOR ENERGY INDEPENDENCE. Per a requirement of the energy grant received, it is necessary to formally adopt a resolution and the accompanying plan for energy independence.

RESOLUTION ADOPTING "25X25" PLAN FOR ENERGY INDEPENDENCE

WHEREAS, the City of Whitewater and the Whitewater Unified School District have made a commitment to uphold energy and sustainability as a community and operational policy; and

WHEREAS, in 2010 the City of Whitewater partnered with the Whitewater Unified School District and the Wisconsin Office of Energy Independence to establish the following goals:

1. Generating 25% of electricity and transportation fuels from renewable sources by 2025 ("25x25")
2. Capturing 10% of the emerging bio-industry and renewal energy market by 2030
3. Becoming a national leader in groundbreaking energy research; and

WHEREAS, the Whitewater Common Council has taken numerous actions in recent years to have its facilities become more energy efficient and has indicated its support for renewable energy and the investigation of alternative fuels when it adopted the U.S. Conference of Mayors Resolution on Global Climate Change in 2006; and

WHEREAS, the 25x25 Energy Independence Team developed a general approach to achieving the 25x25 goal; and

WHEREAS, the following goals are identified in the 25x25 Plan for Energy Independence:

1. Improve Energy Efficiency
2. See Opportunities for Conservation
3. Utilize Renewable Energy
4. Investigate Fuel-Efficient and Alternative Fuel Vehicles
5. Sustainable Economic Development
6. Education and Outreach; and

WHEREAS, the City of Whitewater recognizes the pathway to achieving the 25x25 goals involves short-, medium-, and long term strategies to reduce energy consumption and achieve greater utilization of renewable energy; and

WHEREAS, upon adoption of the 25x25 Plan for Energy Independence, the Whitewater Common Council endorses the strategies to reduce energy consumption; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin that the City of Whitewater declares its intention to achieve the 25x25 goal; and

BE IT FURTHER RESOLVED, that City of Whitewater hereby adopts the 25x25 Plan for Energy Independence.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: March 1, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

RECOMMENDING AMENDMENT TO TAX INCREMENTAL DISTRICT #4 PROJECT PLAN (DISTRESSED TIF). Adoption of a formal resolution is required in order to designate TIF 4 as a distressed district.

**A RESOLUTION DESIGNATING DISTRESS
AND APPROVING A PROJECT PLAN AMENDMENT
FOR TAX INCREMENTAL DISTRICT NO.4,
CITY OF WHITEWATER, WISCONSIN**

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the Tax Increment Law) provides the authority and establishes procedures for amending tax incremental districts and approving the project plans for such districts; and

WHEREAS, Tax Incremental District No.4 (the 'District') was created by the City of Whitewater in 1990 primarily to promote the orderly development of the City. In addition, construction of streets and utilities were needed in order to provide incentives for industrial recruitment and growth, as well as to stimulate private sector development along Whitewater Street; and

WHEREAS, the District's Project Plan and Boundaries were amended in 1996. The primary purpose for the amendment was to expand the Whitewater Business Park in order to allow for continued industrial growth, stimulate job creation and tax base expansion and diversification. In addition, infrastructure

needed to be constructed, business recruitment incentives needed to be put in place, and, downtown improvements were needed to assist in retail and commercial expansion as well as, blight elimination; and

WHEREAS, the District's Project Plan was amended in 2005. The City determined that it would continue to benefit the overall community to expand its economic base by amending the Project Plan to provide for the undertaking of additional expenditures. In order to promote additional development, the City's second amendment to the District included additional projects.

WHEREAS, the District's Project Plan was amended in 2005. The City amended the District's boundaries to add Additional Territory and subtract property, to add same back to the tax roll for the benefit of the taxpayers of the overlapping jurisdictions of the City, and to amend the Project Plan to provide for the undertaking of additional expenditures; and

WHEREAS, the City of Whitewater Tax Increment District #4 has experienced a lack of projected development and a reduction in property value, thus reducing the project increment as identified in the 2005 Project Plan Amendment and the projected TID increments within the District are insufficient to pay project costs and debt during the TID's life; and

WHEREAS, project costs incurred exceed the amount of revenues from all sources that the city expects the TID to generate during its life (declaration of distress); and

WHEREAS, effective October 1, 2009, Act 310, allows a municipality to designate a TID as distressed. The ability to designate a TID as distressed or severely distressed is available for a two-year period and expires on September 30, 2011; and

WHEREAS, the designation of TID 4 as Distressed will allow the extension of the TID's maximum life by 10 years beyond its original termination date of September 18, 2017; and

WHEREAS, Whitewater Community Development Authority, after completing preliminary debt analysis gave public notice of, and on January 28, 2011 held a Public Hearing wherein interested parties were afforded a reasonable opportunity to express their views on the proposed amendment of the District, and the proposed Project Plan Amendment thereof in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief Executive Officer of Walworth County, the Whitewater School District, and the Gateway Technical College District, the other entities having the power to levy taxes on property located within the District Amendment, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the Whitewater Community Development Authority and Whitewater Common Council, after due consideration following the said public hearing, determined that the "Distressed" amendment of the District will provide the City with a viable method of financing the remaining debt, which will provide a longer period of time over which to recover project costs where tax increment collections are projected to be insufficient to pay project costs and debt service.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Whitewater makes the findings set forth in the above Whereas clauses, and finds that the project costs incurred with regard to Tax Incremental District No. 4 exceed the amount of revenues from all sources that the City expects the District to generate to pay off such project costs during the life of the District.

BE IT FURTHER RESOLVED, that the City of Whitewater Common Council hereby approves the project plan amendment.

BE IT FURTHER RESOLVED, that the City of Whitewater designates Tax Incremental District No. 4 as a distressed tax incremental district.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: March 1, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ORDINANCE PROHIBITING PARKING ON EXECUTIVE DRIVE.

ORDINANCE AMENDING CHAPTER 11.16.150 OF THE CITY OF WHITEWATER MUNICIPAL CODE ENTITLED “STREET INDEX OF PARKING RESTRICTIONS”.

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

SECTION 1: Chapter 11.16.150 entitled “Street Index of Parking Restrictions” shall be amended as follows:

The following is hereby *added* to the chart entitled Street Index of Parking Restrictions:

| | | | |
|---------------|--|-----------|------------|
| Executive Ct. | West side; from Executive Drive, north to terminus | 11.16.080 | No Parking |
|---------------|--|-----------|------------|

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: March 1, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

DISCUSSION AND POSSIBLE DIRECTION REGARDING DOWNTOWN PARKING REGULATION.

Councilmember Singer requested discussion regarding parking time limitations in the downtown area. There had previously been a complaint about the two-hour time limit for on-street parking downtown. Downtown Whitewater (“DTWW”) Board member David Saalsa indicated that several board members feared that expanding on-street parking times will reduce available parking, thereby resulting in potential customers leaving the area. Saalsa indicated that the DTWW Board acknowledges that not everyone is in agreement with the current parking ordinance, but that the group is trying to accommodate the needs of the majority. DTWW recommended that parking limitations should stay as they are. Councilmembers did not make any recommendation on the subject.

APPROVAL OF CONTRACT WITH STRAND ASSOCIATES FOR NORTH STREET PROJECT ENGINEERING PROPOSAL.

It was moved by Olsen and seconded by Kienbaum to approve a contract with Strand Associates for a sum not to exceed \$153,000, for engineering services work for the North Street bridge replacement project. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

DISCUSSION AND POSSIBLE DIRECTION REGARDING CIVIL SERVICE / EMPLOYEE GRIEVANCE PROCESS ORDINANCE. At the request of Councilmember Singer, his request for discussion on a civil service employee grievance ordinance was cancelled.

DISCUSSION AND POSSIBLE DIRECTION REGARDING PERFORMANCE OR MERIT PAY FOR CITY EMPLOYEES. At the request of Councilmember Singer, his request for discussion on performance pay for city employees was removed from the council agenda.

COUNCILMEMBER REQUEST FOR FUTURE AGENDA ITEMS. None.

ADJOURN. It was moved by Olsen and seconded by Winship to adjourn the meeting. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Michele R. Smith
City Clerk