

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

October 4, 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, Stewart, Olsen, Butler, Winship. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Olsen and seconded by Butler to approve the Council minutes of September 27, 2011 and to acknowledge receipt and filing of the following: Plan Commission Minutes of August 8, 2011; Community Development Authority Minutes of August 29, 2011; Financial Statements of August, 2011; Report of Manually-Issued Checks for August, 2011; Police Department Consolidated Monthly Report for August, 2011; and Cable TV Minutes of September 15, 2011. AYES: Butler, Winship, Binnie, Singer, Kienbaum, Stewart, Olsen. NOES: None. ABSENT: None.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Butler to approve payment of invoices in the total sum of \$113,802.14. AYES: Binnie, Singer, Kienbaum, Stewart, Olsen, Butler, Winship. NOES: None. ABSENT: None.

**STAFF REPORT.** Park and Recreation Director Amundson reported that the Treyton Kilar Field of Dreams group was a successful winner of the Pepsi Challenge competition, and should receive a \$50,000 grant.

**CITIZEN COMMENTS:** Landmarks Commission member Mariann Scott informed Council that as a result of an Open Records request, she discovered a Resolution that would give supervision of the Mounds property to the Park and Recreation Board. Scott expressed disappointment that the plans were not communicated to the Landmarks Commission.

**RESOLUTION RESCINDING TAXES FOR MACLEAN FOGG.**

**RESOLUTION PURSUANT TO WISCONSIN STATUTES 74.33 RESCINDING REAL ESTATE  
TAX FOR IMPROVEMENTS ONLY AND STATUTE 70.511(2)(b) FOR INTEREST  
CONCERNING /WBP1 00001 – (420 N. UNIVERSAL BLVD. A) WALWORTH COUNTY**

WHEREAS, MacLean-Fogg Polymer Tech's manufacturing property in the City of Whitewater has assessed by the State of Wisconsin in the total amount of \$1,579,600.00 and

WHEREAS, MacLean-Fogg Polymer Tech appealed the assessment by the State of Wisconsin; and

WHEREAS, the Wisconsin Tax Appeals Commission reduced the assessed value from \$1,579,600.00 to \$1,367,000.00, and

WHEREAS, the City does not contest said reduction.

NOW THEREFORE, BE IT RESOLVED, that the City Clerk and City Treasurer are authorized, under the direction of the City Attorney, to refund excessive tax paid by Maclean-Fogg Polymer Tech, and to take such other actions as are necessary to finalized this matter.

Resolution introduced by Councilmember Olsen, who moved its adopted. Seconded by Councilmember Butler. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: October 4, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AMENDING TITLE 17, LANDMARKS COMMISSION ORDINANCE, TO PROVIDE FOR A CERTIFICATE OF APPROPRIATENESS.** It was agreed that further work needs to be done on this ordinance, and it was recommended by City Attorney McDonell that Ordinance No. 1828A not be passed. It was moved by Olsen and seconded by Winship to table action on this item. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart, Butler. NOES: None. ABSENT: None.

**AMENDING CH.1.21.010 SCHEDULE OF DEPOSITS TO ASSIGN PENALTY TO CHAPTER 1.25 VIOLATIONS (PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS WHILE CARRYING A FIREARM).** A second reading of the “conceal carry” ordinance was adopted. It was moved by Olsen and seconded by Winship to amend the penalty range from \$300 for first offense, to \$200 for first offense. Vote on the Amendment: AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Butler. ABSENT: None.

**ORDINANCE NO. 1829A- Final**

**SECOND READING OF AN ORDINANCE AMENDING SECTION 1.21.010  
SCHEDULE OF DEPOSITS**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
1.25	Violation of the Public Buildings Firearms Ordinance	1 <sup>st</sup> offense - \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> offense within 1 year - \$400.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment  3 <sup>rd</sup> and subsequent offenses within 1 year - \$600.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

**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 Butler. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart, Butler, Winship. NOES: None. ABSENT: None. ADOPTED: October 4, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**AUTHORIZATION TO SUBMIT ANNUAL APPLICATION FOR TAXI CAB GRANT.** Finance Director Saubert requested approval of the annual submission of a shared ride taxi cab grant. For 2012, Brown Cab **estimates** their total budget to be \$218,737. Although not all information has been received, based on 2011 statistics, it is estimated that the total City share for 2012 will be approximately \$6,213. The budgeted city share for 2011 was \$10,894. It was moved by Winship and seconded by Olsen to approve the annual submission of the 2012 taxi cab grant application. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart, Butler, Winship. NOES: None. ABSENT: None.

**APPOINTMENT OF CITIZEN MEMBER TO CABLE COMMISSION.** It was moved by Olsen and seconded by Butler to appoint Frank Lewis Rowe to one of the vacant Cable Commission positions. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart, Butler, Winship. NOES: None. ABSENT: None.

**DISCUSSION REGARDING RECRUITMENT OF A CDA DIRECTOR AND POSSIBLE RELOCATION OF CDA OFFICE.** City Manager Brunner reported that the CDA has recently taken action to recruit a new CDA Director as well as relocate the current CDA office from the Municipal Building to the Whitewater Innovation Center. It was agreed that a Committee would be formed to review the CDA / Whitewater relationship. Appointment of council member representatives to the Committee will occur at the 10/18/11 council meeting.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Discussion about the CDA – Common Council relationship was requested.

**ADJOURN TO EXECUTIVE SESSION:** It was moved by Singer and seconded by Olsen to Adjourn to Executive Session, **not to reconvene**, per Wisconsin Statutes 19.85(1)(c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility.” Item to be Discussed: 1) City Employee Wages and Benefits. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. Being no further business, the regular portion of the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk