

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 15, 2011

The meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Kienbaum, Stewart, Winship. (AD 2 seat is currently vacant) MEMBERS ABSENT: Olsen. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Stewart and seconded by Binnie to acknowledge receipt and filing of the following: University Whitewater Technology Park Board Minutes of October 12, 2011; Park and Recreation Board Minutes of October 3 and October 10, 2011; Report of Manually-Issued Checks for October, 2011 and Financial Statements for September 2011. AYES: Winship, Binnie, Singer, Kienbaum, Stewart, NOES: None. ABSENT: Olsen.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Stewart and seconded by Binnie to approve payment of invoices in the total sum of \$251,645.05. AYES: Winship, Singer, Stewart, Kienbaum, Binnie. NOES: None. ABSENT: Olsen..

STAFF REPORT. City Manager Brunner reported on **Legislative Updates.** Park and Recreation Director Amundson reported **attendance at conference.** Library Director Lunsford reported on **attendance at Library Conference.**

HEARING OF CITIZEN COMMENTS. Alan Luckett reported that the Birge Fountain had been vandalized. Police Chief Otterbacher introduced Brian Uhl, new Captain of Whitewater Police Department.

PUBLIC HEARING: PUBLIC HEARING ON 2012 CITY OF WHITEWATER BUDGETS. City Manager Brunner presented an overview of the 2012 city budgets. Brunner noted that the proposed budget in 2011 was \$9,264,199, while in 2012 the proposal is \$9,134,425 (down 1.4%). Brunner noted that the proposed levy is the same, with no increase (although the levy could have been increased by .47% due to new construction). The proposed tax rates are up 2 cents per thousand in Walworth County and down one cent in Jefferson County. Brunner stated that the average tax rate of other cities in the population range of 12,500 – 17,500 is \$6.89 per thousand, while Whitewater’s proposed rate is \$5.11 per thousand (two counties averaged). Brunner noted that that the average rate per thousand in other Wisconsin University communities is \$8.02, versus the proposed \$5.11 rate in Whitewater. The Public Hearing regarding the 2012 budget was opened by Council President Singer. No citizens spoke to the budget, and the Public Hearing was closed.

RESOLUTION ADOPTING CITY OF WHITEWATER BUDGETS FOR 2012. Since several councilmembers wanted to maintain the community service officer position, it was moved by Binnie and seconded by Winship to amend the Resolution to incorporate a .47% raise in the levy (\$13,000). AYES: Winship, Binnie, Kienbaum, Stewart. NOES: Singer. ABSENT: Olsen.

RESOLUTION ADOPTING THE 2012
BUDGETS

WHEREAS, the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, has considered the detailed estimates of the money which will be required for the ensuing year for local, county, and state purposes; and

WHEREAS, the Common Council considered said estimates and those estimates have been submitted to a Public Hearing to be held on November 15, 2011, as required by § 65.90 of the Wisconsin Statutes; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that there is hereby levied upon all taxable property in said City, the following amounts for the ensuing year:

FOR THE PURPOSES, WALWORTH AND JEFFERSON COUNTIES,
WISCONSIN:

\$2,864,990

BE IT FURTHER RESOLVED by the Common Council of the City of Whitewater that there is hereby appropriated out of the receipts of the City of Whitewater for 2012, including monies received from the general property tax levy, to the various purposes set forth in the budget for the purposes stated herein, the following amounts:

EXPENDITURES-	General Fund	REVENUES-	General Fund
General Government	\$1,582,233	General Revenues	\$6,182,435
Public Safety	3,893,884	Unrestricted	100,000
Public Works	956,576	Property Tax	<u>2,864,990</u>
Culture/Recreation	1,167,169	TOTAL	<u><u>9,147,425</u></u>
Conserv/Development	101,540		
Debt Service	449,732		
Sinking Funds	348,463		
Community	59,330		
Solid Waste/Recycling	334,077		
Capital Projects	155,046		
Contingencies	<u>99,375</u>		
TOTAL	<u><u>9,147,425</u></u>		

BE IT FURTHER RESOLVED that the following Utility Budgets were authorized for 2012:

Wastewater Utility	\$3,400,401
Water Utility	\$2,345,039
Stormwater Utility	\$520,360

BE IT FURTHER RESOLVED that the 2012 tax increments have been calculated to be as follows:

TID #4	1,583,861
TID #5	0
TID #6	28,207
TID #7	0
TID #8	194
TID #9	<u>240</u>
TOTAL	<u>\$1,612,502</u>

BE IT FURTHER RESOLVED, that the tax levy increases for tax increment districts as calculated are added to the various tax levies for all taxing jurisdictions, except 'State', as follows:

	<u>Walworth County</u>	<u>Jefferson</u>	<u>Total</u>
County	210,712.90	102,711.06	313,423.96
City	260,429.52	128,443.23	388,872.75
Unified School	532,508.95	262,632.17	<u>795,141.12</u>
Technical College	<u>72,434.87</u>	<u>42,629.67</u>	<u>115,064.54</u>
TOTAL	<u>1,076,086.24</u>	<u>536,416.13</u>	<u>1,612,502.37</u>

BE IT FURTHER RESOLVED, the expenditures for marketing expenses, land purchase, construction costs, professional services, and debt service have also been calculated to total the following for the 2012 budget:

TID #4	1,745,011
TID #5	150
TID #6	46,226
TID #7	150
TID #8	150
TID #9	<u>150</u>
TOTAL	<u>\$1,791,837</u>

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the Finance Director /City Treasurer is authorized to transfer sufficient funds from the City General Fund, if necessary, to the TID accounts to cover the expenditures not covered by the tax increments, and that an interest rate shall be added to the amount due the General Fund at the rate of one percent (1%) per annum for all funds owed the General Fund.

Resolution introduced by Councilmember Stewart, who moved its adoption. Seconded by Councilmember Winship. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Olsen. ABSENT: None. ADOPTED: November 15, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 1.25 TO PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS IN CITY OF WHITEWATER WHILE CARRYING WEAPONS.

ORDINANCE AMENDING CHAPTER 1.25 TO PROHIBIT ENTRY OR PRESENCE IN PUBLIC BUILDINGS IN CITY OF WHITEWATER WHILE CARRYING WEAPONS

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

Section 1. Chapter 1.25 of the City of Whitewater Municipal Code is hereby amended to read as follows:

1.25.010. Title.

This Chapter shall be known as, referred to or cited as The Public Buildings Weapons Ordinance of the City of Whitewater.

1.25.020. Authority.

The regulations adopted hereunder are adopted under the authority granted in Wisconsin Statute 943.13(1m)(c)4.

1.25.030. Purpose.

The purpose of this Chapter is to promote the health, safety and general welfare of this community.

1.25.040. Severability and Non-liability.

A. If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

B. If any application of this Chapter to any particular structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure not specifically included in said judgment.

C. The City does not guarantee, warrant or represent that no weapons will be carried in public buildings and hereby asserts that there is no liability on the part of the City of Whitewater, the Common Council, its officers or employees for any damages that may occur as a result of reliance upon this Chapter.

1.25.050. General Provisions.

A. The City Manager shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Whitewater providing notice that no person is to enter or remain in any such building while carrying a firearm, an electronic weapon, a knife, or a Billy club. Such signs shall be five inches by seven inches or larger.

B. Nothing in this subsection shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a weapon in any public building.

C. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.

1.25.060. Penalties for Violation. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subjected to a fine of not less than two hundred dollars nor more than four hundred dollars, together with the costs of prosecution. Any person who violates any of the provisions of this Chapter for a second time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than three hundred dollars nor more than five hundred dollars together with the costs of prosecution. Any person who violates any of the provisions of this Chapter for a third time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than five hundred dollars nor more than seven hundred dollars, together with the costs of prosecution.

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

Ordinance introduced by Council member Stewart, who moved its adoption. Seconded by Council member Binnie. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: November 15, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.

**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 Weapons Ordinance	1 st offense - \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment 2 nd offense within 1 year - \$400.00 plus statutory penalty assessment, jail assessment, courts costs and crime lab assessment 3 rd 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 Council member Stewart, who moved its adoption. Seconded by Council member Binnie. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: November 15, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

REVIEW OF COUNCILMEMBER AD 2 APPLICANT LETTERS OF INTEREST, AND POSSIBLE APPOINTMENT OF COUNCILMEMBER FOR AD 2. Letters of interest to fill Javonni Butler's vacated council seat were submitted by Aldermanic District 2 residents Stephanie Abbott, Andrew W. Denman, and Garth Guthrie. After brief presentations by each candidate, it was moved by Singer and seconded by Winship to appoint Stephanie Abbott to the vacant Aldermanic District 2 seat. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

ADMINISTRATION OF OATH TO NEWLY APPOINTED COUNCILMEMBER FOR ALDERMANIC DISTRICT 2. Stephanie Abbott took the oath of office as the newly-appointed Aldermanic District 2 councilmember.

APPOINTMENT OF COUNCIL REPRESENTATIVES TO ALCOHOL LICENSING COMMITTEE AND PARK AND RECREATION BOARD. It was moved by Singer and seconded by Winship to appoint Stephanie Abbott as the Council Representative to the Park and Recreation Board and the Alcohol Licensing Committee. AYES: Abbott, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

ACTION ON UW-WHITEWATER'S REQUEST TO HOLD A MARCH ON WHITEWATER STREET / MAIN STREET, ON MARCH 7, 2012, IN REMEMBRANCE OF CIVIL RIGHTS MARCH. PARKING WOULD BE ELIMINATED ON THE NORTH SIDE OF THE STREET TO ALLOW THE MARCH. It was moved by Stewart and seconded by Binnie to approve UWW's request to hold a Civil Rights March on March 7, 2012, on Main Street in Whitewater. AYES: Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen (Abbott did not vote on this item as it was a consent agenda item voted on prior to her appointment).

APPROVAL OF CONTRACT WITH STRAND ASSOCIATES FOR PRINCE STREET ENGINEERING SERVICES. It was moved by Winship and seconded by Binnie to approve a contract with Strand Associates, for a sum not to exceed \$94,000. AYES: Abbott, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Councilmember Binnie requested a discussion regarding the procedure to handle council vacancies.

EXECUTIVE SESSION. It was moved by Singer and seconded by Stewart to Adjourn to Closed Session, TO RECONVENE 15 minutes after going into closed session, per Wisconsin Statutes 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” and 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.” Items to be discussed: 1) Collective Bargaining Agreements; 2) Consideration of purchase of 305 James Street. AYES: Abbott, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen.

RECONVENE INTO OPEN SESSION. Upon motion duly made and seconded at 7:55 p.m., the Common Council unanimously voted to reconvene into open session.

ACTION ON RESOLUTION AUTHORIZING PURCHASE OF 305 JAMES ST.

RESOLUTION APPROVING THE PURCHASE OF PROPERTY LOCATED AT 305 JAMES STREET, WHITEWATER, WISCONSIN.

WHEREAS, the owners of 305 James Street, Whitewater, Wisconsin, have requested that the City of Whitewater consider purchasing this property; and

WHEREAS, the acquisition of 305 James Street will allow the future use of this property and the adjacent property now owned by the City for future stormwater management purposes; and

WHEREAS, Forty Thousand Dollars (\$40,000) is a fair market price for the property, and

WHEREAS, the purchase of 305 James Street is in the best interests of the citizens of the City of Whitewater and its storm water utility.

NOW THEREFORE, BE IT RESOLVED, THAT THE City Manager and the City Clerk are hereby authorized to sign any and all documents necessary to purchase the property located at 305 James Street for the price of Forty Thousand Dollars (\$40,000.00).

Resolution introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Singer. AYES: Abbott, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: Olsen. ADOPTED: November 15, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

ADJOURNMENT. It was moved by Stewart and seconded by Binnie to adjourn the meeting. AYES: Abbott, Binnie, Singer, Kienbaum, Stewart, Olsen, Winship. NOES: None. ABSENT :Olsen. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk