

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

July 17, 2012

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

It was moved by Councilmember Olsen and seconded by Councilmember Winship to approve Council minutes for June 7, 2012; June 11, 2012; and June 19, 2012. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

It was moved by Councilmember Olsen and seconded by Councilmember Winship to acknowledge receipt and filing of the following: Report of manually issued checks for June, 2012; Irvin L. Young Memorial Library Board minutes for June 11, 2012; Parks and Recreation Board minutes for June 14, 2012; and Plan Commission minutes for May 14, 2012. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Winship to approve payment of invoices processed through July 11, 2012 in the total sum of \$15,251.49. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

STAFF REPORT. Interim City Manager Clapper reported on the City's Insurance Services Office recent "**ISO**" rating for fire suppression. The City improved its rating from a 4 to a 3, which is the highest rating possible for a volunteer fire department. This ranks Whitewater's Fire Department in the top 6% in Wisconsin. He also read a proclamation declaring August as **Children's Vision Month**. Matt Molitor, City Manager Intern, presented a summary of the **2012 Whitewater Financial Trend Analysis**. John Newhouse of the Whitewater Historical Society reported on **Whitewater's Old Stone Mill** event held in Darien, Wisconsin.

HEARING OF CITIZEN COMMENTS. None.

RESOLUTION CONCERNING ACTION ON REQUEST TO VACATE RIGHT OF WAY FOR EXECUTIVE COURT. Council president Singer opened the public hearing relating to the request to vacate right-of-way for Executive Court. Being no public comments, the hearing was closed. Attorney McDonell requested that approval of the vacation be contingent upon receipt of an admission of service.

RESOLUTION DISCONTINUING EXECUTIVE COURT

WHEREAS, Executive Court (previously named Prospect Drive) is a roadway in the City of Whitewater that extends (and is exclusively located) between 840 Executive Drive and 736 Executive Drive, and

WHEREAS, the owners of 840 Executive Drive (Tax ID No. /A183100001) and

736 Executive Drive (Tax ID No. /A208900001) have requested that the City of Whitewater discontinue Executive Court to facilitate future business development in the area, and

WHEREAS, discontinuance of Executive Court will facilitate economic development in the City of Whitewater, and

WHEREAS, discontinuing Executive Court is in the City of Whitewater's best interest.

Now, therefore, BE IT RESOLVED as follows:

1. Executive Court (previously named Prospect Drive) in the City of Whitewater as more particularly described in the attached legal description and shown on the attached map, is hereby discontinued.
2. The official map of the city of Whitewater is hereby amended to show the discontinuance of Executive Court (previously named Prospect Drive).
3. All utility easements and any easement for existing utilities are being retained by the City of Whitewater.
4. The discontinued road lands shall be equally divided down the centerline of Executive Court between the owner of 840 Executive Drive Tax ID No. /A183100001 and the owner of 736 Executive Drive Tax ID No. /A208900001.

Resolution introduced by Councilmember Olsen, contingent upon receipt of an admission of service from the purchaser of the property, moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: Winship. ADOPTED: July 17, 2012

Cameron Clapper, Interim City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CH. 7.38.010, RELATING TO ALCOHOL IN THE PARKS, AND ACTION ON REQUEST TO WAIVE REQUIREMENT FOR SECOND READNG. The amendment to the ordinance no longer lists specific parks in the City, but refers to all city parks.

ORDINANCE AMENDMENT CONCERNING POSSESSION OF ALCOHOL IN CITY PARKS AND CITY BUILDINGS

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

SECTION 1: Whitewater Municipal Code Chapter 7.38, Section 7.38.010(c), is hereby amended to read as follows:

- (c) Possession of Alcoholic Beverages. No alcoholic beverage will be allowed in any city park (except Starin Park) without a permit. A permit allowing the consumption of alcoholic beverages in parks, park buildings including the Starin Park building, and other municipal buildings may be granted by the City Clerk as deemed appropriate by the City Manager.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None. ADOPTED: July 17, 2012.

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It was moved by Olsen and seconded by Binnie to waive the second required reading of the ordinance amending Ch. 7.38.010 relating to alcohol in the parks. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

JOHNSON BLOCK (CITY'S AUDITOR'S PRESENTATION REGARDING CITY'S 2011 AUDIT). Kevin Krysinski of Johnson Block and Company, Inc. presented audit results. He indicated that Whitewater had been given a number of grants and that a payment to the City from the Economic Development Authority for building of the Tech Park Innovation Center is still outstanding. He recommended that there be independent payroll verification for Emergency Medical Services verifying that payroll numbers accurately reflect calls responded to. It was noted that a program is being implemented this year to address that concern. This year there was a \$750,000 TID #4 advance from the City to the CDA. Krysinski recommended that there be a formal communication between the CDA and the City concerning the terms for repayment. He indicated that while it is desirable to have billing and receiving functions separate, that this internal accounting control is limited by the size of finance staff.

AMENDMENTS TO WHITEWATER EFFIGY MOUNDS PRESERVE PRESERVATION AND MAINTENANCE PLAN. Proposed is an amendment that promotes planting of prairie plant species on the mounds themselves. This process would reduce the amount of labor required to preserve the mounds. It was moved by Winship and seconded by Kidd to approve the amendments to the Whitewater Effigy Mounds Preserve Preservation and Maintenance Plan as presented. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

STRAND ASSOCIATE'S REVISED SITE PLAN FOR TREYTON'S FIELD OF DREAMS. Parks and Recreation Director Amundson presented the changes in Strand's site plan to Council. It was moved by Olsen and seconded by Winship to approve Strand Associate's revised site plan for Treyton's Field of Dreams. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

ACTION ON STRAND ASSOCIATES PROPOSAL FOR ENGINEERING SERVICES RELATED TO TREYTON'S FIELD OF DREAMS. It was moved by Olsen and seconded by Binnie to approve Strand's proposal for engineering services related to Treyton's Field of Dreams in an amount not to exceed \$21,000 (which will be billed on an hourly basis). AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

ARTIFICIAL TURF PROVIDER FOR TREYTON'S FIELD OF DREAMS AND REQUEST FOR AUTHORIZATION TO ISSUE DOWN PAYMENT. Parks and Recreation Director Amundson presented bid results from five bidders for artificial turf for the Field of Dreams, and recommended Field Turf of Canada with a bid of \$162,065.19. The artificial turf would be for the in-field only. Karen McCulloch, a member of the Urban Forestry Committee, spoke of her concerns that trees would be cut down to build the ball

field, and that artificial turf is dangerous and wasteful. Joseph Kranza, a minor, of 10446 E County Line Road, was in agreement. Councilmembers had received calls expressing the same concerns. Amundson indicated that artificial turf had been part of the plan for Treyton's Field since the beginning, and that some of the stakeholders might not donate without that feature. There was a long discussion addressing both sides of the issue. Concern about the fact that the grant application submitted to Pepsi included artificial turf was raised. Pepsi also requires that funds be spent by July 31st. It was moved by Olsen and seconded by Binnie to postpone a decision on the artificial turf until a special meeting on July 24, 2012 at 6:30 p.m. AYES: Olsen, Winship, Binnie, Kidd. NOES: Abbott, Singer, Kienbaum. ABSENT: None.

ACTION ON CDA'S RECOMMENDATION FOR ADDITIONAL CDA APPOINTEE ON UNIVERSITY TECHNOLOGY PARK BOARD. It was moved by Olsen and seconded by Winship to approve CDA's recommendation to appoint an additional CDA appointee to the University Technology Park Board. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

APPOINTMENT OF CDA REPRESENTATIVE ON WHITEWATER UNIVERSITY TECHNOLOGY PARK BOARD. This item was removed from the Council agenda by Councilmember Singer.

APPOINTMENT OF CITIZEN MEMBER(S) TO WHITEWATER UNIVERSITY TECHNOLOGY PARK BOARD. This item was removed from the Council Agenda by Councilmember Singer, and will be handled at a future meeting.

CITY MANAGER RECRUITMENT JOB DESCRIPTION, PROPOSED SALARY, ADVERTISING PLACEMENT, TIMELINE AND RECRUITMENT BROCHURE. It was moved by Binnie and seconded by Olsen to approve the recruitment brochure text prepared by Voorhees Associates, on the condition that the following changes are made: 1) correction of typographical errors; 2) change the wording to state that the City Manager "reports to the President of the City Council and six other members"; 3) references to the City Council should be changed such that the first reference is to the Common Council but that all further references be to the City Council; 4) On Page 5 there should be two headers, the first would be for the two items which include education and experience, and the second would be for the other skills required. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

It was then moved by Binnie and seconded by Olsen to approve the proposed salary of \$100,000 +/- per year for the position. AYES: Binnie, Kidd, Olsen, Abbott, Singer, Winship. NOES: Kienbaum. ABSENT: None.

It was then moved by Winship and seconded by Olsen to approve placement of recruitment advertisements for the City Manager position through the ICMA and WCMA websites. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

It was moved by Winship and seconded by Olsen to approve advertisements for the city Manager position through the National Forum of Black Public Administrators and the Hispanic Network. AYES: Winship, Singer. NOES: Olsen, Abbott, Binnie, Kienbaum, Kidd. ABSENT: None. MOTION FAILED.

It was moved by Kidd and seconded by Olsen to approve the timeline with a request to Karl Nollenberger of Voorhees to have the interviews for the position on the 5th and 6th of October as a first choice; or on the 21st and 22nd of September as an alternate choice. There was unanimous approval.

CONTRACT FOR PAVING OF BUSINESS PARK STREETS. It was moved by Olsen and seconded by Winship to award a contract for the paving of Business Park streets to Frank Brothers, Milton, WI in the amount of \$96,632.00. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

DISCUSSION AND POSSIBLE ACTION REGARDING REMOVAL OF E. MAIN SANITARY SEWER PROJECT FROM MILWAUKEE STREET RECONSTRUCTION PROJECT. This item was pulled from the agenda and will be considered at a future meeting.

CHANGE OF AGENT FOR WAL-MART'S CLASS A BEER AND LIQUOR LICENSE. It was moved by Olsen and seconded by Winship to approve a change in agent relating to Wal-Mart's Class A Beer and Liquor License from Joey Marx to Rick Gunderson. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Winship requested that discussion of control of Ash Borers in City trees be brought forth. Councilmember Singer asked for a discussion relating to a request to move up the payment of the City's contribution to Downtown Whitewater, Inc., as well as to discuss the City's funding of the group in 2013.

EXECUTIVE SESSION. It was moved by Singer and seconded by Olsen to adjourn to Executive Session **not to reconvene**, per Wisconsin Statutes Chapter 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". Item to be discussed: WPPA negotiation/mediation AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Singer, Winship. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 9:43 p.m.

Respectfully submitted,

Nancy L. Stanford
Administrative Assistant

