

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

May 7, 2013

The regular meeting of the Common Council was called to order by Council President Singer. MEMBERS PRESENT: Abbott, Winship, Binnie, Singer, Bregant, Kidd, Olsen. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Olsen and seconded by Abbott to approve the Council Minutes of April 4, 2013 and April 16, 2013 and to acknowledge receipt and filing of the following: Irvin L. Young Memorial Library Board Minutes of 3/18/2013; Birge Fountain Committee Minutes of 9/19/2012 and Parks and Recreation Board Minutes of 3/4/2013. Added to the consent agenda was C-6 Request for authorization to obtain quotations for, or to consolidate work with E. Main Street reconstruction project, for mill and overlay of E. Main Street, from Fonda Street to the west end of Cherry Street; Appointment of citizen member to Library Board; and Authorization to discuss personnel DPW Director position candidates in executive session since less than 72 hours notice of this item has been given. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd, Olsen. NOES: None. ABSENT: None.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Olsen and seconded by Abbott to approve payment of city invoices in the total sum of \$29,743.47. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd, Olsen. NOES: None. ABSENT: None.

STAFF REPORTS.

City Manager Clapper read the Proclamation for National Police Week 2013; Proclamation for Historical Preservation Month and Proclamation for Wisconsin Archaeology Month presenting to Carol Christ; Chuck Nass was presented the Tree City Award; Recognition of the 2012-13 Women's Gymnastics Team National Champions with Councilmember Stephanie Abbott presenting a plaque to the team; Recognition of the 2012-13 Women's Wheelchair Basketball Team National Champions with Councilmember Sarah Bregant presenting a plaque to the team; and Landmarks Report was given by Carol Christ.

CITIZEN COMMENTS. No citizen comments.

FIRST READING FOR INCREASING FINES (PENALTIES) FOR DAMAGE TO PROPERTY CITATIONS. City Attorney Wally McDonell stated complaints have been received by Councilmember Winship, regarding the fines for damage to property, particularly on Main Street. The Dean of Students and McDonell both agreed increasing fines might deter the students from this sort of behavior.

AN ORDINANCE AMENDING PENALTY PROVISIONS FOR
SECTION 7.36.010
DAMAGE TO PROPERTY

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

SECTION 1: Whitewater Municipal Code Chapter 7.36.010, Section 7.36.030(b) is hereby amended to read as follows:

- (b) (1) Penalties for Violation. Any person who violates the provisions of this section shall upon conviction thereof be subjected to a fine of not less than \$450.00 nor more than \$700.00, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed six months.
- (2) Any person who violates the provisions of this section for a second time within a one-year period shall be subject to a fine of not less than \$650.00 nor more than \$900.00, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed six months.

It was moved by Winship and seconded by Olsen to approve the increasing of fines for damage to property citations. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. First Reading Approved on May 7, 2013.

ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS. Increase of deposits suggested by McDonell for the first offense from \$450 to \$550 and the 2nd offense from \$650 to \$750 after discussion with council.

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 by adding the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
7.36.030	Damage to property	1 st offense - \$550.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

2nd and subsequent offense -
\$750.00 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.

It was moved by Winship and seconded by Olsen to approve the increase of fines for the Schedule of Deposits for Section 1.21.010. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. First Reading Approved on May 7, 2013.

JOHNSON BLOCK'S ANNUAL PRESENTATION TO CITY AUDIT (2012 AUDIT YEAR). Kevin Krynski from Johnson Block presented the City Audit report for the 2012 year. It was noted that in response to a recommendation in the previous year's audit, the City Manager, Cameron Clapper, and the City Clerk, Michele Smith, will be the authorized signers on the checking account.

AWARD OF CONTRACT FOR COMPLETION OF FIRE DEPARTMENT / RESCUE SQUAD OPERATIONS STUDY. Councilmember Kidd stated the highest bid was the best overall product. There was no contract in council packet. Olsen approved and Winship seconded the approval of the operations study not to exceed \$27,800, authorizing the City Manager to execute the contract after he and the City Attorney review it. AYES: Winship, Binnie, Abbott, Olsen, Singer, Bregant, Kidd. NOES: None.

ACTION ON ALCOHOL LICENSING COMMITTEE'S RECOMMENDATION TO UPHOLD DENIAL OF BEVERAGE OPERATOR'S LICENSE FOR SARA POPE. Councilmember Abbott stated that at the last Alcohol Licensing meeting, Sara Pope did appeal the Police Chief's denial of her beverage operator's license application. The Alcohol Committee recommended that the Common Council uphold the denial. City Attorney Wally McDonnell commented that it should be noted that letters were received by the Council from the applicant and her employer and these were considered. Abbott moved and Olsen seconded to uphold denial of beverage operator's license for Sara Pope. AYES: Bregant, Kidd, Singer, Binnie, Winship, Olsen, Abbott. NOES: None.

REQUEST FOR APPROVAL OF ENGINEERING CONTRACT FOR 2014 EAST GATEWAY PROJECT. Neighborhood Services Manager Latisha Birkeland stated this project has been in the works since 1994. The construction is set for 2014 and there is no concept plan yet. This request is for approval of engineering services only and not to exceed \$210,000. Olsen moved and Winship seconded for the approval of Engineering Contract for 2014 East Gateway Project not to exceed \$210,000. AYES: Binnie, Olsen, Abbott, Singer, Bregant, Kidd, Winship. NOES: None.

REQUEST FOR AUTHORIZATION TO OBTAIN QUOTATIONS FOR, OR TO CONSOLIDATE WORK WITH E. MAIN STREET RECONSTRUCTION PROJECT

(HUGHES), FOR MILL AND OVERLAY E. MAIN STREET, FROM FONDA STREET TO THE WEST END OF CHERRY STREET. It was moved by Olsen and seconded by Abbott to authorize obtaining quotations for, or to consolidate work with E. Main Street reconstruction project (Hughes), for mill and overlay E. Main Street, from Fonda Street to the West end of Cherry Street. AYES: Winship, Binnie, Olsen, Abbott, Singer, Bregant, Kidd. NOES: None.

APPROVAL OF SALE OF CITY-OWNED VEHICLES THROUGH SWEENEY AUCTION SERVICE. It was moved by Olsen and seconded by Abbott to approve sale of city-owned vehicles through Sweeney Auction Service. AYES: Winship, Binnie, Olsen, Abbott, Singer, Bregant, Kidd. NOES: None.

APPROVAL OF ELEVATOR CONTRACT WITH SCHINDLER FOR ELEVATOR SERVICE. It was moved by Olsen and seconded by Abbott to approve elevator contract with Schindler for elevator service. AYES: Winship, Binnie, Olsen, Abbott, Singer, Bregant, Kidd. NOES: None.

APPOINTMENT OF CITIZEN MEMBER TO LIBRARY BOARD. It was moved by Olsen and seconded by Abbott to approve appointment of Danielle Hudson to the Library Board. AYES: Winship, Binnie, Olsen, Abbott, Singer, Bregant, Kidd. NOES: None.

AUTHORIZATION TO DISCUSS PERSONNEL DPW DIRECTOR POSITION CANDIDATES IN EXECUTIVE SESSION SINCE LESS THAN 72 HOURS NOTICE OF THIS ITEM HAS BEEN GIVEN. It was moved by Olsen and seconded by Abbott for authorization to discuss personnel DPW Director position candidates in executive session since less than 72 hours notice of this item has been given. AYES: Winship, Binnie, Olsen, Abbott, Singer, Bregant, Kidd. NOES: None.

FUTURE AGENDA ITEMS. Councilmember Singer would like to discuss an ordinance to remove enforcement parking time/restrictions in downtown on Saturdays. Councilmember Binnie would like discussion on advance from CDA to TIF #4 and adoption of fund balance policy.

EXECUTIVE SESSION It was moved by Singer and seconded by Olsen to adjourn to closed session, to reconvene in approximately 15 minutes, pursuant to 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 Wisconsin Statutes 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 with Police Officers and Dispatch Officers and 2) Personnel DPW Director Position Candidates. AYES: Bregant, Abbott, Kidd, Singer, Winship, Olsen, Binnie. NOES: None. Meeting was adjourned at 7:55 p.m.

ACTION ON REQUEST FOR APPROVAL OF EMPLOYMENT CONTRACT WITH WPPA (WISCONSIN PROFESSIONAL POLICE ASSOCIATION) FOR

WHITEWATER POLICE OFFICERS. Olsen moved and Winship seconded for approval of employment contract with WPPA for Whitewater Police Officers for a 2% wage increase, a required contribution to pension health insurance from police officers, with minor grammatical clarifications AYES: Abbott, Bregant, Singer, Olsen, Kidd, Winship, Binnie. NOES: None.

ACTION ON REQUEST FOR APPROVAL OF EMPLOYMENT CONTRACT WITH TEAMSTERS UNION FOR CITY OF WHITEWATER POLICE DISPATCHERS. Winship moved and Olsen seconded approval of employment contract with Teamsters Union for City of Whitewater Police Dispatchers, under the law changes of Act 10 and Act 32. This is only to discuss wage increases with none being adopted. AYES: Bregant, Kidd, Olsen, Singer, Winship, Binnie, Abbott. NOES: None.

ADOPTION OF 2ND AMENDMENT TO 2013 SALARY RESOLUTION (AS RESULT OF APPROVAL OF POLICE DEPARTMENT EMPLOYMENT CONTRACTS). Olsen moved and Winship seconded approval of 2nd amendment to 2013 salary resolution (as a result of approval of police department employment contracts). AYES: Abbott, Winship, Binnie, Singer, Olsen, Kidd, Bregant. NOES: None.

ADJOURNMENT. It was moved by Olsen and seconded by Abbott to adjourn the meeting. AYES: Bregant, Abbott, Kidd, Singer, Winship, Olsen, Binnie. NOES: None. Meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Debbie Hilgen, Administrative Assistant