

**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 21, 2013

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. Councilmembers present: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. MEMBERS ABSENT: Winship. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Olsen and seconded by Bregant to approve the Council minutes of April 30, 2013 and to acknowledge receipt and filing of the following: Financial Reports for April, 2013, Report of Manually-Issued Checks for April, 2013; Plan and Architectural Review Commission Minutes of April 8, 2013; and Parks and Recreation Board Minutes of April 9, 2013. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

PAYMENT OF INVOICES. It was moved by Olsen and seconded by Bregant to approve payment of city invoices in the total sum of \$70,192.54. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

STAFF REPORTS: City Manager Clapper introduced UWW Police Chief Kiederlen, who provided information relating to the UWW Drug and Alcohol Education and Prevention Activities. Parks and Recreation Director Amundson provided an update on air conditioning problems at the White Building. Director Brodnicki presented Downtown Whitewater's quarterly update.

CITIZEN COMMENTS: None.

FIRST READING OF ORDINANCE RELATING TO ABANDONED PROPERTY.

**ORDINANCE CREATING CHAPTER 1.32
ABANDONED PROPERTY ORDINANCE 05-07-13 – 10:00 a.m.**

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

Section 1. Whitewater Municipal Code Chapter 1.32 entitled Abandoned Property is hereby created to read as follows:

Chapter 1.32 – Abandoned Property

(1) Abandoned or unclaimed personal property which has been in the possession of the City for more than 30 days may be disposed of in accordance with Wisconsin Statute §66.0139 by the City by public auction, private sale, sale by contract, a trade on other property to be acquired by the City, retention for use by the City, gifted by the City to a third party, or other means of disposal deemed to be in the best interest of the City determined by the City Manager of the City of Whitewater.

(2) If the property is disposed of in a means other than a sale open to the public, the City shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of at least 2 years from the date of disposal of the property.

(3) If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the General Fund of the City of Whitewater.

(4) For reference on related State Statutes, please see:

- § 59.66 Disposition of Unclaimed Funds by Clerk of Courts
- § 66.0139(3) Disposition of Dangerous Substances
- § 66.0139(5) Disposition of Weapons and Ammunition
- § 173.23 Disposition of Animals
- § 961.55 Forfeitures Related to Controlled substances
- § 968.20 Return of Property Seized Pursuant to Search Warrant or Seized Without a Search Warrant
- § 973.075 Forfeiture of Property Including Money Derived from Crime and Disposition of Certain Vehicles

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship. First Reading Approved: May 21, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE ELIMINATING PARKING ON E. MAIN STREET. Councilmember Binnie requested that neighbors affected by this ordinance be notified prior to the second reading of the Ordinance.

**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 *deleted* from the Street Index of Parking Restrictions:

Main – E	South side; from a point 184 feet east of the east curb line of N Cherry, east to a point 132 feet east	11.16.080	No Parking
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The following is hereby *added* to the chart entitled Street Index of Parking Restrictions:

Main – E	Both sides, from the east curb line of N. Cherry to the west curb line of N. Wakely.	11.16.080	No Parking
Main – E	Both sides – from east curb line of N. Harris to the west curb line of N. and S. Newcomb.	11.16.080	No Parking
Main - E	South side, from east curb line of N. Fonda to the west curb line of N. Harris.	11.16.080	No Parking
Main – E	Both sides; from the east curb line of N. Wakely to the west curb line of N. Fonda.	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 Binnie. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship. First Reading Approved: May 21, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING WEEKEND PARKING LIMITATIONS IN DOWNTOWN B-2 ZONING DISTRICT. Councilmember Singer, requestor of this ordinance, requested that the item be removed from the agenda until a later date.

SECOND READING OF ORDINANCE INCREASING PENALTIES FOR DAMAGE TO PROPERTY CITATIONS.

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.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Bregant. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship. Date Approved: May 21, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CH. 1.21, 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 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
		2 nd 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.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Bregant. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship. Date Approved: May 21, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

WELL # 7 REPAIRS. It was moved by Olsen and seconded by Binnie to approve repairs to Well #7 (Installation of Variable Frequency Drive, reconfigure lines feeding pumps at booster station, and chemically treat borehole to address cause of mineral build up in well) to be completed by Water Well Solutions of Oconomowoc, Wisconsin, for a sum not to exceed \$45,500. It is understood that \$10,500 of this cost will be funded by the water utility fund balance. AYES: Olsen, Abbott, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Winship.

TREYTON KILAR FIELD OF DREAMS. Parks and Recreation Director Amundson requested approval of plans for the Field of Dreams and authorization to go to bid for site work. This would include excavation and pavement of lots, pathway excavation and fill for field, and all underground work up to the point field turf would be installed. Also to be included would be conduit, plumbing and underground utilities for concessions. The project would encompass all items needed to build the field. Amundson confirmed that until the bids are received, it is unknown whether 100% funding has been raised. Amundson indicated that the concession stand and some bleachers are not included. He also indicated that they are working on finalizing the design of the concession stand and are having discussions with the City's engineer to try to separate the projects to take advantage of options which may not require public bidding. Amundson confirmed that they are still committed to having a concession stand, but that will be dealt with at a later date. It was moved by Olsen and seconded by Binnie to approve the final plans for Treyton's Field of Dreams and authorize the City to go to bid for the project. AYES: Olsen, Abbot, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Winship.

SPONSORSHIP OF GREATER WHITEWATER COMMITTEE ½ MARATHON. It was moved by Olsen and seconded by Bregant to authorize an expenditure from the Contingency account in the sum of \$2,500, contingent upon Community Development Authority matching the same, for a title sponsorship for the Greater Whitewater Committee ½ marathon scheduled for September 22, 2013. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

E. MAIN STREET CHANGE ORDER. It was moved by Olsen and seconded by Binnie to approve a change order for the East Main Street reconstruction, including the mill and overlay portion funded by the Street repair fund. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

ASSISTANT TO THE CITY MANAGER POSITION. After two unsuccessful recruitment attempts for a Director of Public Works, City Manager Clapper has requested that the DPW Director position be changed to an Assistant to the City Manager Position that would also have responsibilities to oversee the DPW operations. City Manager Clapper distributed a proposed position description to councilmembers. It was moved by Olsen and seconded by Binnie to approve addition of an Assistant to the City Manager position along with the accompanying job description, and to eliminate the Director of Public Works position. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

MEMORANDUM OF UNDERSTANDING WITH UW WHITEWATER COMMUNITY OPTIMIST CLUB REGARDING TURTLE MOUND PARK EQUIPMENT. UW Community Optimist Club has agreed to donate \$15,000, payable in three payments, for improvement of the playground at Turtle Mound Park. It was moved by Olsen and seconded by Bregant to approve the Agreement with UW Whitewater Community Optimist Club. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

MEMORANDUM OF UNDERSTANDING WITH UW-WHITWATER STUDENT GOVERNMENT ORGANIZATION REGARDING DONATION TOWARDS TREYTON'S FIELD OF DREAMS. UWW Student Government has agreed to donate \$10,000 towards the construction of Treyton's Field of Dreams. It was agreed that UWW will receive free use of the facility for four hours per week until 12/31/15. The hours will be limited to recognized organizations on campus. UWW will pay 50% of the rental fee for the Field of Dreams from January 1, 2016 until December 31, 2023. AYES: Olsen, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: Winship.

FUTURE AGENDA ITEMS. Councilmember Kidd requested that "permanent" stop signs at the intersections of Elizabeth and Walworth, and at the Five Points, on the E. side of Walworth be discussed.

EXECUTIVE SESSION. It was moved by Singer and seconded by Olsen to Adjourn to Closed Session, *not to reconvene*, 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 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: Compensation for Neighborhood Services Manager for work performed in the absence of a DPW Director and Discussion of City Manager Benefits. AYES: Olsen, Abbott,

Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Winship. Being no further business to come before the meeting, the open session portion of the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Michele R. Smith, Clerk