

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 19, 2013

The regular meeting was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Abbott, Winshuip, Binnie, Singer, Bregant, Kidd. MEMBERS ABSENT: Frawley. CITY ATTORNEY PRESENT: McDonell.

It was moved by Binnie and seconded by Winship to approve the council minutes of 10/1/13 and to acknowledge receipt and filing of the following: Cable Television Committee Minutes of 9/11/2012; Plan Commission Minutes of 10/14/13; Report of Manually-Produced Checks for October, 2013; Financial Reports for October, 2013; Police and Fire Commission Minutes of May 9, 2013, July 25, 2013 and August 29, 2013 and CDA Minutes of 8/15/13, 8/27/13; and 10/2/13. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

STAFF REPORTS. City Manager Clapper introduced new Assistant City Manager , Chris McDonell. Brienne Brown of Makerspace presented information on the group. Parks and Recreation Director Amundson updated the Council on the Kilar Field of Dreams Project.

BUDGET PRESENTATIONS: 2014 budget presentations were given by the Community Development Authority (annual operating budget) and the TIF Budgets (TIFs 4 through 9). The Capital Improvement Plan was presented as well. It was noted that the actual cost for the Fiber Master Plan was unknown, but an unconfirmed estimate of \$15,000 – 30,000 was indicated. The Strategic Plan and Wage Classification study were highlighted. City Manager Clapper indicated that the City’s Insurance carrier, CVMIC, works with communities to facilitate Strategic planning. Clapper estimated a \$10,000 cost, without a survey. Clapper estimated the Wage Study to cost approximately \$20,000 - \$25,000.

CDA Director Cannon presented their proposed 2014 budget. Councilmember Singer raised the issue that the CDA was previously funded through TIF 4 (50% of budget) and the City’s general fund (50%). Since the budget was no longer funded at those percentages, Singer questioned why the change. City Manager Clapper indicated that he was not aware of the funding arrangement. Singer indicated that \$10,547 was necessary to create a budget where CDA does not have to use their fund balance. Finance Director Saubert indicated that the only TID district able to contribute at this time is TID 6. He noted that we are in a money crunch and that the decision was to leave budgets the same. CDA Chairperson Knight explained that the CDA’s UDAG funds are limited and intended for potential business development expenses. Knight indicated that the CDA is loaning UDAG funds to the CDA’s operating budget until such time that the City’s TIF districts 5, 6 and 7 produce revenue. Finance Director Saubert indicated that the CDA’s fund 910 has millions of dollars in it, and the UDAG fund has approximately \$565,000 +/-.

In reference to the Capital Improvement Plan, it was noted that the dispatch / communications center would be addressed in 2014. It was also indicated that the Fire Department / Rescue squad presentation would be presented on December 5th. Councilmember Binnie questioned Streets and the manner in which priority for repairs is given. It was explained that both the condition of the Streets as well as the utilities below the Streets are taken into account when determination of repair dates is made. It was noted that George, Center and Tratt Streets need repair. It was noted that there is a \$9,500 savings on the Assessor’s contract; a decrease in Public Works personal protective equipment (additional \$3,000 to be used) and the State Payments for Municipal Services generated an additional \$8,680 than anticipated. It was noted that the ride share program (taxi cab service) has a fund balance of \$26,000, which is more than enough to cover costs out of that budget (additional \$10,000 to be used as potential alternative source for funding items).

Consideration of an additional Community Service Officer (“CSO”) / Neighborhood Services Officer (“NSO”) to cover Thursday evening shifts is noted. It was also noted that the \$31,000 contingency fund remains below the City’s 1% goal as recommended in the City’s Financial Policy.

City Manager Clapper indicated that Generac is considering a contribution of \$18,000 for funding of the Innovation Bus as opposed to the requested \$47,830 contribution. A lengthy discussion ensued regarding the Innovation Center Bus. Tim Burton of Generac indicated that there is some confusion over Generac requesting the bus, and that Generac was approached, asking to contribute seed money to get the bus project going. At that time, it was presented to Generac that their contribution would decrease over the years as ridership from other sources increased. Councilmembers expressed concern over the lateness of this news and the difficulty it creates in setting the 2014 budget. Discussion regarding the possibility of amending hours ensued. (Could Generac’s work hours be adjusted to coincide with Husco’s?).

PUBLIC HEARING ON 2014 CITY OF WHITEWATER BUDGETS. The Public Hearing on the 2014 budgets was opened by Council President Singer. Anne Hartwick of the Irvin L. Library Board voiced support for including the Library expansion project in the Capital Improvement Plan. The Public Hearing portion of the meeting was closed.

RESOLUTION ADOPTING 2014 CITY OF WHITEWATER BUDGETS.

After discussion regarding the 2014 budgets, it was moved by Winship and seconded by Binnie to fund the bus at \$12,000 for the next year, and have the City make a decision by August, 2014 on continued support of the business service. AYES: Winship, Binnie, Bregant, Kidd. NOES: Abbott, Singer. ABSENT: Frawley. It was then moved by Singer and seconded by Abbott to reduce the wage classification budget from \$30,000 to \$20,000; to reduce the Strategic Plan budget from \$25,000 to \$15,000; to add \$11,000 to the CDA budget to return them to the 50% funding level that has been provided in the past; and to use the remaining “extra” money (\$4,000) to increase the diminishing fund balance. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

Resolution adopting the City of Whitewater 2014 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 19, 2013, as required by § 65.90 of the Wisconsin Statutes;

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:

\$3,017,446

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 2014, 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-	Fund	REVENUES-	Fund
General Government	\$1,599,713	General	\$6,364,000
Public Safety	3,975,215	Unrestricted	-
Public Works	953,519	Property Tax	<u>3,017,446</u>

Culture/Recreation		TOTAL	9,381,446
	1,206,64		
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Conserv/Development	118,207		
Debt Service	543,538		
Sinking Funds	405,303		
Solid Waste/Recycling	347,111		
Capital Projects	143,167		
Fund Balance-Reserve	-		
Contingencies	89,028		
	<u>TOTAL</u>		
	<u>9,381,44</u>		
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BE IT FURTHER RESOLVED that the following *Utility Budgets* were authorized for 2014:

Wastewater Utility	\$2,751,429
Water Utility	\$2,048,83
Stormwater Utility	\$772,725

BE IT FURTHER RESOLVED that the **2014 tax increments** have been calculated to be as follows:

TID #4	1,694,694
TID #5	-
TID #6	61,114
TID #7	-
TID #8	407
TID #9	226
TOTAL	<u><u>\$1,756,441</u></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	224,837.71	111,238.77	336,076.48
City	279,428.33	137,542.21	416,970.54
Unified School	579,007.9	285,003.4	864,011.3
Technical	83,240.4	46,143.7	129,384.1
TOTAL	<u><u>1,166,514.4</u></u>	<u><u>579,928.1</u></u>	<u><u>1,746,442.5</u></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 2014 budget:

TID #4	1,975,65
TID #5	150
TID #6	46,031
TID #7	150
TID #8	150
TID #9	150
TOTAL	<u><u>\$2,022,287</u></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 Winship, who moved its adoption. Seconded by Councilmember Abbott. AYES: Abbott, Winship, Binnie, Bregant, Kidd, Singer. NOES: None. ABSENT: Frawley. ADOPTED: November 19, 2013.

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING ZONING DESIGNATION FOR 319 W. JAMES STREET. Tyler Sailsbery has requested rezoning of the property at 319 James Street to allow for a restaurant business and distillery in the former Fort Auto Body Shop at 319 W. James Street. Attorney Mitch Olson representing neighboring property owner, Beverly Stone, expressed opposition to the rezone, indicating that the ordinance indicates the rezoning should not be granted unless public necessity dictates it, and that the proposed project does not meet the standard. Olson also referred to the proposal as spot zoning, placing a business venture in a residential neighborhood. It was noted that the Public Hearing for the rezoning was held at the Plan Commission level. Beverly Stone and David Stone, both of 303 Ann Street, indicated that the proposal was an incompatible land use. David Stone referred to the City's comprehensive plan, where it indicated that incompatible land uses are to be minimized. In response to Council questions, it was stated that the restaurant would require a conditional use permit in order to serve any alcohol, and that the permit is issued to the permit applicant, and does not run with the property. Any future owner wanting to serve alcohol would be required to obtain his/her own conditional use permit. Lengthy discussion ensued. Councilmembers felt Sailsbery has worked hard to mitigate the effects on the neighborhood by reducing hours of operation and removing outside seating from the proposal.

**ORDINANCE NO. 1866 - PRELIMINARY
AMENDING THE CITY OF WHITEWATER ZONING MAP
AND ZONING CLASSIFICATION OF PROPERTY IN THE
CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do hereby ordain, pursuant to Municipal Code Section 19.69.060, as follows:

Section 1: The property described below is hereby rezoned from R-3 (Multi-family Residence) Zoning District to B-2 (Central Business District) Zoning District. The property is described as follows:

319 W. James Street, Tax Parcel Number /TR 00025.

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above change.

Section 3: This zoning change is consistent with the City of Whitewater Comprehensive Plan.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie.

AYES: Abbott, Winship, Binnie, Singer, Bregant. NOES: Kidd ABSENT: Frawley
FIRST READING APPROVED: November 19, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 1.20 INCREASING COURT COSTS.

**ORDINANCE No. 1865 PRELIMINARY
ORDINANCE INCREASING COURT COST FEE
FROM \$28.00 TO \$38.00**

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

Section 1: Whitewater Municipal Code, Chapter 1.20 Section 1.20.040, is hereby amended by adding the following language:

In a municipal court action, except for a financial responsibility violation under s. 344.62(2) or for a violation of an ordinance in conformity with s. 343.51(1m)(b) or 347.48(2m) the municipal judge shall collect a court cost fee pursuant to Wisconsin Statute §814.65(1) of \$38 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie.

AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley
FIRST READING APPROVED: November 19, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ACCURATE APPRAISAL ASSESSMENT CONTRACT. It was moved by Binnie and seconded by Abbott to approve a six year contract with Accurate Appraisal of Menasha, Wisconsin, at a cost of \$35,500 per year, to continue assessment services for the City of Whitewater. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

RADICOM POLICE RADIO SERVICES CONTRACT. It was moved by Binnie and seconded by Abbott to approve a one-year contract with Radicom Business Communications Systems of McHenry, Illinois at a cost of \$27,099.81 (cost per advance payment option) for maintenance of the electronic equipment used for the 9-1-1 console and Plant CML equipment. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

CONTRACT WITH DONOHUE ASSOCIATES FOR WASTEWATER TREATMENT FACILITY PLAN PROJECT. Wastewater Treatment Superintendent Tim Reel requested approval of a 20-year plan for the utility in order to move forward with substantial treatment process upgrades. A selection committee reviewed the proposals from the four engineering firms for the services, and the unanimous recommendation was Donohue & Associates. It was moved by Abbott and seconded by Binnie to approve a contract with Donohue & Associates in the sum of \$55,970 (\$4,745 to be set aside in discretionary fashion dependent on outcome of performance based contracting discussions). AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

CONTRACT WITH CGC, INC. OF MADISON FOR GEOTECHNICAL AND ENVIRONMENTAL SERVICES FOR EAST GATEWAY PROJECT. It was moved by Binnie and seconded by Abbott to approve a contract with CGC, Inc. of Madison, Wisconsin, in the sum of \$11,250 for geotechnical services (soil borings) and environmental services relating to the East Gateway project. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

CONTRACTS WITH TOWNSHIPS FOR 2014 AMBULANCE SERVICE. It was moved by Binnie and seconded by Abbott to approve one-year contracts with the Townships of Richmond, Whitewater, Lima, Johnstown, Cold Spring and Koshkonong on terms and costs presented in each contract. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

CLOSURE OF STREETS FOR HAPPY HOLLY DAYS PARADE. It was moved by Binnie and seconded by Abbott to approve closure of streets (commencing at Whiton and Main, thence east on W. Main Street, thence westbound on W. Whitewater Street), with the parade beginning at 6:00 p.m. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

CHANGE OF AGENT FOR “CLASS A” BEER AND LIQUOR LICENSE FOR DANIELS SENTRY, 1260 W. MAIN STREET. Dennis Riley, long-time agent for the beer and liquor license for the local Sentry store, is leaving the store’s employ. Sentry is requesting that Donald Douglas be appointed as agent. It was moved by Binnie and seconded by Abbott to approve appointment of Donald Douglas as agent of Daniels of Whitewater, LLC d/b/a Sentry Foods, 1260 W. Main Street. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. It was recommended that the possibility of having a Community Service Officer (“CSO”) on Thursday nights be explored.

EXECUTIVE SESSION. It was moved by Singer and seconded by Binnie to Adjourn to Closed Session, NOT TO RECONVENE, pursuant to Chapter 19.85(1) (g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and 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”. Items to be discussed: 1) Lawsuit regarding ADA compliance; and 2) Collective Bargaining Agreement with WPPA. AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley. Being no further business to come before the meeting, the regular portion of the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

