

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

December 3, 2013

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

It was moved by Abbott and seconded by Binnie to approve Council Minutes of 10/15/13 and 10/22/13, and acknowledge receipt and filing of the Irvin L. Young Memorial Library Board Minutes of 10/21/13; CDA Minutes of 10/23/13; CDA Whitewater Seed Accelerator Fund – Seed Capital Screening Committee Minutes of 8/15/13; CDA Whitewater Seed Accelerator Fund – Finance and Investment Committee minutes of 8/15/13; Parks and Recreation Board Minutes of 10/21/13; and Whitewater Police Department Consolidated Monthly Report for 10/2013. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd, Binnie. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Abbott and seconded by Binnie to approve payment of city invoices in the total sum of \$122,690.54. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None.

STAFF REPORTS: City Manager Clapper reported on Strategic Goals and how they correspond with 2014 Objectives.

CITIZEN COMMENTS. None.

APPROVING TRANSPORTATION PLAT FOR THE DOWNTOWN EAST GATEWAY PROJECT. Due to the fact that the plat itself was not included in the packet, action on this item was postponed, to be revisited at the 12/17/13 council meeting.

SECOND READING OF AN ORDINANCE AMENDING THE ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 319 W. JAMES STREET.

**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 16.69.060, 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 Binnie, who moved its adoption. Seconded by Councilmember Bregant. AYES: Abbott, Winship, Binnie, Singer, Bregant and Frawley. NOES: Kidd ABSENT: None ADOPTED: December 3, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 1.20 INCREASING COURT COSTS

**AMENDING CHAPTER 1.20
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 Abbot, who moved its adoption. Seconded by Councilmember Bregant.

AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant and Kidd. NOES: None. ABSENT: None ADOPTED: December 3, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

BEVERAGE OPERATOR'S LICENSE FOR BRYANT PLANK. The Alcohol Licensing Committee ("ALC") met to hear Bryant Plank's appeal of the denial of his beverage operator's license. The ALC recommended approval of the bartender's license. It was moved by Abbott and seconded by Winship to approve Plank's appeal for the denial of his beverage operator's license on the condition that Plank has no further violations. AYES: Winship, Binnie, Singer, Bregant, Kidd, Frawley, Abbott. NOES: None. ABSENT: None.

AGREEMENT WITH S.L. MACWILLIAMS COMPANY OF OREGON, WISCONSIN FOR APPRAISAL SERVICES FOR EAST GATEWAY PROJECT. City Attorney McDonell requested approval of an appraisal agreement with S.L. MacWilliams. McDonell explained that the appraisal is an integral part of the condemnation or eminent domain process for the East Gateway Project. Binnie noted the contract incorrectly showed S.L. MacWilliams Company as an employee of the City, and requested the contract be corrected to show the Company's independent contractor status. Council gave approval for the City Attorney and City Manager to sign the Agreement after that change was made in the contract. It was noted the funding for this appraisal service will be taken out of the East Gateway Project fund. It was moved by Binnie and seconded by Winship to approve an agreement with S.L. MacWilliams to complete the appraisal of properties for the East Gateway project. AYES: Binnie, Singer, Bregant, Kidd, Frawley, Abbott, Winship. NOES: None. ABSENT: None.

INNOVATION EXPRESS TRANSPORTATION SERVICE. City Manager Clapper asked for Council feedback regarding the 2014 Innovation Express bus service, as he will be meeting with the various funding parties in the next few weeks. There is an approximately \$43,000 shortfall in 2014 with the current bus schedule left in place. Council would like to see an accurate count of route ridership, as well as projections for leaving the current bus schedule the same through May 2014, and what funds would be left after that time. This would give time to discuss routes, funding, etc. with other stakeholders by July 2014.

TRANSPARENCY ORDINANCE "72 HOUR REQUIREMENT OF CONSIDERATION OF DISCUSSION REGARDING DISABILITY ACCESS AUDIT AGREEMENT WITH RECREATION ACCESSIBILITY CONSULTANTS, LLC. It was moved by Binnie and seconded by Winship to authorize waiver of the 72 hour notice as required by the transparency ordinance, to allow discussion and possible action regarding the Disability Access Audit Agreement. Motion carried by unanimous voice vote.

DISABILITY ACCESS AUDIT AGREEMENT WITH RECREATION ACCESSIBILITY CONSULTANTS, LLC. City Attorney McDonell presented three options for the Access Audit, which include:

- Having an access audit completed for the purposes of the pending ADA lawsuit only at a cost of \$18,915;
- Adding an additional transitional audit which would list all work needed to be ADA compliant in the City in the short and long term, which could dovetail into the CIP at a cost of \$2,094. (over and above the \$18,915);
- Additionally, if the City dedicated an employee for up to 60 hours to work with the audit team, the City's cost for the audit would be reduced by \$2,385.

Upon Council instructions, Attorney McDonell will inquire as to whether the City's insurance carrier, CVMIC, has access audit experts on staff, and whether they would consider covering the cost of the audit, and/or if the cost of the audit would be folded into the litigation costs. Councilmember Binnie also asked that the word "shared" be corrected on the contract under "Preliminary Statement".

It was moved by Binnie and seconded by Winship to authorize City Manager Clapper and City Attorney McDonell to execute an access audit contract and negotiate the alternatives discussed. AYES: Singer, Bregant, Kidd, Frawley, Abbott, Winship, Binnie. NOES: None. ABSENT: None.

SHARED RIDE TAXI SERVICE CONTRACT. Councilmember Binnie asked why Brown Cab was chosen as the successful candidate for this contract. It was noted that two proposals were submitted, but the second firm did not have a service location set up locally, did not have experience regionally, and did not

provide anything that stood out over the current service. Saubert indicated that the criteria established by the State was followed in the rating of contract providers. Finance Director Saubert indicated that Brown Cab has over 25 years experience with the City of Whitewater and has assisted in lowering costs, and is progressive in using technology to lower their costs. The proposal is for a five year contract, with the first two years with a static price. It was moved by Binnie and seconded by Abbott to approve a shared-ride taxi service contract with Brown Cab. AYES: Bregant, Kidd, Frawley, Abbott, Winship, Binnie, Singer. NOES: None. ABSENT: None.

CITIZEN APPOINTMENT TO PARK AND RECREATION BOARD. It was moved by Abbott, seconded by Bregant to appoint Sarah E. Hansberry to the Park and Recreation Board, as recommended by the Nominations Committee. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

SANITARY SEWER MAINTENANCE PLAN CONTRACT WITH BAXTER & WOODMAN OF BURLINGTON, WISCONSIN. The idea behind the Sanitary Sewer Maintenance Plan is that it will serve as a guidance document for the Utility to strategically plan maintenance and needed improvements in an economical, prioritized and targeted fashion. The Plan will offer four technical memorandums touching on existing condition assessment, data capture and utilization recommendations, prioritization methods for future capital expenditures and overall maintenance efficiencies and ordinance review. Tentative completion date of this project is August 30, 2014. It was moved by Abbott and seconded by Bregant to approve the a contract with Baxter & Woodman of Burlington, Wisconsin to create a Sanitary Sewer Maintenance Plan. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

WASTEWATER BIOGAS PERFORMANCE CONTRACT. Tim Reel, Wastewater Superintendent, presented a potential project using an energy savings contract. Reel requested input from the Council, and sought guidance as to whether research into the potential project should be continued. This project would potentially use the extra biogas to the City's advantage using performance contracting. Performance contracting is an agreement with an energy service company (ESCO) for the scope of work, design and construction of system and infrastructure improvements that will result in annual energy and operational cost savings. Savings realized can fund or partially fund project capital costs.

The approximate audit cost is \$150,000. For more details, Superintendent Reel was asked to schedule a presentation from the ESCO to the Council as a separate meeting the early part of January 2014 which will answer more detailed questions. Also, City Manager Clapper, Superintendent Reel and Assistant City Manager McDonell will meet with local waste haulers to gauge their support of the waste resources needed.

WHITEWATER POLICE DEPARTMENT COMMUNICATIONS CENTER. Police Chief Lisa Otterbacher gave a lengthy presentation regarding the communication center staffing levels. Chief Otterbacher presented various options, with the Communications Bridge concept being the most favorable in her opinion. This concept maintains a local communication center that would continue to serve and support the local needs and services of the community, and will reduce current budgetary costs and provide the necessary support coverage in the communications center without hiring additional personnel. Council President Singer suggested this decision be deferred to allow the Council to digest the information. This item will be discussed further in 2014.

FUTURE AGENDA ITEMS: Councilmember Binnie noted only two responses had been received thus far regarding scheduling of the next Zoning Rewrite Committee meeting. Binnie encouraged everyone to

reply to the inquiry so that final scheduling can occur.

ADJOURNMENT. Being no further business to come before the meeting, it was moved by Binnie and seconded by Winship to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk