

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

October 1, 2013

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

It was moved by Binnie and seconded by Abbott to acknowledge receipt and filing of the following: Irvin L. Young Memorial Library Board Minutes of 8/19/13; Whitewater Police Department Monthly Report of August 2013.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Abbott to approve payment of city invoices in the total sum of \$58,562.96. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant and Kidd. NOES: None. Motion approved.

**STAFF REPORTS:** Whitewater Unified School District Superintendent Eric Runez and Business Manager, Nathan Jaeger presented information on the State of the School. The Superintendent stressed that the District would like to be transparent in their operations. City Manager Clapper distributed the proposed municipal budget of \$9,375,264 for year 2014. City Manager Clapper presented the CROP Walk proclamation to CROP walk coordinators.

**CITIZEN COMMENTS:** Linda Reid of 727 E. Clay Street requested that the revocation of “unused” liquor licenses be explored.

**RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT PARTICIPATION IN MUTUAL RESPONSE TEAMS.** Councilmember Binnie expressed support of the concept of the proposed Resolution, but questioned which other agencies in close proximity to Whitewater were participating, and whether a procedure was already in place in Whitewater for off-duty officers to be contacted in the event of an emergency situation. Chief Otterbacher indicated that most other Police Chiefs in Walworth County are participating in the mutual aid initiative, and Otterbacher also indicated that a procedure to call in off duty officers is in place. The Chief also indicated that Jefferson County Chiefs will most likely be participating as well.

**A RESOLUTION AUTHORIZING A MUTUAL AID AGREEMENT  
PARTICIPATION IN MUTUAL ASSISTANCE RESPONSE TEAMS**

**WHEREAS,** the City of Whitewater and other participating agencies in this agreement are so located that it is to the advantage of each to extend aid to the other with respect to the delivery of law enforcement services; and

**WHEREAS,** it is recognized that the use of police officers to perform duties outside the territorial limits of the municipality by whom they are employed may be desirable and may be required under certain circumstances to protect and preserve the common health, safety, and welfare; and

**WHEREAS,** the City of Whitewater and other participating agencies deem mutual aid law enforcement services to be in the best interest of their respective communities; and

**WHEREAS,** authority is granted to enter into the mutual aid agreement pursuant to the law of the State of Wisconsin in Section 66.0301.

**NOW, THEREFORE, BE IT RESOLVED** the City of Whitewater officials and employees are hereby authorized and directed to do and perform all that is necessary to successfully carry out the terms of this resolution.

**BE IT FURTHER RESOLVED** that this resolution shall take effect and be in force from and after its passage.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Winship. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. ADOPTED: October 1, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE IMPOSING THE R-O (NON FAMILY RESIDENTIAL OVERLAY DISTRICT) DESIGNATION ON FREMONT STREET PROPERTIES (East and West sides of the Street).**

Latisha Birkeland, Neighborhood Services Director reported this overlay district includes 48 parcels on North Fremont Street. The R-O overlay would limit the number of residents in a unit to two unrelated people in comparison with the existing limitation of three unrelated persons per unit. Birkeland explained that the R-O Overlay was originally created in 2010 in an effort to enhance neighborhood preservation. Director Birkeland indicated that people who currently have three unrelated people residing in a unit must register their rental property and provide initials of residents in order to be “grandfathered” in to house three unrelated residents. This registration must occur within 90 days. City Attorney McDonell confirmed that the non-conforming status does not change due to a sale of the property.

Councilmember Abbott feels certain phrases such as “neighborhood preservation” translates to “student free zone.” Abbott stated that students are vital to the community and this is not a good move for the community. Councilmember Kidd indicated that this is a density issue and not an anti-student issue. Kidd was pleased that existing Landlords with three tenants per unit were able to register their properties and maintain their existing use.

**FIRST READING OF AN ORDINANCE IMPOSING THE NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do, pursuant to Municipal Code Section 19.69, hereby impose the Non-Family Residential Overlay District Zoning classification on the below properties:

**SECTION 1:** The Non-Family Residential Overlay District, Section 19.25, is hereby imposed upon the following described premises:

Address

Tax ID #

SEE ATTACHED EXHIBIT 1.

See attached map showing said properties.

**SECTION 2:** The official zoning map of the City of Whitewater is hereby amended to show the above action.

**SECTION 3:** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Binnie. AYES: Winship, Binnie, Singer, Bregant, Kidd, Frawley. NOES: Abbott. ABSENT: None. Adopted: October 1, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**EXHIBIT 1 TO ORDINANCE IMPOSING THE NON-FAMILY RESIDENTIAL OVERLAY TO  
FREMONT STREET PROPERTIES.**

<b>TAX PARCEL NO.</b>	<b>PROPERTY LOCATION</b>	<b>OWNER</b>	<b>OWNER / ADDRESS</b>	<b>ADDRESS</b>	<b>CITY</b>
/WUP 00088	126 N. Fremont	KEVIN A NICKS	PATTY J NICKS	126 N. FREMONT ST	WHITEWATER
/WUP 00064	129 N. Fremont	JENNIFER C STEIL	JAMES EHLERS, ETAL	N7174 COUNTRY SIDE LN	ELKHORN
/WUP 00087	130 N. Fremont	JOHN W EJNIK	SARA L NORTON-EJNIK	130 N FREMONT ST	WHITEWATER
/WUP 00061	131-133 N. Fremont	SABLE, W. DANIEL	131 N FREMONT ST.		WHITEWATER
/WUP 00086	134 - 136 N. Fremont	LADWIG & VOS INC	140 LONGMEADOW DR		BURLINGTON
/WUP 00085	142 N. Fremont	BRADLEY J MARKHAM	DIANE E MARKHAM	142 N. FREMONT ST	WHITEWATER
/WUP 00084	144 - 146 N. Fremont	RIEDEL, JEFFREY & JOAN	W6415 GROGAN ROAD		FT. ATKINSON
/WUP 00060	145 N. Fremont	GARY B KLATT	PATSY A KLATT	145 N. FREMONT ST	WHITEWATER
/WUP 00059	153 N. Fremont	GREGG A GAUGER	153 N. FREMONT ST		WHITEWATER
/WUP 00083	156 N. Fremont	THAYER A COBURN	PO BOX 147		WHITEWATER
/WUP 00058	161 N. Fremont	JOHN R SEIZER	161 N. FREMONT ST		WHITEWATER
/WUP 00082	166 N. Fremont	HARRIETT M BRIGHAM TRUST	C/O MARY M QUINLAN	947 6TH ST	REEDSBURG
/WUP 00057	169-171 N. Fremont	M&F RENTALS 2, LLC	555 E CLAY ST		WHITEWATER
/WUP 00056	175-177 N. Fremont	CARL J WOLF	JONNA L WOLF	N 431 TWINKLING STAR RD	WHITEWATER
/WUP 00081	176 N. Fremont	DONALD L CALHOUN	JOAN M CALHOUN	176 N. FREMONT ST	WHITEWATER
/WUP 00080	182 N. Fremont	JAMES C SAWYER	CONNIE L SAWYER	182 N FREMONT ST	WHITEWATER
/WUP 00055	187 N. Fremont	ARTHUR K LEIN	MARY L LEIN	187 N. FREMONT ST	WHITEWATER
/WUP 00079	188 N. Fremont	J&M DEVELOPMENT PROPERTIES LLC	W7977 TERRITORIAL RD		DELAVAN
/WUP 00054	205 N. Fremont	BESNIK SADIKU	BURIM SADIKU	205 N. FREMONT ST	WHITEWATER
/WUP 00078	206 N. Fremont	JAROLYN R MOORE	206 N. FREMONT ST		WHITEWATER
/A 56700001	212 N. Fremont	WILLIAM E SMITH	MICHELE R MESSIER-SMITH	212 N FREMONT ST	WHITEWATER
/WUP 00053	213 N. Fremont	SCOTT C FISCHER	ANGELA J FISCHER	213 N. FREMONT	WHITEWATER

				ST	
/WUP 00076	216 N. Fremont	PAMELA J DENNIS	FRANK G SLINKARD	216 N FREMONT ST	WHITEWATER
/WUP 00052	217 N. Fremont	WILLIAM THOMAS ATKINSON	WILLIAM THOMAS ATKINSON II	217 N FREMONT ST	WHITEWATER
/WUP 00051	221 N. Fremont	SUSAN C MESSER	221 N. FREMONT ST		WHITEWATER
/WUP 00075	224 N. Fremont	RICHARD JAMES	MARCIA JAMES	224 N. FREMONT ST	WHITEWATER
/WUP 00074	232 N. Fremont	JOSEPH R ZAWACKI	LAURINE M ZAWACKI	232 N. FREMONT ST	WHITEWATER
/WUP 00050	233 N. Fremont	JANE A BLAKESLEE	233 N. FREMONT ST		WHITEWATER
/WUP 00073	236 N. Fremont	JORDAN A HOFFMAN	EVAN J HOFFMAN	236 N FREMONT ST	WHITEWATER
/WUP 00072	240 N. Fremont	D&L TRIEBOLD TRUST	N7618 ENGEL RD		WHITEWATER
/WUP 00049	243 N. Fremont	SAMANTHA A MARKHAM	243 N FREMONT ST		WHITEWATER
/WUP 00071	246 N. Fremont	ALEXANDER S JACKSON	ALICIA M STONE- JACKSON	246 N FREMONT ST	WHITEWATER
/WUP 00070	250 - 252 N. Fremont	MEISNER ENTERPRISES LLC	N7549 W LAKESHORE DR		WHITEWATER
/WUP 00048A	253 N. Fremont	CBP PROPERTIES LLC	417 N FREMONT ST		WHITEWATER
/WUP 00069	258 N. Fremont	GARY SASSMAN	RENEE SASSMAN	258 N. FREMONT ST	WHITEWATER
/WUP 00048	259 N. Fremont	PAUL JHONA	259 N FREMONT ST		WHITEWATER
/PA 00015	266 N. Fremont	ADAM WESNER	CASSANDRA WESNER, ETAL	266 N FREMONT ST	WHITEWATER
/WUP 00047	267 N. Fremont	GARY LEE HOFFMAN	267 N. FREMONT ST		WHITEWATER
/PA 00014	272 N. Fremont	EDWARD J DREXLER	KATHRYN M DREXLER	272 N. FREMONT ST	WHITEWATER
/WUP 00046	273 N. Fremont	DANIELLE L HUDSON	MICHAEL Q KEMP	273 N FREMONT ST	WHITEWATER
/PA 00013B	278 N. Fremont	BETTY HETH	N8439 DUFFIN RD		WHITEWATER
/WUP 00045	283 N. Fremont	JASON JACOBS	283 N FREMONT ST		WHITEWATER
/PA 00013A	284 N. Fremont	THOMAS R SCHMECKEL	284 N FREMONT ST		WHITEWATER
/WUP 00044	287 N. Fremont	KENNETH I MACH	DEANNE E MACH	287 N. FREMONT ST	WHITEWATER
/PA 00013	292 N. Fremont	LYKE, BARBARA	292 N. FREMONT ST.		WHITEWATER
/WUP 00043	293 N. Fremont	LUIS RAMIREZ JR	ESTELA RAMIREZ	133 N HAZEL ST	WHITEWATER
/PA 00012	296 N. Fremont	WALWORTH AVE. APTS.	530 S. JANESVILLE ST.		WHITEWATER
/WUP 00041	299 N. Fremont	DONALD ALECKSON	MARY ALECKSON	299 N. FREMONT	WHITEWATER

**ISSUANCE OF ‘CLASS B’ BEER AND LIQUOR LICENSE.** City Clerk Smith stated that three applicants have filed for the City’s one remaining Beer and Liquor License. The Alcohol Licensing Committee met prior to the council meeting to hear the requests from Day n Nite Cafe (for use at their existing resident at 162 W. Main Street); Blackthorne Scribe (Patrick Monaghan) for an Irish Pub to be developed at 108 W. Main Street; and Tyler Sailsbery for use at the business he is developing at 319 James Street (Casual Joe’s 2). It was reported by Alcohol Licensing Committee chairperson Abbott that the Alcohol Licensing Committee met and made the following recommendation: That the license be issued to Casual Joe’s 2 on the condition that the restaurant property (319 James) be rezoned as needed to operate the business and obtain a conditional use permit by January 31, 2014; and that the opening of the business and use of the liquor license occurs no later than March 31, 2014.

It was noted that the current ordinances require a business to use a liquor license within 60 days of its issuance. It was moved by Abbott and seconded by Bregant to issue a “Class B” Beer and Liquor License to Tyler Sailsbery d/b/a Casual Joe’s 2 conditioned upon Sailsbery obtaining a conditional use permit and rezone of the property at 319 James Street prior to January 31, 2014 as well as being in a position to use the liquor license by 3/31/14. The Committee ranked the liquor license applications in the following order: Casual Joe’s; Blackthorne Scribe and Day n Nite Cafe. It was noted that in this instance only, if Casual Joe’s 2 does not meet the conditions required, the license would automatically pass to Blackthorne Scribe LLC.

Residents Beverly Stone and David Stone of 303 W. Ann Street encouraged the Council to deny the Casual Joe’s 2 request as it would be detrimental to the neighborhood. The Stones requested that the Council wait until after the October 14<sup>th</sup> Plan Commission meeting, where the conditional use permit would be considered, prior to making a decision on the applications.

In response to Councilmember Binnie’s question, Clerk Smith confirmed that after population numbers are received from the State within the next few weeks, there is the possibility of the City being able to issue one additional Beer and Liquor License.

It was moved by Abbott and seconded by Bregant that the license be issued to Casual Joe’s 2 on the condition that the restaurant property (319 James) be rezoned as needed to operate the business and obtain a conditional use permit by January 31, 2014; and that the opening of the business and use of the liquor license occurs no later than March 31, 2014. to AYES: Singer, Bregant, Frawley, Abbott. NOES: Binnie, Kidd, Winship. ABSENT: None. Motion passed.

**AGREEMENT BETWEEN CITY AND WHITEWATER FIRE DEPARTMENT.**

Councilmember Kidd indicated that based on discussions at recent meetings of the Task Force, the City needs to enter into an interim agreement with the Fire Department. City Attorney McDonell indicated that the Fire Department has seen only the initial draft. The draft presented to Council was presented to allow Council input. Since materials were submitted to Council late and Council did not have time to review them, it was agreed that the proposal will return to the Council at their October 15<sup>th</sup> meeting for discussion.

**EAST GATEWAY PROJECT.** Councilmember Kidd asked to re-visit this subject as he believes the East Gateway area is the east entrance to our City, and it is important to take the opportunity to bury the utility lines during the project. Finance Director Saubert provided City debt information. Councilmembers Kidd and Binnie asked about borrowing for sewer upgrades, and outstanding projects, such as a library, fire department and Clay Street improvements which have been deferred over a period of time. City Manager Clapper mentioned the estimate regarding the Fire Department

is at a maximum of \$2 million, utility funding is available regarding street improvements, as well portions of funding comes from water, wastewater and storm water utilities. It was moved by Kidd and seconded by Binnie to authorize burying of the utility lines for the East Gateway Project. AYES: Kidd, Binnie. NOES: Singer, Bregant, Frawley, Abbott, Winship. ABSENT: None. Motion fails.

**RFP FOR STORMWATER MITIGATION.** Street Superintendent Nass indicated that Strand Associates submitted the Basin 15 proposal which addresses a plan to solve the current storm water problems in the City. It was moved by Binnie and seconded by Winship to approve the proposal as presented by Strand. AYES: Bregant, Kidd, Frawley, Abbott, Winship, Binnie, Singer. NOES: None. ABSENT: None. Motion passed.

**AUTHORIZATION TO APPLY FOR GRANT TO PURCHASE ADA ACCESSIBLE MINI-BUS.** After confirmation that the proposed mini-bus is to be exclusively used as a taxi, it was moved by Winship and seconded by Abbott to authorize the application for a grant to purchase an ADA accessible mini-bus, and to expend up to \$5,400 matching funds , from the DPW equipment replacement fund, to finance the mini-bus. AYES: Kidd, Frawley, Abbott, Winship, Binnie, Singer, Bregant. NOES: None. ABSENT: None.

**INNOVATION EXPRESS TRANSPORTATION SERVICE.** Discussion of this item will be placed on the November 5, 2013 council agenda. Council President Singer would like to review the ridership numbers concurrently with review of the 2014 budget. Councilmembers requested that September and October statistics be included in the discussion so that student ridership figures can be reviewed as well.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Abbott to Adjourn to Closed Session, to reconvene approximately 15 minutes after adjournment to closed session, 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 Chapter 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.” Item to be discussed: Assistant City Manager Salary. AYES: Frawley, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The Council adjourned to closed session at 9:40 p.m.

**RECONVENE INTO OPEN SESSION.** (10:00 pm)

**RESOLUTION AMENDING 2013 SALARY RESOLUTION.** The City Manager has selected a candidate to serve as Assistant City Manager, and it was recommended that the position be placed in pay category “K”.

CITY OF WHITEWATER  
2013 Salary Resolution - Amendment 5

**WHEREAS,** the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2013, in which wages are established.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2013 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

**BE IT FURTHER RESOLVED** that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning October 1, 2013.

**SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

<b>Pay Grade</b>	<b># of Positions</b>	<b>Classification Titles</b>	<b>Pay Grade</b>	<b># of Positions</b>	<b>Classification Titles</b>
<b>A*</b>	<b>¾</b>	<b>Senior Coordinator (Part-Time)</b>	<b>F</b>	<b>1</b>	<b>City Clerk</b>
	<b>2</b>	<b>Administrative Assistant II – Records Technician</b>	<b>G</b>		
	<b>1</b>	<b>Confidential Executive Assistant</b>	<b>H</b>	<b>1</b>	<b>Neighborhood Services Director</b>
<b>B*</b>	<b>1</b>	<b>Deputy Clerk</b>	<b>I</b>	<b>1</b>	<b>Chief Information Officer</b>
	<b>1</b>	<b>Accounting Technician II – Payroll &amp; Accounts Payable</b>		<b>1</b>	<b>Water Superintendent</b>
	<b>1</b>	<b>Accounting Technician II – Utilities</b>			
	<b>1</b>	<b>Accounting Technician II – Utilities (Part-Time)</b>	<b>J</b>	<b>1</b>	<b>Streets, Parks &amp; Forestry Superintendent</b>
	<b>1</b>	<b>Administrative Assistant 1 – Neighborhood Services</b>		<b>1</b>	<b>Parks &amp; Recreation Director</b>
	<b>1</b>	<b>Clerk of Courts</b>		<b>1</b>	<b>Wastewater Treatment Plant Superintendent</b>
<b>C</b>	<b>1</b>	<b>GIS Technician</b>			
<b>D</b>	<b>1</b>	<b>Finance Support Services Manager</b>	<b>K</b>	<b>1</b>	<b>Assistant City Manager</b>
	<b>1</b>	<b>Support Services Manager</b>	<b>L</b>	<b>1</b>	<b>Finance Director</b>
<b>E</b>	<b>1</b>	<b>Community TV/Media Services Manager</b>		<b>1</b>	<b>Public Works Director</b>
	<b>1</b>	<b>Recreation &amp; Community Events Programmer</b>			

**\*Non-Exempt Positions**

SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN

Pay Grade		1	2	3	4	5
A*	Hourly Wage 2080 Hours	15.08 31,364.94	15.54 32,331.31	16.21 33,717.84	16.90 35,146.38	17.56 36,532.91
B*	Hourly Wage 2080 Hours	16.16 33,612.80	16.90 35,146.38	17.62 36,658.96	18.36 38,192.54	19.09 39,705.12
C	Salary	36,552.18	38,181.49	39,841.05	41,502.08	43,161.64
D	Salary	39,442.25	41,235.65	43,026.55	44,819.69	46,614.60
E	Salary	43,287.74	45,254.95	47,221.88	49,190.33	51,158.51
F	Salary	46,671.27	48,792.53	50,912.80	53,035.56	55,155.58
G	Salary	50,054.56	52,330.39	54,604.97	56,878.05	59,153.89
H	Salary	53,438.08	55,865.75	58,295.90	60,722.06	63,153.70
I	Salary	56,820.38	59,403.59	61,985.33	64,567.55	67,150.77
J	Salary	60,202.41	62,938.71	65,676.49	68,411.54	71,149.09
K	Salary	63,587.20	66,476.54	69,367.42	72,255.53	75,146.38
L	Salary	66,969.48	70,013.16	73,058.34	76,101.03	79,147.21

\*Non-Exempt Positions

Resolution introduced by Councilmember Winship. Seconded by Councilmember Abbott.  
AYES: Abbott, Winship, Binnie, Singer, Bregant, Kidd, Frawley. NOES: None. ABSENT:  
None ADOPTED: October 1, 2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FUTURE AGENDA ITEMS:** Councilmember Kidd would like a report in one month from the Alcohol Licensing Review Committee regarding the unused alcohol licenses, if any.

**ADJOURNMENT.** Being no further business to come before the meeting, the meeting adjourned. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Michele R. Smith,  
City Clerk



