

**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 21, 2014

The regular meeting of the Common Council was called to order by Council President Patrick Singer. MEMBERS PRESENT: Phil Frawley, Stephanie Abbott, Jim Winship, Patrick Singer, Sarah Bregant, Ken Kidd. MEMBERS ABSENT: Lynn Binnie. CITY ATTORNEY ABSENT

It was moved by Councilmember Bregant and seconded by Councilmember Abbott to approve the Council Minutes of 9/16/14 and to acknowledge receipt and filing of the Irvin L. Young Memorial Library Board Minutes of August 8, 2014, Parks and Recreation Board Minutes of September 9, 2014, the Report of Manually-Issued Checks, Financial Reports for September, 2014 and approval of amending Chapter 12.24.040, Dangerous or Diseased Trees a Nuisance. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie.

APPROVAL OF PAYMENT OF INVOICES. It was moved by Council Chairman Singer to approve payment of city invoices in the total sum of \$82,555.89. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie.

STAFF REPORTS: City Manager Clapper spoke regarding parking summit update. He briefly spoke about a meeting regarding parking with Consultant Graef & Associates. Neighborhood Services Director/City Planner Chris Munz-Pritchard stated requested a special joint meeting between Plan Commission and Council on December 2, 2014.

CITIZEN COMMENTS: None.

RESOLUTION REQUIRING FURTHER REVIEW OF ENBRIDGE PIPELINE EXPANSION NEAR WHITEWATER.

Councilmember Bregant requested to be put on agenda. Citizens expressed their concerns of the dangers of pipeline expansion near Whitewater regarding health and safety. Steve Ralstead spoke on behalf of Enbridge Pipeline. Ralstead stated that an environmental review of Line 61 project was done and permit obtained. They want to sustain the integrity of the environment. Citizens expressed their concerns about the toxic chemicals and spills. They would like the Resolution to be amended to include that Enbridge Pipeline disclose a list of chemical compounds used, what health impacts exist if a spill should occur and best practices for training first responders in case of a pipeline rupture.

Councilmember Winship suggested having an environmental impact statement done. Councilmember Bregant moved to amend Resolution to state that the City of Whitewater requests from Enbridge to disclose on an ongoing basis to the State a specific list of chemical compounds that flow through the pipeline to enable City of Whitewater and its residents to better assess public health and welfare concerns. Further, the City of Whitewater requests from Enbridge to identify any foreseeable immediate and long term health impacts should a spill occur, as well as to provide best practices for

emergency personnel to safely respond in case of a pipeline rupture. AYES: Winship, Singer, Bregant, Kidd. ABSTAIN: Frawley NOES: Abbott. ABSENT: Binnie.

Resolution Requiring Further Review of Enbridge Pipeline Expansion near Whitewater, Wisconsin

WHEREAS, a responsibility of the Whitewater Common Council is to be a steward of public safety and the welfare of residents of the City of Whitewater, and

WHEREAS, Enbridge Energies maintains pipelines carrying tar sands oil from Superior, Wisconsin to Northern Illinois, with two lines running through western Walworth County and two lines running through eastern Rock County near the City of Whitewater, and

WHEREAS, a spill of tar sands oil along an Enbridge pipeline would cause potential harm to the surrounding community and the health of first responders, and

WHEREAS, tar sands oil is more dense than traditional oil and does not float, which would require potential dredging to clean up spills, and

WHEREAS, the proposed increase in capacity of Line 61 from roughly 400,000 barrels per day to 1.2 million barrels of oil per day would transport more oil than the proposed Keystone XL pipeline going from western Canada to the Gulf of Mexico, and

WHEREAS, Enbridge Energies has a record of approximately 800 pipeline-related incidents, one of which occurred in July of 2010, where Enbridge pipeline 6B ruptured near Marshall, Michigan, spilling 834,000 gallons of oil into the Kalamazoo River, requiring the most expensive onshore cleanup in U.S. history, and

WHEREAS, it is desirable to have further information, public input, and a full environmental impact statement prepared by the Wisconsin Department of Natural Resources before Enbridge continues the process of expanding the capacity of their pipelines.

NOW, THEREFORE, BE IT RESOLVED that the Whitewater Common Council urges the Wisconsin Department of Natural Resources to hold hearings in Walworth County on this ongoing expansion plan and prepare a full environmental impact statement on any proposed Enbridge pipeline expansions in order to ensure the safety of the environment, the safety of first responders in the event of a spill, and the public welfare of residents of the City of Whitewater and surrounding communities.

In addition, the City of Whitewater requests Enbridge to publicly disclose all contents, with a specific list of chemical compounds used, which may now or in the future flow through the pipeline to enable the city and its residents to better assess public health and welfare concerns. Further, the City of Whitewater requests Enbridge to identify foreseeable immediate and long-term health impacts should a spill occur as well as to provide a list of best practices for training

for emergency personnel to be prepared to safely and competently respond in the event of a pipeline rupture.

BE IT FURTHER RESOLVED that the City Clerk shall send a copy of this resolution to the Governor, the Secretary of the Department of Natural Resources, and state legislators representing the City of Whitewater.

Resolution introduced by Councilmember Bregant, who moved its adoption. Seconded by Councilmember Winship. AYES: Winship, Singer, Bregant, Kidd. NOES: Abbott. ABSTAIN: Frawley. ABSENT: Binnie. ADOPTED: October 21, 2014.

Cameron Clapper, City Manager

Michele Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 19 REGARDING FLOOD PLAIN ZONING ORDINANCE MAPS FOR JEFFERSON COUNTY.

City Attorney McDonell stated that FEMA and the DNR every several years update flood insurance rate maps. The Council recently updated the City's entire ordinance and adopted the new flood insurance rate maps for Walworth County. At the time the official maps for Jefferson County had not been completed. FEMA and the DNR have since finalized the Jefferson County flood insurance rate maps. In order for our ordinance to be updated we have to adopt the flood insurance rate maps that assist parties obtaining flood insurance in the city. The ordinance simply amends the provisions of the flood plain regulation ordinance to update the flood insurance rate maps for Jefferson County. Councilmember Bregant moved to approve amending Chapter 19 regarding flood plain zoning ordinance maps for Jefferson County and was seconded by Councilmember Abbott. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie.

**AN ORDINANCE AMENDING CHAPTER 19 REGARDING
FLOOD PLAIN ZONING ORDINANCE MAPS FOR
JEFFERSON COUNTY**

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

SECTION 1: Whitewater Municipal code Chapter 19.46 (Flood Plain Regulations) Section 19.46.010 1.5(2) (aa) is hereby amended to read as follows:

(aa) OFFICIAL MAPS FOR JEFFERSON COUNTY:

1. Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432F, 55055C0434F, 55055C0451F, 55055C0452F, 55055C0453F, 55055C0545F.

The above listed panels have an effective date of February 4, 2015, and a suffix of F.

Approved by: the DNR and FEMA

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Bregant, who moved its adoption. Seconded by Councilmember Abbott. AYES: Frawley, Winship, Abbott, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie. ADOPTED: October 21, 2014.

Cameron Clapper, City Manager

Michele Smith, City Clerk

FIRST READING OF ORDINANCE IMPOSING THE R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER (280 S. JANESVILLE STREET, TAX PARCEL NO. /CL 00059 – CAMERY MANAGEMENT LLC – MIKE KACHEL)

Neighborhood Services Director/City Planner Chris Munz-Pritchard stated that this ordinance pertains to up to five non-related persons in a residence per Section 19.19. It was moved by Councilmember Winship and seconded by Councilmember Bregant to approve ordinance imposing the R-2A residential occupancy overlay district zoning classification for the property located at 280 S. Janesville Street in the City of Whitewater. AYES: Frawley, Winship, Singer, Bregant, Kidd. ABSTAIN: Abbott. ABSENT: Binnie.

AN ORDINANCE IMPOSING THE R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
280 S. Janesville Street	/CL 00059 (Camery Management, LLC – Mike Kachel)

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 Bregant. AYES: Frawley, Winship, Singer, Bregant, Kidd. ABSTAIN: Abbott. ABSENT: Binnie. FIRST READING APPROVED: October 21, 2014.

Cameron Clapper, City Manager

Michele Smith, City Clerk

FIRST READING OF ORDINANCE IMPOSING THE R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER (731 W. PECK STREET,/CL 00078 – FIVE REDS MANAGEMENT, INC. – MIKE KACHEL).

Neighborhood Services Director/City Planner Chris Munz-Pritchard stated that this ordinance pertains to up to five non-related persons in a residence. Councilmember Bregant moved to approve and Councilmember Winship seconded it. AYES: Frawley, Winship, Singer, Bregant, Kidd. ABSTAIN: Abbott. ABSENT: Binnie.

AN ORDINANCE IMPOSING THE R-2A
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PROPERTY
IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
731 W. Peck Street	/CL 00078 (Five Reds Management, LLC – Mike Kachel)

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 Bregant, who moved its adoption. Seconded by Councilmember Winship. AYES: Frawley, Winship, Singer, Bregant, Kidd. ABSTAIN: Abbott. ABSENT: Binnie. FIRST READING APPROVED: October 21, 2014.

Cameron Clapper, City Manager

Michele Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING CHAPTER 12.24.040, DANGEROUS OR DISEASED TREES
A NUISANCE.**

AN ORDINANCE AMENDING SECTION 12.24.040
DANGEROUS OR DISEASED TREES A NUISANCE

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

Section 1: Whitewater Municipal Code Chapter 12.24, Section 12.24.040, is hereby amended to read as follows:

12.24.040 Dangerous or diseased trees a nuisance.

- (a) Any tree or shrub growing in a public street, alley or any public place, or in private property, as determined by the City Forester, which is endangering or which in any way may endanger any person or property not owned by the tree or shrub owner, or the security or usefulness of any public street, sewer, street light, or sidewalk, or which is diseased and may spread said disease to other trees, is a public nuisance, and the City may require the property owner to remove, trim, or spray such tree on private property. Failure of the property owner to remove, trim or spray such tree on private property after thirty days written notice by mail has been given by the City is in violation of this chapter.
- (b) Every seven days after said thirty days have elapsed that the property owner continues to fail to remove, trim, or spray such tree(s) on private property is a new violation.
- (c) Certificate of Compliance Required. Any property owner ordered hereunder to remove, trim, or spray a tree on private property shall file a certificate of compliance with the City Forester within seven days after such ordered removal, trimming or spraying has been completed. The certificate of compliance shall be on forms provided by the City Forester. Failure of the property owner to file the certificate within the prescribed time is a violation of this chapter.
- (d) If a property owner fails to comply with orders under this chapter within 30 days, the City may, in addition to issuing citations or other remedies available to it, do the work necessary to remedy the violations and charge the cost of said work to the property owner as a special charge and said charges shall become a special tax and lien against said premises and, if not paid, shall be inserted by the City Clerk in the next ensuing tax roll as a special tax against the premises and in addition, at the discretion of the City Manager, the costs may be collected by suit against the owner or occupant of the premises.
- (e) This subsection shall not create a duty for the City of Whitewater to inspect for dangerous trees or shrubs, or create a duty for the City of Whitewater to discover dangerous or diseased trees and shrubs and shall not be construed to hold the City of

Whitewater or any of its officers, employees or agents, liable for any injuries or damages any party suffers related to dangerous or diseased trees or shrubs.

- (f) Appeals. Appeals from orders made hereunder may be made by filing written notice thereof with the City Clerk within five days after such order is received, stating in substance that appeal is being made from such order to the City Council. The Clerk shall thereupon call such appeal to the attention of the City Council at the next regular or special meeting, at which meeting the appellant and the City Forester may present evidence. Action taken by the City Council after such hearing shall be conclusive.

Ordinance introduced by Councilmember Bregant, who moved its adoption. It was seconded by Councilmember Abbott. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie. ADOPTED: October 21, 2014.

Cameron Clapper, City Manager

Michele Smith, City Clerk

TYLER SAILSBERY REQUEST FOR EXTENSION OF TIME REQUIRED BY GRANTED, BUT NOT ISSUED, "CLASS B" BEER AND LIQUOR LICENSE, TO OPEN THE CASUAL JOE'S RESTAURANT ON JAMES STREET.

Tyler Sailsbery previously obtained approval for a liquor license for his planned restaurant business at 319 James Street. The approval had a stipulation that the business needed to be operational by September 1, 2014. Sailsbery requested that an extension be granted. He indicated that the reason for the delay centered on the fact that he has taken on management of the Whitewater Country Club in addition to his Black Sheep Restaurant. Lengthy discussion ensued. Sailsbery requested that an extension be granted to first part of May, 2015. It was moved by Council Chairman Singer and seconded by Councilmember Winship to allow Sailsbery an extension to May 8, 2015. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie.

BAXTER AND WOODMAN PRESENTATION RELATING TO COLLECTION SYSTEM FOR CITY SANITARY SEWER.

Gary Vogel and Jim Kleinschmidt from Baxter and Woodman spoke about the purpose of the overall study done on City of Whitewater collection system, overview of collection system, system priorities, infiltration/inflow, using GIS in collection system, collection system prioritization, ordinance review and planning strategies.

COMPLETE STREETS ORDINANCE. Parks and Recreation Director Matt Amundson spoke a about the complete streets ordinance and making the streets more bicycle and pedestrian friendly. A suggestion of Councilmember Kidd stated it makes sense for the City to move towards making the streets more conducive to bicycles, pedestrians and non-motorized vehicles. Councilmember Bregant is concerned about the cost of investment that would be involved in introducing such a policy. City Manager Clapper stated that there is an advantage of having such a policy, one being it will establish a minimum expectation for what we put on streets. Councilmember Winship stated that it would be a good idea to get information from other communities that have done this.

STRAND TASK ORDER FOR BLOOMINGFIELD ACRES AND E. CLAY STREET DETENTION BASINS.

Assistant City Manager Mc Donell stated that one basin will be located southeast of Bloomingfield Acres and Tratt Street and the other basin will be located southeast of East Clay Street and Dann Street. McDonell stated that the goal of these basins is to reduce pollutants and suspended solids in the water. McDonell advised that the City of Whitewater has received a 50% grant from the DNR. The total cost of the project will cost \$204,000 with the DNR paying \$102,000 of the total cost. Strand Associates has provided staff with Task Order No. 14-03 specifying that Strand Associates will be compensated on an hourly rate basis plus expenses at a not-to-exceed fee of \$38,000. It was moved by Councilmember Bregant and seconded by Councilmember Abbott to approve Task Order No. 14-03 with Strand Associates not to exceed \$38,000. AYES: Frawley, Abbott, Winship, Singer, Bregant, Kidd. NOES: None. ABSENT: Binnie.

At this time, Council took a five minute break.

BUDGET 2015 PRESENTATION. City Manager Clapper presented a portion of the 2015 Budget including General Fund (Revenues), Debt Service (Revenues and Expenses), General Fund (Transfer), General Administration, Capital Improvement Plan Review, Public Works and Park and Recreation. Clapper stated that he will be discussing what is new and what is different as a whole. Clapper stated that the proposed 2015 budget is balanced at \$9,472,401. Clapper stated the increase from last year is \$94,360 in terms of general fund and 1.01% in terms of a tax levy.

REVENUE SOURCES – Clapper stated that regarding Intergovernmental–Shared Revenue (Utility) the budget is down \$4,898, Transportation Aids is increased by \$27,542. Clapper stated that the City is looking at cost sharing of our communication center; and anticipates one third of cost will be paid in 2015 by the Campus. Clapper stated that Dispatch Payments is increased by \$169,553 and Municipal Services Payments is increased by \$5,905.

PROPERTY TAXES. Clapper stated Levy Growth is increased by \$26,066 and Debt Service is increased by \$28,222. Clapper noted that there will be a \$50,000 reduction from fines and forfeitures due to ordinance violations.

TRANSFERS AND DEBT SERVICES. Clapper stated that \$2,711,189 is budgeted for Total Debt Service and \$2,139,429 of that is Total Paid From Other Sources. Clapper stated that \$571,760 is budgeted for Total Paid From Taxes and \$28,222 is budgeted for anticipated levy increase. Clapper stated that \$123,167 is budgeted for Capital Improvement Plan (CIP) Fund, \$353,070 is budgeted for Solid Waste Recycling and \$65,000 is budgeted for replacement of two vehicles for Police Vehicle Revolving Fund.

GENERAL ADMINISTRATION. Clapper informed that \$165,933 is budgeted for Wages and Salaries which is an increase of \$3,369 from 2014 and \$23,740 is budgeted for Operating Supplies which is an increase of \$19,000 from 2014. Clapper stated that \$19,572 is budgeted for the increase in pay for the three quarter time Human Resource Coordinator position which is proposed to replace the Management Analyst position. Clapper stated that there is a need for someone with more Human Resource experience and who has the skill set to handle employee problems. Clapper stated that \$10,960 will be taken out of general fund and the other portion will be carried by utilities. Clapper further stated that under Legislative Support, Professional Consulting Services, \$15,000 is budgeted which is an increase of \$3,369 from 2014. Clapper stated that \$5,000 will be for strategic planning and \$10,000 will be for consulting services. Clapper stated that Downtown Whitewater, Inc. is asking for \$37,500 which is an increase of \$17,500 from 2014. Downtown Whitewater, Inc. will do a presentation at the 10/28/2014

Common Council meeting. Clapper stated that \$15,543 is budgeted for Janesville-Milton-Whitewater Bus Service which is an increase of \$3,543 from 2014. Clapper stated that the Director and Assistant Director of the Janesville-Milton-Whitewater Bus Service will give a presentation at the November 6, 2014 Common Council meeting. Clapper stated regarding the 2015 Contributions, City of Whitewater would contribute \$15,543 out of the Legislative Support fund, UW-Whitewater would contribute \$15,543, Generac Power Systems will contribute \$15,543, the City of Milton will contribute \$30,112 and the City of Janesville will contribute \$200,000. Clapper stated that a total of \$181,000 would be placed in Contingencies of which \$94,000 (1% of City of Whitewater's budget) is put in based on the City's policy \$87,000 for potential compensation from wage and classification study.

CAPITAL IMPROVEMENT PLAN (CIP) – Assistant City Manager McDonell discussed update on Capital Improvement Plan (CIP). McDonell informed that the rollovers from 2014 include ProPhoenix Record Management System, Solacom on software, James Street detention basin and Whitewater Creek restoration. McDonell informed that additional projects include carbon monoxide poison sensors, ADA accessible routes at Starin Park, N. Franklin Street resurfacing (Main St. to Starin Rd.), and Melrose Street/Pleasant Street storm water improvements. McDonell stated that excluded from 2015 CIP is Center Street reconstruction (2016) because of debt capacity and staff time, Franklin Street/Ann Street reconstruction because scope is still being determined. Additional item added to safety document is PASER Ratings/Map which is a 1-10 rating system for road payment condition. It is commonly used by cities for visual inspection, which can be assessed quickly.

PUBLIC WORKS – There is an increase of \$48,000 in Street Maintenance, Street Cleaning/Snow and Ice, and Street Lights due to new hire being paid at a higher scale due to experience and change in health benefits. Clapper also noted that the cost of sand and salt going up and there is an increase in cost of street lights electricity. Council Chairman Singer confirmed that it's the overhead lights and not actual traffic control lights and asked if City is using LED lights. Streets, Parks and Forestry Superintendant Chuck Nass stated that every new project City is taking on, LED lights are being used.

PARKS AND RECREATION – Clapper stated that there are significant changes with recreation programs and recreation administration due to proposed increase in hours to full time for existing vacant position. Parks and Recreation Director Matt Amundson discussed the relocation of some hanging baskets from Main Street to Center Street with no change in cost. Amundson further discussed proposed position change replacing Sports Coordinator. Projected increase in costs for position going from half time Sports Coordinator to full time Recreation Program Coordinator position is roughly \$29,000. There is a need for full time position due to increase in after school programs. Amundson explained that with the creation of the special revenue fund along with additional revenue from programs, they will be transferring that money back to the general fund to cover the increase in pay. Amundson also brought up about a possible new fund being opened specially for Treyton's Field of Dreams to cover operating costs rather than being funded by general fund.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. None

ADJOURNMENT. It was moved by Council Chairman Singer and seconded by Councilmember Abbott to adjourn the meeting. Motion carried by unanimous voice vote.

Respectfully submitted,

Michele R. Smith, Clerk

