

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

January 20, 2015

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

It was moved by Abbott and seconded by Bregant to approve the Council minutes of 10/7/14; 11/6/14; 11/18/14; 12/2/14 and 12/16/1 and to acknowledge receipt and filing of the following: Park and Recreation Board Minutes for December, 9, 2014; Report of Manually-Produced Checks for December, 2014; Preliminary Financial Reports for December, 2014; Irvin L. Young Memorial Library Minutes of 11/17/2014; Plan and Architectural Review Commission Minutes of 10/13/2014 and 11/10/2014, and the Police Department Consolidated Monthly Report for November of 2014.

AYES: Frawley, Abbott, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**PAYMENT OF INVOICES.** It was moved by Abbott and seconded by Bregant to approve payment of city invoices in the total sum of \$114,486.59. AYES: Frawley, Abbott, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**STAFF REPORTS:** Neighborhood Services Director Munz-Pritchard provided information on upcoming corrections to the Zoning Rewrite ordinance adopted in March of 2014, as well as some changes she is proposing. Due to the unexpected absence of Asst. City Manager McDonell, the George Street construction project discussion will be delayed. Councilmember Singer requested that the George Street discussion be brought forth as a consideration item instead of a Staff Report item. Jefferson County Economic Development Association gave an update on their activities.

**CITIZEN COMMENTS:** Jeff Knight and Larry Kachel of the Greater Whitewater Committee promoted the "Whitewater Leads" program. A "1000 books by Kindergarten" program, to encourage reading to children, is underway. A drive to collect books is being planned.

**APPOINTMENT OF INTERIM COUNCILMEMBER FOR ALDERMANIC DISTRICT 3.** There is an opening for the Aldermanic District 3 Council seat due to the resignation of James Winship. Three residents have applied for the position. Brienne Diebolt-Brown, Ken Kienbaum, and Chris Grady have applied to serve until the April election. Both Kienbaum and Grady will be running for the office on the April, 2015 ballot. Each candidate was asked to provide information relating to being appointed. It was agreed that each of the candidates have valuable contributions to make. It was moved by Abbott and seconded by Kidd to appoint Brienne Diebolt-Brown to the position until April, when the newly-elected candidate will take office. AYES: Frawley, Abbott, Binnie, Singer, Bregant, Kidd. NOES; None. ABSENT: None.

**SWEARING IN OF BRIENNE DIEBOLT-BROWN AS ALDERMANIC DISTRICT COUNCILMEMBER.** City Clerk Michele Smith administered the Oath of Office to newly-appointed councilmember, Brienne Diebolt-Brown of 156 N. Fremont Street.

**FIRST READING OF ORDINANCE IMPOSING RESIDENTIAL OVERLAY DISTRICT CLASSIFICATION R-3A (158 N. TRATT ST.).**

**AN ORDINANCE IMPOSING THE R-3A  
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT  
ZONING CLASSIFICATION FOR CERTAIN PROPERTY  
IN THE CITY OF WHITEWATER  
(158 N. Tratt St. – DLK Enterprises, Inc.)**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-3A Residential Occupancy Overlay District Zoning classification (19.22) on the below property:

Section 1: The R-3A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
158 N. Tratt Street	/WUP 00166E

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 Binnie. AYES: Frawley, Binnie, Singer, Bregant, Kidd. NOES: None. ABSTAIN: Abbott, Diebolt-Brown.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE IMPOSING RESIDENTIAL OVERLAY DISTRICT  
CLASSIFICATION R-2A (523 W. CENTER ST.)**

**AN ORDINANCE IMPOSING THE R-2A  
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT  
ZONING CLASSIFICATION FOR CERTAIN PROPERTY  
IN THE CITY OF WHITEWATER  
(523 W. Center Street owned by Kachel Enterprises, LLP)**

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>
523 W. Center Street	/CL 00041

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 Binnie. AYES: Frawley, Binnie, Singer, Bregant, Kidd. NOES: None. ABSTAIN: Abbott, Diebolt-Brown.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF “COMPLETE STREETS” ORDINANCE.** A lengthy discussion regarding adoption of the Complete Streets ordinance ensued. Viewpoints on advantages and disadvantages of the ordinance were expressed. Staff was directed to add language relating to freight routes to the proposed ordinance, similar to language used in LaCrosse’s ordinance.

**SECOND READING OF ORDINANCE ADOPTING COMPLETE STREETS GOALS AND GUIDELINES IN THE CITY OF WHITEWATER**

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

SECTION 1. Whitewater Municipal Code Chapter 11.51, Complete Streets Ordinance, is hereby created to read as follows:

11.51.010 FINDINGS

By enacting this ordinance, the City of Whitewater will encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Whitewater by providing safe, convenient and comfortable routes for walking, bicycling, and public transportation.

11.51.020 PURPOSE

The purpose of this Ordinance is to enable the Streets of the City of Whitewater to provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all Users of the Complete Streets, including children, older adults, and people with disabilities, and provide adequate parking for commercial and residential uses.

11.51.030 DEFINITIONS

The following words and phrases, whenever used in this Chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Complete Streets” means design features that contribute to a safe, convenient, or comfortable travel experience for Users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bump outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public

transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes, and those features identified in the City of Whitewater Bicycle and Pedestrian Master Plan.

- B. “Street” means any public right of way, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.
- C. “Street Project” means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any Street, and includes the planning, design, approval, and implementation processes, except that “Street Project” does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.
- D. “Users” means individuals that use streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

#### 11.51.040 COMPLETE STREETS ORDINANCE GOALS AND GUIDELINES

The City of Whitewater shall attempt to enhance the safety, access, convenience and comfort of all Users of all ages and abilities, providing for equality in use between pedestrians (including people requiring mobility aids), bicyclists, transit Users, motorists and freight drivers, and businesses and residents who need adequate parking through the design, operation and maintenance of a transportation network, so as to create a connected network of facilities accommodating each mode of travel that is consistent with and supportive of the local community and businesses, recognizing that all streets are different and that the needs of various Users will be balanced in a flexible manner to achieve Complete Streets. This goal shall be implemented as follows:

- A. The City of Whitewater will consider including Complete Streets elements in all public transportation projects, in order to provide appropriate accommodation for bicyclists, pedestrians, transit Users and persons of all abilities, while promoting safe operation for all Users, in comprehensive and connected networks, in a manner consistent with, and supportive of, the surrounding community.
- B. As practical, the City of Whitewater shall incorporate Complete Streets infrastructure into existing streets so as to improve the safety and convenience of Users, construct and enhance the transportation network for each category of Users, and foster economic development and new employment.
- C. The City of Whitewater shall recognize that Complete Streets may be achieved through single elements incorporated into a particular project, or incrementally through a series of smaller improvements or maintenance activities over time. The City of Whitewater shall approach every transportation project and program as an opportunity to improve streets and a transportation network for all Users.
- D. The City of Whitewater shall use the Whitewater Bicycle and Pedestrian Master Plan, the Wisconsin Department of Transportation Bicycle Facility Design Handbook and the

American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities as guides for meeting these goals.

- E. Complete Streets, bicycle, pedestrian, and transit facilities features shall be incorporated, when applicable and practical, in all city street projects, and reconstruction, repaving, and rehabilitation projects, with only the following exceptions:
  - (1) Bicycles or pedestrians are prohibited by law from using the facility.
  - (2) The cost of establishing bikeways or walkways as part of the project would be disproportionate in cost or to anticipated future use (not the current use).
  - (3) The existing right-of-way is constrained in a manner that inhibits simple addition of transit, bicycle, or pedestrian improvements. In this case, the city shall consider alternatives such as lane reduction, lane narrowing, on-street parking relocation or reduction, shoulders, signage, traffic calming, or enforcement.
  - (4) Where such facilities would constitute a threat to public safety or health in the determination of the City Engineer or the City staff.
- F. All initial planning and design studies, and other project reviews, for public infrastructure projects requiring funding or approval by the City of Whitewater shall (1) evaluate the effect of the proposed project on safe travel by all Users, and (2) identify measures to mitigate any adverse impacts on such travel that are identified.
- G. When drafting or revising design guidelines, the City of Whitewater shall consider including Complete Streets infrastructure and goals, such as bicycle lanes and cycle tracks, sidewalks, street crossings, curb geometries, and planting strips. The design of new or reconstructed facilities should anticipate and support likely future demand for bicycling, walking and transit facilities.
- H. Because freight is important to the basic economy of the City and has unique right-of-way needs to support that role, freight shall be the major priority on streets classified as truck routes. Complete Streets improvements that are consistent with freight mobility but also support other modes shall be considered on these streets.
- I. Nothing in this ordinance is intended to impose any additional civil liability upon the City of Whitewater other than that which is imposed by existing law.

Ordinance introduced by Councilmember Kidd, who moved its adoption. Seconded by Councilmember Bregant.

AYES: Frawley, Diebolt-Brown, Binnie, Singer, Bregant, Kidd. NOES: Abbott. ABSENT: None. ADOPTED: January 20, 2015. (One more reading occurred at the 2/3/15 Council meeting).

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS.** Based on recommendation of City Manager Clapper and Council President Singer, it was moved by Binnie and seconded by Abbott to make the following appointments to open Board and Commission seats: Board of Zoning Appeals – Kori Oberle; Cable TV Committee – Eric Sedmak; Disability Rights Committee – Maryann Cunningham; Parks and Recreation Committee alternate member – Kori Oberle; and Urban Forestry Commission – Anne Zarinnia. AYES: Frawley, Abbott, Diebolt-Brown, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None

**APPOINTMENT OF COUNCILMEMBER REPRESENTATIVE TO BOARDS.** Due to the resignation of Councilmember Winship, there are councilmember representative openings on the Library Board and Community Development Authority (“CDA”). It was moved by Binnie and seconded by Frawley to appoint Stephanie Abbott to the CDA and to appoint Brienne Diebolt-Brown to the Library Board. AYES: Frawley, Brown, Binnie, Singer, Bregant, Kidd. NOES: None. ABSTAIN: Abbott.

**EXTENSION OF JOHN’S DISPOSAL CONTRACT.** John’s Disposal Service has offered to extend their current refuse and recycling contract with the City for an additional four year period, with a 1.2% cost of living increase for the upcoming year. With the extension of the current contract as proposed, John’s commits to maintain the same price to the City for this year. This results in a savings of \$4,800 in 2015. The savings lowers the base price, resulting in subsequent savings in each of the four years of the contract extension (total savings – approximately \$25,000). It was moved by Binnie and seconded by Frawley to approve an extension of the contract with John’s through 12/31/2019. AYES: Frawley, Abbott, Binnie, Bregant, Singer, Kidd. NOES: None. ABSENT: None. ABSTAIN: Diebolt-Brown.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** None.

**EXECUTIVE SESSION.**

It was moved by Singer and seconded by Abbott to adjourn to Closed Session, to reconvene approximately 20 minutes after adjournment, per Wisconsin Statutes 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”, and per 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.” **Item to be Discussed:** \*Strategy and cost options for creating a list of impartial hearing officers as required by the grievance procedure set forth in the Wisconsin Statutes and the City of Whitewater Employee Manual for City of Whitewater Non-Police Employees. [19.85 (1)(e)] and Discuss strategy relating to potential employee litigation. [19.85 (1)(g)]. AYES: Frawley, Abbott, Diebolt-Brown, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The regular portion of the meeting ended at 8:20 p

**Reconvene into Open Session:** At 8:35 the Common Council reconvened into Open Session.

**Action on approving a list of impartial hearing officers to be used for the grievance procedure set out in the State Statutes and the City of Whitewater Employee Manual and for City of Whitewater non-police employees.** It was moved by Abbott and seconded by Bregant to approve the list of Impartial Hearing Officers as presented by the City Manager, for use in grievance resolution. AYES: Frawley, Abbott, Diebolt-Brown, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Binnie to adjourn to Closed Session, NOT TO RECONVENE, and per 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.” **Item to be Discussed:** City Manager’s Annual Performance Review. AYES: Frawley, Abbott, Diebolt-Brown, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Michele R. Smith, Clerk