

**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 20, 2015

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

It was moved by Binnie and seconded by Grady to approve the Council Minutes of 8/18/15, 9/1/15, 9/15/15, and 10/6/15; and to acknowledge receipt and filing of the following: Report of Manually-Issued Checks for September, 2015 and the Financial Reports for September, 2015. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Abbott to approve payment of city invoices in the total sum of \$122,479.35. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd, Abbott. NOES: None. ABSENT: None.

STAFF REPORTS: City Manager Clapper read a Proclamation recognizing the National Friends of the Library Week. An update was given on Innovation Center activity and occupants.

CITIZEN COMMENTS: Greater Whitewater Committee President Jeff Knight reported that the annual race had 716 participants, 430 volunteers and 82+ sponsors. Although all numbers are not yet in, it is anticipated that profits are close to last year's levels, and five charities will be receiving donations. Resident Jan Bilgen requested that the Common Council take into consideration the 2000+ signatures recently placed on a Petition asking that trees on the property located at 1014 W. Main be saved, and take guidance from that petition and consider regulations to save trees.

RESOLUTION APPROVING TRANSPORTATION PLAT – STATE HIGHWAY 59.

RESOLUTION

A Resolution and Relocation Order for the Laying Out, Improving, Extending and Acquiring Rights-Of-Way for Highway 59, from Newcomb Street to Sunrise Lane.

WHEREAS, the City of Whitewater has determined that it is necessary to undertake a public improvement project consisting of laying out, improving, extending and acquiring public rights-of-way along Highway 59, from Newcomb Street to Sunrise Lane, and

WHEREAS, the City of Whitewater Common Council now wants to proceed with this project by adopting a relocation order in accordance with Wisconsin Statutes, section 32.05 (1) (a) and approving the plans for this project in accordance with Wisconsin Statutes.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Whitewater that approval is hereby granted for the undertaking of the public improvement project consisting of laying out, improving, extending and acquiring public rights-of-way along Highway 59, from Newcomb Street to Sunrise Lane and this project is deemed to be necessary, and

BE IT FURTHER RESOLVED that this Resolution is:

A Resolution of necessity in accordance with Wisconsin Statutes, section 32.07(2);

A Relocation Order in accordance with Wisconsin Statutes, section 32.05 (1) (a);
Authorization for the project in accordance with Wisconsin Statutes, section 84.095(4)(a)1, and
BE IT FURTHER RESOLVED that approval is hereby granted for the design of this project as
set forth in Transportation Project Plat 3110-02-21, a copy of which is annexed to this
Resolution, and

BE IT FURTHER RESOLVED that it will be necessary for the City to acquire interests in
privately-owned real estate in order to carry out this project and the City staff is hereby
authorized and directed to undertake title acquisition procedures for the acquisition of the real
estate needed for this project, including condemnation, if necessary, in accordance with the
procedures set forth in Wisconsin Statutes, section 32.05 and such real estate shall be acquired in
the name of the City of Whitewater, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its
passage and publication.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by
Councilmember Grady. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd, Abbott.
NOES: None. ABSENT: None. ADOPTED: October 20, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING CHAPTER 2.60, BOARD OF
REVIEW.**

**ORDINANCE AMENDING SECTION 2.60.020
OF CHAPTER 2.60 OF
THE WHITEWATER MUNICIPAL CODE
CHANGING THE FIRST BOARD OF REVIEW MEETING HOURS
FROM FOUR HOURS TO TWO HOURS**

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

SECTION 1.

Section 2.60.020 of Chapter 2.60, Board of Review of the Whitewater Municipal Code is
hereby amended to read as follows:

2.60.020 – Sessions.

Pursuant to Wis. Stats. §70.47(3)(b) and any amendments thereto to §70.47(3)(b), the city
does elect to permit itself the right to hold its first meeting for as few as two hours between
eight a.m. and midnight. This change in time shall not become effective unless notice
therefor is published in the official city newspaper at least ten days before the first meeting.

Ordinance introduced by Councilmember Binnie, who moves its adoption. Seconded by Councilmember Abbott. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd, Abbott. NOES: None. ABSENT: None. FIRST READING APPROVED: October 20, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE AMENDING CHAPTER 7.72, FIREARMS AND WEAPONS.

ORDINANCE AMENDING CHAPTER 7.72 FIREARMS AND WEAPONS OF THE WHITEWATER MUNICIPAL CODE.

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

SECTION 1: Section 7.72.020 of Chapter 7.72, of the Whitewater Municipal Code is hereby amended to read as follows:

7.72.020 Concealed weapons.

No person shall go about the city armed with any concealed weapon unless they have the proper license to carry a concealed weapon or are otherwise authorized by law to carry a concealed weapon. This regulation shall not apply to any policeman or other officer properly authorized to be so armed.

SECTION 2. Section 7.72.040 of Chapter 7.72, of the Whitewater Municipal Code is hereby amended to read as follows:

7.72.040 – Safe use and transportation of firearms and bows

The provisions of Section 167.31 of the Wisconsin Statutes, and all acts amendatory thereof, are adopted as a portion of this chapter.

SECTION 3: Section 7.72.041 of Chapter 7.72, of the Whitewater Municipal Code is hereby created to read as follows:

7.72.041 Bow hunting.

Hunting with a bow or crossbow is permitted on privately owned land. No bow hunting is allowed within 100 yards of any building located on another person's land (unless permission is granted by the other person). In this section "building" means a permanent structure used for human occupancy and includes a manufactured home, as defined by Wisconsin Statutes 101.91(2). A bow or crossbow must be discharged toward the ground.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd, Abbott. NOES: None. ABSENT: None. FIRST READING APPROVED: October 20, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

BETHEL HOUSE FUNDING CAMPAIGN. Jim Winship presented information regarding the creation and mission of Bethel House, an ecumenical partnership to provide shelter and education for homeless families. The organization needs to purchase additional housing, and is beginning a funding campaign in an effort to raise money for real estate purchases.

CENTER STREET / SUMMIT STREET / BOONE COURT RECONSTRUCTION. Assistant City Manager McDonell reported on the upcoming Center Street / Summit Street / Boone Court reconstruction project.

RELOCATION ORDER FOR THE CUL-DE-SAC ON BOONE COURT.

RESOLUTION

A Resolution and Relocation Order for the Laying Out, Improving, Extending and Acquiring Rights-Of-Way for Boone Court and Boon Street.

WHEREAS, the City of Whitewater has determined that it is necessary to undertake a public improvement project consisting of laying out, improving, extending and acquiring public rights-of-way for Boone Court and Boon Street, and

WHEREAS, the City of Whitewater Common Council now wants to proceed with this project by adopting a relocation order in accordance with Wisconsin Statutes, section 32.05 (1) (a) and approving the plans for this project in accordance with Wisconsin Statutes.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Whitewater that approval is hereby granted for the undertaking of the public improvement project consisting of laying out, improving, extending and acquiring public rights-of-way for Boone Court and Boon Street and this project is deemed to be necessary, and

BE IT FURTHER RESOLVED that this Resolution is:

A Resolution of necessity in accordance with Wisconsin Statutes, section 32.07(2);

A Relocation Order in accordance with Wisconsin Statutes, section 32.05 (1) (a);

BE IT FURTHER RESOLVED that approval is hereby granted for the design of this project as set forth in the plans, a copy of which are annexed to this Resolution, and

BE IT FURTHER RESOLVED that it will be necessary for the City to acquire interests in privately-owned real estate in order to carry out this project and the City staff and the City Attorney are hereby authorized and directed to undertake title acquisition procedures for the acquisition of the real estate needed for this project, including condemnation, if necessary, in accordance with the procedures set forth in Wisconsin Statutes, section 32.05 and such real estate shall be acquired in the name of the City of Whitewater, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

Resolution introduced by Councilmember Binnie. Seconded by Councilmember Abbott. Wellnitz, Langnes, Grady, Binnie, Singer, Kidd, Abbott. NOES: None. ABSENT: None. FIRST READING APPROVED: October 20, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

IMPLEMENTS OF HUSBANDRY. Streets Superintendent Nass indicated that pursuant to Wisconsin Act 377, several changes to the way agricultural vehicles may operate on State and

Local Roads were made. Streets Superintendent Nass indicated that there are very few vehicles which would require permitting. Adoption of Option F, which allows no-cost permitting, would be the best option, also allowing the City to better direct where these vehicles could operate on the City streets. It was moved by Binnie and seconded by Abbott to adopt Option F relating to Implements of Husbandry. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ASBSENT: None.

S.L. MACWILLIAMS COMPANY AND ATTORNEY BEN SOUTHWICK. It will be necessary to retain Attorney Ben Southwick to assist with eminent domain proceedings with regard to the Boone Court acquisitions. It was moved by Binnie and seconded by Abbott to approve an agreement with S.L. MacWilliams Company and Attorney Ben Southwick for the acquisitions required for the Boone Court project. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None.

AMBULANCE CONTRACTS WITH TOWNSHIPS. It was moved by Binnie and seconded by Abbott to approve one-year ambulance service contracts with the Towns of Whitewater, Richmond, Lima, Koshkonong, Johnstown and Cold Spring. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None.

FIRST ST. STREET CLOSURE FOR TRICK OR TREAT ON THE TRIANGLE. It was moved by Binnie and seconded by Abbott to approve the closure of First Street, from Main to North, on 10/31/15 to allow for the Trick or Treat the Triangle event. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None.

2016 BUDGET PRESENTATIONS: City Manager Clapper presented detailed information regarding proposed 2016 Budgets. Information regarding General Fund Revenues, Debt Service, and Transfers was presented. Also presented were requests for the Administration budgets (Legislative Support, Contingencies, Court, Legal and General Administration); Innovation Center Operations; Library Special Revenue Funds, Public Works (Public Administration, Shop/Fleet Operations; Street Maintenance; Snow and Ice, and Street Lights). During presentation of the Snow and Ice Budget, it was noted that the City is pre-treating streets now, in an effort to improve efficiency and keep costs low. The Wastewater Utility Budget, as well as the Parks and Recreation – Facility Maintenance were presented. (Facility Maintenance, Young Library Facility, Parks Administration, Parks Maintenance, Recreation Administration, Parks and Recreation Special Revenue Fund. Senior Citizens Program, Community Events, Community Based Co-op Projects, Innovation Center – Facility Operations, Parkland Acquisition Fund, Parkland Development Fund and Forestry Fund.

REQUEST FOR FUTURE AGENDA ITEMS. Councilmember Abbott indicated that the ordinance relating to impervious surfaces should be brought before the December 1st meeting and that a discussion regarding elimination of parking on one side of Ann Street should be brought forth.

EXECUTIVE SESSION. It was moved by Singer and seconded by Abbott to Adjourn to Closed Session, **TO RECONVENE IN APPROXIMATELY 20 MINUTES**, 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” Item to be discussed: Negotiation of Development Agreement with DP Electronic Recycling, Inc. and discussion regarding necessity of Discontinuing Street. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 7:50 p.m.

RECONVENE INTO OPEN SESSION. The Common Council reconvened into open session at 8:25 p.m.

RESOLUTION DISCONTINUING EAST MAIN COURT. In order for the development of the DP Electronic facility to occur, it will be necessary to discontinue East Main Court, located just east of the Provisur facility at 113 E. Main Street.

RESOLUTION DISCONTINUING EAST MAIN COURT

WHEREAS, East Main Court is a roadway in the City of Whitewater, and

WHEREAS, East Main Court is adjacent to Lot 1 of Certified Survey Map 4442, and

WHEREAS, the City intends to sell Lot 1 of Certified Survey Map 4442 to a developer who has requested that the City discontinue East Main Court to facilitate a substantial commercial development in the City of Whitewater, and

WHEREAS, discontinuance of East Main Court will facilitate economic development in the City of Whitewater, and

WHEREAS, discontinuing East Main Court is in the City of Whitewater's best interest, and the public's best interest requires the discontinuance of East Main Court.

Now therefore, BE IT RESOLVED as follows:

1. East Main Court in the City of Whitewater, as more particularly described in the legal description and shown on the attached map is hereby discontinued.
2. The official map of the City of Whitewater is hereby amended to show the discontinuance of East Main Court.
3. The discontinued East Main Court property shall be attached to and become a part of Lot 1 of City of Whitewater, Walworth County, Certified Survey map Number 4442 recorded October 5, 2012 in Volume 29 of C.S.M.'s pages 30-33 as Document Number 848249.
4. All utility easements and any easement for existing utilities are being retained by the City of Whitewater.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Wellnitz, Langnes, Grady, Binnie, Abbott, Singer, Kidd. NOES: None. ABSENT: None. Dated: October 20, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

DP ELECTRONIC DEVELOPMENT AGREEMENT. It was noted that a Development Agreement between the City and DP Electronics will be forthcoming for formal approval. DP would develop a facility just east of Provisur at 113 E. Main Street which will recycle computer screen materials. Further information will be coming.

ADJOURNMENT. It was moved by Abbott and seconded by Binnie to adjourn the meeting. Motion carried by unanimous vote. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk