

**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 19, 2016

The Joint meeting of the Common Council and the Aquatic Center Board was called to order at 6:00 p.m. COUNCIL MEMBERS PRESENT: Wellnitz, Grady, Binnie, Goetl, Singer, Kidd. COUNCIL MEMBERS ABSENT: Langnes. CITY LEGAL COUNSEL PRESENT: McDonell. SCHOOL DISTRICT MEMBERS PRESENT: Brian Brunner, Kelly Davis, Casey Judd, Dan McCrea, Chuck Nass, Steve Ryan. SCHOOL DISTRICT MEMBERS ABSENT: Torres.

**WHITEWATER AQUATIC CENTER MANAGEMENT AND OPERATION**

**AGREEMENT**. Parks and Recreation Director Amundson indicated that if the agreement is approved, the Parks and Recreation Board will oversee management of the aquatic center beginning July 1<sup>st</sup>. Amundson noted that the structure of the Parks and Recreation board will be changed to accommodate the new responsibility. Amundson also indicated that one major focus will be to update the fitness equipment. Councilmember Goetl questioned whether the increase in responsibility to the Parks Department and the Finance Department will be possible. Amundson indicated that his Department has been without a Sports Program Coordinator since the end of August, and Amundson has taken on those duties. That position is in the process of being filled, and Amundson will substitute time previously devoted to that. Amundson indicated that one of the biggest commitments would be attendance at Council and Board meetings and capital planning tasks. Amundson indicated he is willing to take the extra responsibility on. City Manager Clapper indicated that the existing staff at the aquatic facility takes care of day to day operations. Goetl expressed concern that some other function of the Parks and Recreation Department could suffer as a result of the additional responsibility. Councilmember Kidd indicated that he supports the proposal, and indicated that the Sports Coordinator position was established so that Amundson could manage other tasks. School District member Ryan indicated that Business Manager Jaeger already serves on the Parks and Recreation Board, and that fact may reduce overall meeting times. Goetl expressed concern over changing the composition of the Parks and Recreation Board. She questioned whether it was the intention, when adding a School District member to the Parks and Recreation Board, to have that School Board representative participate in all decisions, or merely those related to aquatic center matters. Amundson explained that the proposed addition of a School board member to the Parks Board would participate in all Parks Board decisions. Goetl was concerned that addition of school board member(s) would create an undue school district influence on matters not affiliated with the aquatic center. Councilmember Singer indicated he has received feedback from community members regarding an increase in board membership. He noted that the concept of a separate board to manage the aquatic center was recommended. Parks Director Amundson indicated that much discussion between the two boards has occurred, and the intention of the proposal is for the Parks and Recreation Board to provide oversight to the management, policies, and expectations of the aquatic center. School Board member Davis inquired about the status of the audit, which School Business Manager Jaeger responded should be completed within a month. Resident Larry Kachel expressed concern that the Parks and Recreation Board oversight of the aquatic center may not be the best option. He noted that the aquatic center is a business, and although the Parks and Recreation Board members are all fine and dedicated people, he feels that someone with business management experience should be managing the center. Kachel feels the aquatic center must be managed differently than a Parks and Recreation Department. Kachel reminded

the Council that fundraising requirements will be a major responsibility for the management of the center. Kachel encouraged the Council to look at management by a separate board made staffed by members with a financial background. Kachel noted that the Whitewater School District pays around \$75,000 annually for use of the aquatic center, while in Jefferson, the School District's debt service for the pool is \$150,000 per year. Kachel suggested that a new Board be created, which would operate under the direction of the Common Council. Kachel also noted that the aquatic center is underutilized and has some problems.

City Manager Clapper indicated that the City would be responsible for hiring the aquatic center director effective with the July 1<sup>st</sup> retirement of existing Director Malone.

Councilmember Binnie noted that the facility made a \$60,000 profit last year. Amundson believed the profit was slightly lower than the amount Binnie noted. Binnie questioned the employment benefit packages aquatic center employees would be entitled to as they become city employees. Parks Director Amundson indicated that savings would be experienced through computer service, phone service and technology efficiencies. There would be one full-time Director and two half-time programmers. Position reorganizations would take place for efficiencies. Amundson indicated that other efficiencies will occur through the City operating the facility, as it is planned that some Parks and Recreation registration functions will be transferred to the Aquatic Center location.

Councilmember Goettl expressed concern that the government would be too involved in this business operation. Goettl indicated that the reason the financial status of the aquatic center has improved is due to the fact that it began operating like a business. She reiterated her opinion that management of the facility must be handled by people with business experience. School District representative Ryan reminded the Council that a private business group did operate the aquatic center at one time, and while under their management, a quarter of a million dollars was lost per year. Ryan indicated that when the Aquatic Board took over, they facility realized a profit.

It was moved by Kidd and seconded by Binnie to approve a Lease Agreement and Operation Agreement between the Whitewater School District and the City of Whitewater. Ayes: Wellnitz, Grady, Binnie, Singer, Kidd. NOES: Goettl. ABSENT: Langnes.

School District Board Member Vote. AYES: Brian Brunner, Kelly Davis, Casey Judd, Dan McCrea, Chuck Nass, Steve Ryan. NOES: None. ABSENT: Torres.

The Joint portion of the meeting adjourned at 6:40 p.m.

A short recess was taken.

#### COMMON COUNCIL MEETING:

It was moved by Binnie and seconded by Goettl to approve the Council Minutes of 12/15/15 and to acknowledge receipt and filing of the following: Fire/EMS Task Force Minutes of 9/17/15 and 10/22/15; Zoning Rewrite Committee Minutes of 11/10/15 and 11/24/15; Parks and Recreation Board Minutes of 12/8/15; Library Board Minutes of 11/12/15 and 11/16/15; Report of Manually-produced checks for December, 2015; Preliminary Financial Reports for December 2015; Whitewater Police Department Consolidated Monthly Report for October and November, 2015 and Plan and Architectural

Review Commission Minutes of 11/09/2015. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**PAYMENT OF INVOICES**. It was moved by Binnie and seconded by Goettl to approve payment of city invoices in the total sum of \$5,289.56. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**RESOLUTION APPROVING AMENDMENT OF TAX INCREMENT DISTRICT 5**. The proposed amendment calls for a reduction in the total spending for the District. Because of the limited spending life left under this plan, it was felt that a majority of the improvements could not be recovered within a short repayment period. Therefore, the reduction in total spending is a more realistic plan according to CDA Director Pat Cannon. Two new expenditure categories would be added, namely economic development incentive funds and improvements outside of the TIF boundary.

**RESOLUTION APPROVING THE AMENDMENT OF TAX INCREMENT DISTRICT NO. 5 PROJECT PLAN WHICH MODIFIES ALLOWED PROJECT COSTS**

**WHEREAS**, the Common Council of the City of Whitewater requested the Community Development Authority of the City of Whitewater (CDA) to prepare an Amendment to the Project Plan for Tax Increment District No. 5 (TID 5) to modify the project costs that may be incurred by TID 5, and

**WHEREAS**, the CDA caused a Project Plan Amendment to be prepared for TID 5 which identifies the new project costs and describes the continued economic feasibility of TID 5, and

**WHEREAS**, the CDA conducted a public hearing on said TID 5 project plan amendment after duly notifying overlying taxing jurisdictions of said public hearing under Wisconsin Statute 66.1105(4)(a), and Section 66.1105(4)(e), and

**WHEREAS**, the CDA approved the Project Plan Amendment for TID 5 and recommended that the Common Council of the City of Whitewater amend the TID 5 Project Plan as approved by the CDA.

Now, therefore, **BE IT RESOLVED** that the Common Council of the City of Whitewater makes the following findings:

Not less than 50%, by area, of the real property within the District is suitable for “mixed-use development” within the meaning of Section 66.1105(2)(cm) of the Wisconsin Statutes.

The improvement of the area of the District which is suitable for mixed-use development is likely to enhance significantly the value of substantially all of the other real property in the District.

The project costs included in the proposed amended Project Plan for the District directly serve to promote mixed-use development in the City, consistent with the purpose for which the District was created.

Based on the information set forth herein, the proposed amended Project Plan is feasible and in conformity with the Master Plan of the City.

**BE IT FURTHER RESOLVED** that pursuant to Wisconsin Statute 66.1105(4)(h), the Common Council hereby approves the Project Plan Amendment for TID 5 as recommended by the Community Development Authority.

Resolution introduced by Council Member Goettl, who moved its adoption. Seconded by Council Member Grady. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes. ADOPTED: January 19, 2016.

**FIRST READING OF ORDINANCE AMENDING MINIMUM NUMBER OF VOTES REQUIRED BY BOARD OF ZONING APPEALS.**

**FIRST READING OF ORDINANCE AMENDING CHAPTER 19.72  
CONCERNING THE NECESSARY NUMBER OF VOTES  
REQUIRED BY THE BOARD OF ZONING APPEALS FOR ACTIONS**

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

Section 1. Whitewater Municipal Code Chapter 19.72, Section 19.72.030 D. is hereby amended to read as follows:

Section 19.72.030 D: The concurring vote of the majority of voting members of the board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a utility, temporary, unclassified or substituted use.

Ordinance introduced by Council member Binnie, who moved its adoption. Seconded by Council member Goettl. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes. FIRST READING APPROVED: January 19, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE IMPOSING R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION ON 377 S. JANESVILLE STREET.**

**FIRST READING OF 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>
377 S. Janesville Street	/CL 00125A Lendost 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 Binnie, who moved its adoption. Seconded by Councilmember Singer. AYES: Wellnitz, Grady, Binnie, Singer, Kidd. NOES: None. ABSENT: Langnes. ABSTAIN: Goettl. FIRST READING APPROVED: January 19, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**CLASS “B” BEER LICENSE AND CLASS C WINE LICENSE FOR JIMMY’S ITALIAN BEEF RESTAURANT.** It was moved by Goettl and seconded by Binnie to approve a Class “B” Beer License and a Class C Wine license for JCIB, Inc., James Migliorisi, Agent, for Jimmy’s Italian Beef business at 535 E. Milwaukee St., Whitewater. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**LANDMARKS COMMISSION APPOINTMENT.** It was moved by Binnie and seconded by Goettl to appoint Dan Richardson to the vacant position on the Landmarks Commission. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**DONOHUE PRESENTATION REGARDING SANITARY SEWER USER RATES. (AND CONTRACT FOR WASTEWATER TREATMENT PLAN IMPROVEMENTS).**

Nathan Cassidy of Donohue was present to answer questions regarding the proposed sewer rate increase. Councilmembers Goettl and Singer indicated that the Council would like to see detail relating to the contract. Nathan Cassidy indicated that the actual bidding document also serves as the contract. City Attorney McDonell indicated that the bid packet was approved, and it was McDonell’s opinion that the language on the notice was sufficient to act on approval of the contract. Councilmember Binnie noted that the proposed project is one of the biggest projects ever presented to Council, and it must be done legally. Binnie suggested a special meeting next week to allow time for more detailed notice. Resident Jeff Knight of 405 Panther stated that if the Council was going to pass the rate increase, it should be passed without the understanding that additional waste will be brought in. It was noted that the rate increase will be effective 12/28/15. In response to city staff member comment indicating that action must be taken now, Councilmember Goettl indicated that Government must improve their planning efforts and bring subjects forth in a more timely manner. It was agreed that the Council would hold a special meeting on January 27 to approve the contract for the wastewater treatment project.

**CENTER, BOONE AND SUMMIT STREET SPECIFICATIONS AND AUTHORIZATION TO GO TO BID.**

It was moved by Binnie and seconded by Goettl to approve the specifications for the Center, Boone and Summit Street project, and to authorize the project to go to bid. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**AUTHORIZATION TO DISPOSE OF UNUSED CITY PROPERTY.** It was moved by Binnie and seconded by Goettl to authorize the disposal of miscellaneous, unused city property (desk cubicle parts, unused file cabinets, etc.). AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**SUMMIT STREET SEWER BACKUP CLAIM.** Anna Bianco and Victor Lefave have filed a claim in the sum of \$5,423 against the city relating to sewage backup in the basement of the home they rent at 351 S. Summit Street. The mishap occurred on 11/29/15. Very detailed information was provided, including many photographs and a summary of activity prepared by the Wastewater Division Superintendent. It was noted that the backup occurred due to a clog in the main line, which resulted in flow from the system back through the lateral, resulting in about 8” of raw sewage flooding in the home. Lengthy discussion ensued, with comments regarding the fact that the City did not do anything to cause the backup, as well as empathy for

the plight of the residents being discussed. Insurance coverage possibilities were reviewed. It was moved by Binnie and seconded by Grady to take no action on the claim (tabled), but to bring forth detailed information regarding possible coverage for this type of situation no later than the second meeting in February. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**GEORGE STREET RECONSTRUCTION.** It was moved by Binnie and Goettl to approve a contract with Wilkomm Excavating and Grading, in the sum of \$1,179,784 for the 2016 reconstruction of George Street. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes.

**CITY MANAGER PERFORMANCE EVALUATION.** City Manager Clapper presented his proposed performance review questionnaire for advance review by the Council. Also provided was a timeline for the review, with the review occurring at the second meeting in February.

**RESOLUTION ADOPTING 2016 AND 2017 SANITARY SEWER RATE RESOLUTION.**

RESOLUTION ADOPTING SANITARY SEWER USER & CONNECTION FEES

WHEREAS, the Common Council of the City of Whitewater has reviewed all fiscal year cost breakdowns and budgets for sewer service in accordance with Chapter 16.14 and 16.20 of the Municipal Code; and

WHEREAS, the Common Council determined a need to revise the rates for users of the sewer service to fairly allocate the cost of sewer service and maintain the sewer fund on a sound fiscal basis.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the following tariffs are hereby established, effective December 28, 2015.

DOMESTIC SEWAGE CUSTOMERS

<u>Meter Size</u>	<u>Monthly Facilities Charge</u>
5/8"	\$9.00
3/4"	\$9.00
1"	\$15.00
1 1/2"	\$33.00
2"	\$58.00
3"	\$130.00
4"	\$230.00
6"	\$518.00
8"	\$920.00

Volume Charge: \$10.65 per 1,000 gallons

NON DOMESTIC SEWAGE CUSTOMERS

Monthly Facilities Charge: Same as Domestic Sewage Customers  
Volume Charge: Same as Domestic Sewage Customers

Surcharge per lb. over Domestic Strength Sewage:

B.O.D.	(over 300 mg/l)	\$0.89	per pound
T.S.S.	(over 300 mg/l)	\$0.31	per pound
NH <sub>3</sub> -N	(over 30 mg/l)	\$4.50	per pound
T.P.	(over 12 mg/l)	\$7.24	per pound

New Building Connection Fee:

- (a) Per family dwelling or R.E.U. \$1,824.00
- (b) Multiple family dwellings without individual laundry

facilities-per unit or R.E.U.	\$1,368.00	
(c) All others:	\$1,824.00	per each 275 gls per day of usage (Minimum \$1,824 per unit or R.E.U.)
<u>Other Sewage Customers:</u>		
Holding Tank Waste	\$17.00	per 1,000 gls
Septic Tank Waste	\$46.00	per 1,000 gls
Grease Trap Waste	\$63.00	per 1,000 gls

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Kidd.  
Ayes: Wellnitz, Grady, Binnie, Kidd. NOES: Goettl, Singer. Adopted JANUARY 19, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FUTURE AGENDA ITEMS.** Councilmember Goettl indicated that some of the zoning codes will be brought before the February 2, 2016 council meeting for review. Councilmember Goettl also requested that location of a council meeting on campus be reviewed. Also requested was that the Committee structure for Landmarks, Cable, and Birge Fountain Committees be discussed.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Goettl to adjourn to Closed Session, TO RECONVENE in approximately 15 minutes from time entering closed session, pursuant to Chapter 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: Contracts for WPPA Supervisors”. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: Langnes. The Council went into closed session at 9:10 p.m.

**RECONVENE INTO OPEN SESSION.**

**CONTRACT FOR THE WPPA SUPERVISORS.** It was moved by Binnie and seconded by Goettl to approve a contract with WPPA Supervisors. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd.

**ADJOURNMENT.** It was moved by Binnie and seconded by Goettl to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk