

**3ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,  
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

March 1, 2016

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, Goettl, Singer, Kidd. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: None.

It was moved by Goettl and seconded by Binnie to approve the Council Minutes of 1/27/16, 2/2/16 and 2/18/16, and to acknowledge receipt and filing of the following: Fire – EMS Task Force Minutes of 1/20/16; Irvin L. Young Library Board Minutes of 1/18/16. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**PAYMENT OF INVOICES.** It was moved by Goettl and seconded by Binnie to approve payment of city invoices in the total sum of \$71,480.07. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**STAFF REPORTS:** Cable Coordinator Luckett gave a report on the upcoming digital storytelling workshop. City Manager Clapper updated the Council on the Joint Review Board action. Finance Director Saubert updated Council on the pending borrowing for the George and Center Street projects.

**2015 BUDGET TRANSFER RESOLUTION.**

**2015  
BUDGET TRANSFER RESOLUTION I**

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2015 on November 18, 2014, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

***Increase***

General Fund #100

Legislative Support	100.51100.xxx	\$ 425
Court	100.51110.xxx	\$ 2,860
Legal	100.51300.xxx	\$ 3,145
General Administration	100.51400.xxx	\$ 3,806
Information Technology	100.51450.xxx	\$ 3,000
Financial Administration	100.51500.xxx	\$ 2,125
General Buildings/Plant	100.51600.xxx	\$ 1,802
Police Administration	100.52100.xxx	\$ 5,000
Police Patrol	100.52110.xxx	\$ 0
Police Investigation	100.52120.xxx	\$ 0

Community Service	100.52140.xxx	\$ 498
Neighborhood Services	100.52400.xxx	\$ 5,212
Fire Department	100.52200.xxx	\$ 30,000
Rescue Service	100.52300.xxx	\$ (30,000)
Communications/Dispatch	100.52600.xxx	\$ 7,290
Public Works-Administration	100.53100.xxx	\$ 884
Public Works-Shop/Fleet	100.53230.xxx	\$ 1,430
Public Works-Parks Maintenance	100.53270.xxx	\$ 2,472
Public Works-Streets	100.53300.xxx	\$ 5,745
Public Works-Snow & Ice	100.53320.xxx	\$ 1,077
Public Works-Street Lights	100.53420.xxx	\$ 102
Library Building	100.55111.xxx	\$ 381
Parks Administration	100.55200.xxx	\$ 1,716
Recreation Administration	100.55210.xxx	\$ 2,654
Senior Citizen's Program	100.55310.xxx	\$ 1,970
Contingencies	100.51100.910	\$ (53,594)
EXPENDITURES:		
Water Utility Fund 610	610.xxxxx.xxx	\$ 8,495
REVENUES:		
Retained Earnings	610.47493.61	\$ (8,495)
EXPENDITURES:		
Wastewater Utility Fund 620	620.xxxxx.xxx	\$ 14,726
REVENUES:		
Retained Earnings	620.49930.62	\$ (14,726)
EXPENDITURES:		
Stormwater Utility Fund 630	630.63310.xxx	\$ 3,683
REVENUES:		
Retained Earnings	630.49930.63	\$ (3,683)

To adjust for the additional 2% in salary/wages and related payroll rollups granted to employees per previously approved contracts and salary resolutions. Also adjusted for the payroll changes made within the fire/rescue services that was effective on July 1, 2015.

2) EXPENDITURES:		
<i><b>Increase/&gt;Decrease&gt;</b></i>		
<u>General Fund #100</u>		
Facilities Maintenance		
Facilities Improvement	100.51600.245	\$ 1,773.11
Contingencies	100.51100.910	\$ (1,773.11)

To adjust for the supplies (123.11) plus stipend of (1,650) paid to Taylor McDarison for the production of Landmark Tiles.

3) EXPENDITURES:		
<i><b>Increase/&lt;Decrease&gt;</b></i>		
<u>General Fund #100</u>		

Celebrations		
Celebrations/Awards	100.55320.790	\$ 5,000.00
Contingencies	100.51100.910	\$ <5,000.00>

To adjust for the payment of \$5,000 made to Discover Whitewater Series for the 2015 sponsorship of the Half Marathon, 5k, Fit Kid Shuffle held on September 20, 2015.

4) EXPENDITURES:		
<u>Increase/&lt;Decrease&gt;</u>		
<u>General Fund #100</u>		
Transfer-Library Special Revenue	100.59220.998	\$ 46,781.00
Contingencies	100.51110.910	\$ (46,781.00)
REVENUES:		
Library Special Revenues#220		
Rental House-416 West Center	220.48260.55	\$ <46,781.00>
Fund Balance	220.49300.55	\$ 46,781.00

To adjust for the rents due from the General Fund to the Library Special Revenue Fund for the rental property is owned by the Library at 413 west Center St. This adjustment covers several years.

5) EXPENDITURES:		
<u>General Fund#100</u>		
Facilities Maintenance		
Improvements	100.51600.245	\$ 2,120.00
Contingencies	100.51110.910	\$ <2,120.00>

To adjust for the design expenses paid to Design Alliance for the rescue/fire sleeping area remodeling in the municipal building basement.

6) EXPENDITURES:		
<u>TID #4-Fund 440</u>		
Transfer-CDA-Admin Cost	440.57663.648	\$ 75,000.00
REVENUES:		
Fund Balance	440.49300.57	\$ <75,000.00>
REVENUES:		
CDA Fund #900		
Transfer-TID #4-Administration	900.49262.56	\$ < 75,000.00>
Fund Balance	900.49300.56	\$ 75,000.00

The CDA board has passed a resolution and requests that \$75,000.00 be transferred from TID #4 to CDA Fund 900 for 2015 to cover administrative expenses for 2015. The CDA has contacted the State Dept. of Revenue and it has been determined that this is an allowable expenditure. The transfer will not change the anticipated final close-out of TID #4 The close out of TID #4 in 2021/2022.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember Goettl, who moved its adoption. Seconded by Councilmember Binnie. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: March 1, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**AMENDMENT TO FLOODPLAIN ZONING ORDINANCE.** The proposed amendment to the flood plain ordinance was removed from the council agenda at the request of the City Attorney. The ordinance will be taken up at a later date.

**FIRST READING OF CHAPTER 19 AS IT RELATES TO IMPERVIOUS SURFACE REGULATIONS.** Councilmember Goettl, chair of the Committee appointed to review the zoning ordinance, indicated that the ordinance included in the council backup material had some errors on it, and contingent upon correction of those errors, the Committee requests approval of the ordinance.

**FIRST READING OF ORDINANCE AMENDING CHAPTER 19 (LOT COVERAGE / IMPERVIOUS SURFACE)**

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

**SECTION 1.** Whitewater Municipal Code Section 19 is amended to read as follows:

**I. Amendment Chapter 19.15 (R-1 One-Family Residence District)**

**II. 19.15.070 Lot Coverage.**

- A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty (30%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1 is 10,000 sq ft).

- C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director’s decision to the Plan and Architectural Review Commission.
  - a. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
  - b. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
  - c. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

**III.**

**IV. Amendment Chapter 19.16 (R-1X District)**

**V. 19.16.021 Maximum Lot coverage.**

- A. Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1X District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1X is 12,000 sq ft).

- C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director’s decision to the Plan and Architectural Review Commission.
  - d. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.

- e. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
  - f. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

**VI. Amendment Chapter 19.18 (R-2 One-and Two-Family Residence District)**

**VII. 19.18.070 Lot coverage.**

- A. Maximum lot coverage (principal and accessory structures) in the R-2 district is thirty (30%) percent.
- B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-2 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-2 is 8,000 sq ft for single-family and 12,000 square feet for two-family).

- g. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
  - h. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
  - i. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City’s Stormwater Management Ordinance (Chapter 16.16) and the City’s Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing

stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

**VIII. Amendment Chapter 19.21 (R-3 Multifamily Residence District)**

**IX. 19.21.060 Yard Requirements.**

- A. Front, thirty (30) feet first floor.
- B. Side, fifteen (15) feet; corner lots twenty-five (25) feet.
- C. Rear, thirty (30) feet.
- D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

SECTION 2: 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 Goettl. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None FIRST READING APPROVED: March 1, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**PRESENTATION ON DEVELOPMENT PROJECT THAT WOULD INCLUDE A NEW LIBRARY.** City Manager Clapper reported that the Library Board members and some city staff members have met with Troy Hoekstra of United Development Solutions to discuss the possible construction of a library as part of a larger hotel development. Clapper noted that a similar development is currently under construction in Platteville. Like in Platteville, any potential development in Whitewater would be financed with a combination of private investment, new market and other tax credits, and public sources. For the first seven years of operation, the developer would own the property in order to reap the benefits associated with new market tax credits. Clapper indicated that after that seven years, the library portion of the development would likely be gifted back to the City. Clapper indicated that this would result in the City owning a new Library for much less than the actual cost to build it.

**RELOCATION OF APRIL 19, 2016 COUNCIL MEETING TO CAMPUS LOCATION.** On occasion, the Council meetings are held on the UWW campus. Consensus was to hold the 4/19/2016 Common Council meeting on the UW campus.

**WASTEWATER TREATMENT PLANT WASTE RECEIVING STATION.** Assistant to the City Manager McDonell indicated Wastewater Treatment Plant Project Alternate No. 7 includes construction of a 25,000 gallon concrete tank and cover, with associated equipment and utilities. The cost of Alternate No. 7 is \$431,103. McDonell proposed that the City enter into an agreement with Baker Tilly for the purpose of representing the City with finding a joint venture partner for the project. Numerous concerns about having a Waste Receiving station were expressed. It was moved by Binnie and seconded by Grady to invite Baker Tilley to the next Council meeting for the purpose of presenting their plan, and to direct staff to research the matter, including reference checking. Also included was the rejection of alternate no. 7 except for the possibility of discussing the stub (\$52,000). [Stubs are not being rejected, but are being left open]. AYES: Wellnitz, Grady, Binnie, Singer, Kidd. NOES: Langnes, Goettl.

**AUTHORIZATION TO PURCHASE COT LOADING MECHANISM USING HOSPITAL FUND MONIES.** The Rescue Squad has requested authorization to purchase a cot loading mechanism at a cost of \$25,000, using hospital fund money. The Rescue Squad has indicated that it is difficult for members to lift some heavier patients, and purchase of the equipment will help reduce injuries for rescue squad staff. It was moved by Kidd and seconded by Binnie to authorize the expenditure of up to \$25,000 from the Hospital Fund for the purpose of purchasing a cot loading mechanism. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd. NOES: Langnes. ABSENT: None.

**SEWER CLAIM FILED BY CEDARS AND SCHMELING FOR 351 SUMMIT STREET.** Property owners/Landlords Cedars and Schmeling submitted a claim to the City for damages incurred as a result of a sewer backup at 351 Summit Street. It was moved by Goettl and seconded by Langnes to deny the claim filed by Cedars and Schmeling. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer. NOES: Kidd. ABSENT: None.

**STRAND ASSOCIATES CONTRACTS / AGREEMENTS.** It was moved by Binnie and seconded by Goettl to approve the following Strand contracts/agreements: One-Year Extension of Strand Associates Technical Services Agreement; Construction-Related Services Contract with Strand Associates for Center/Summit/Boone Street Reconstruction; and Construction-Related Services Contract with Strand Associates for George Street Reconstruction. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**DISPOSAL OF WASTEWATER UTILITY ITEMS (AUCTION).** It was moved by Binnie and seconded by Goettl to approve of the sale of unused wastewater utility items. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**APPROVAL OF AGREEMENT FOR 2016 SANITARY SEWER MAINTENANCE ACTIVITIES.** It was moved by Binnie and seconded by Goettl to approve an agreement with Great Lakes TV & Seal of Green Bay, Wisconsin (televising, chemical root foam and pressure test and seal) and approve an agreement with Terra Engineering of Madison, Wisconsin for completion of CIPP (cured in place pipe). Costs will vary based on field conditions. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**PURCHASE OF USED PICKUP TRUCKS AND A VAN.** It was moved by Binnie and seconded by Goettl to approve the purchase of the following: 2011 regular cab work truck – Burtness Chevrolet - \$16,800; a 2012 regular cab work truck, 4 X 4 Countryside Auto Group - \$24,253.50; and a 2015 used cargo van 2500, Countryside Auto Group - \$25,268.50. Funding will come from the equipment replacement fund. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Councilmember Kidd requested future discussion of the Fire Department Agreement.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Binnie to adjourn to Closed Session, **to reconvene approximately 10 minutes after adjournment to closed session** 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”. **Items to be Discussed:** The proposed agreements with Don and Joann Wargowsky, Araceli Partida and Thayer A. Coburn

and Anne E. Flemming-Coburn for acquisition of property interests for the Ann Street Basin project. AYES: Wellnitz, Langnes, Grady, Binnie, Goetl, Singer, Kidd. NOES: None. ABSENT: None. The Council adjourned to Executive Session at 8:05 p.m.

**RECONVENE INTO OPEN SESSION.** At 8:15 p.m., the council reconvened into open session.

**AGREEMENT WITH DON WARGOWSKY FOR PURCHASE OF ANN STREET PROPERTY.** It was moved by Binnie and seconded by Goetl to enter into an agreement with Don Wargowsky to purchase property on Ann Street, at a cost of \$19,500, for purposes of developing a detention basin. AYES: Wellnitz, Langnes, Grady, Binnie, Goetl, Singer, Kidd. NOES: None. ABSENT: None.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Goetl to Adjourn to Closed Session, NOT TO RECONVENE, pursuant to Chapter 19.81(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. The regular portion of the meeting adjourned 8:17 p.m.

Respectfully submitted,

Michele R. Smith