

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

June 6, 2017

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: McCormick, Binnie, Grady, Goettl, Singer, Allen. NOES: None. ABSENT: None. (Aldermanic District 2 position is currently vacant). LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Allen to approve the Council Minutes of 5/2/16, 5/16/17 and 5/23/17 and to acknowledge receipt and filing of the following: Parks and Recreation Board Minutes of 4/19/17; Irvin L. Young Memorial Library Board Minutes of 4/17/17; CDA Board Minutes of 1/26/17, 2/23/17, 3/23/17, and 4/27/17; and Landmarks Commission Minutes of 1/5/17, 2/2/17, 3/2/17, 3/17/17, 4/6/17, 5/4/17. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**SWEARING IN OF WHITEWATER POLICE DEPARTMENT'S CANINE.** City Clerk Smith administered the oath of office to newly-acquired canine, Ruso, and canine handler, Justin Stuppy.

**CITY MANAGER UPDATE.** The Powerpoint presentation is on hold due to technical difficulties. On May 17<sup>th</sup>, Whitewater hosted the Civic Leadership Summit hosted by the Whitewater Community Foundation. City Manager Clapper thanked the community members who helped mitigate the vandalism damage (graffiti) experienced over the weekend. Clapper expressed thanks to the individuals who assisted with the May 17<sup>th</sup> storm clean up.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Allen to approve payment of city invoices in the total sum of \$80,575.82. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**STAFF REPORTS:** Landmarks Chairperson Blackmer presented the Commission's annual report, consisting of numerous accomplishments. **Grocery Store Co-op Information:** Lacey Reichwald and Brienne Diebolt-Brown, members of the Whitewater Grocery Co., indicated that a Co-op consists of people who join together to fill a need. Co-ops succeed for numerous reasons, including local control; being adaptable, have different profitability needs and debt structure, and have customer, employee and vendor buy-ins. The Co-op has sold 166 shares at \$150 per share. In order for a store to open, 1000 shares will need to be sold. The estimated funding amount will be between \$2.2 - \$2.4 million. Funding sources will come from owner shares (5%), grants and contributions (10%), owner loans (40%) and lenders (45%). More information will be forthcoming as the group continues on their journey.

**CITIZEN COMMENTS: None.**

**RESOLUTION ADOPTING COMPLIANCE MAINTENANCE REPORT.** The Wastewater Treatment Plant's annual Compliance Maintenance Resolution was submitted for approval.

**City of Whitewater – Resolution No. 2017-0606-1  
Wisconsin Department of Natural Resources  
Compliance Maintenance Annual Report Resolution**

2016

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater facilities under Wisconsin Administrative Code NR 208;

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the CMAR;

WHEREAS, it is necessary to provide recommendations or an action plan for all CMAR section grades of "C" or less and/or an overall grade point average <3.00;

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2016 CMAR was reviewed and this resolution was voted on as follows:

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Allen. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. Adopted the 6th of June, 2016.

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Cameron L. Clapper, City Manager

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Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE ANNEXING REAL ESTATE OWNED BY KIENBAUM FAMILY, LOCATED ON WEST SIDE OF N. TRATT STREET.**

**AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF WHITEWATER, WISCONSIN (JEFFERSON COUNTY)**

The Common Council of the City of Whitewater, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on April 5, 2017, signed by the owners of the land in area in the territory (there are no electors in the territory), the following described territory in the Town of Cold Spring, Jefferson County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

See attached Exhibit A which is incorporated herein.

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Whitewater.

SECTION 3. The territory annexed to the City of Whitewater by this ordinance is temporarily zoned as follows, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes:

R-3 Multi-Family Residence District

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Council not later than May 15, 2018.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward 10 of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to the Town of Cold Spring, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2016.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Binnie, who moved its adoption. Seconded by Councilmember Goettl. AYES: McCormick, Grady, Binnie, Goettl, Singer. NOES: Allen. ABSENT: None. ADOPTED: June 6, 2017.

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Cameron L. Clapper, City Manager

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Michele R. Smith, City Clerk

AND

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF WHITEWATER, WISCONSIN (WALWORTH COUNTY)**

The Common Council of the City of Whitewater, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on April 5, 2017, signed by the owners of the land in area in the territory (there are no electors in the territory), the following described territory in the Town of Whitewater, Walworth County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

See attached Exhibit A which is incorporated herein.

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Whitewater.

SECTION 3. The territory annexed to the City of Whitewater by this ordinance is temporarily zoned as follows, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes:

R-3 Multi-Family Residence District

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Council not later than May 15, 2018.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward 13 (newly created) of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Payment to Town. Pursuant to Wis. Stat. sec. 66.0217(14), the Common Council agrees to pay annually to the Town of Whitewater, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2016.

SECTION 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Binnie, who moved its adoption. Seconded by Councilmember Goettl. AYES: McCormick, Grady, Binnie, Goettl, Singer. NOES: Allen. ABSENT: None. ADOPTED: June 6, 2017.

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Cameron L. Clapper, City Manager

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Michele R. Smith, City Clerk

**APPROVAL OF 2017-2018 BEER AND LIQUOR LICENSES.** It was moved by Allen and seconded by Goettl to approve the following renewal beer and liquor licenses, contingent upon applicants meeting all requirements of the license renewal: **CLASS A BEER** - Campus Quick Shop Inc., Jason McArdle Agent, Campus Quick Shop, 1134 W. Main St; Campus Quick Shop Inc, Jason McArdle Agent, Five Points BP, 804 W. Walworth St; Frawley Oil Co. Inc, Michael Frawley Agent, Eastsider Citgo, 650 E. Milwaukee St; Pnote Enterprises, Bonnie Prince Agent, Simply Convenient, 176 W. Main St; SBL Petro Inc, Amar Nath Agent, The Station, 844 E. Milwaukee St. **CLASS A BEER and LIQUOR** - Hartmann's Acorn Beverage, Inc., Richard Hartmann Agent, Acorn Beverage, 561 E. Milwaukee St.; Walgreen Co., Monica Hacker Agent, Walgreens #12638, 1041 W. Main St; Wal-Mart Stores East LP, Joseph Marx III Agent, Walmart #1274, 1362 W. Main St; Frawley Oil Co Inc, Michael Frawley Agent, Westside Liquor, 1353 W. Main St. **CLASS B BEER** - Gus' Pizza Palace LLC, George Christon Agent, Gus' Pizza Palace, 139 W. Main St; Luis Islas-Martinez, Luis Islas-Martinez Agent, La Preferida, 132 W. Main St; TRH Whitewater Restaurants Inc, Kenneth Dahnert Agent, Rocky Rococo, 1210 W. Main St; Jose J Barajas, Jose Barajas Agent, San Jose Mexican Store, 148 W. Main St. **CLASS B BEER and LIQUOR** - Randy's Funhunters Brewery Inc., Lucas Burns Agent, 841 Brewhouse, 841 E. Milwaukee St; Cordio Inc., John Cordio Agent, Beer Here, 617 E. Milwaukee St; Fine Food Culture LLC, Tyler Sailsbery Agent, The Black Sheep, 210 W. Whitewater St; R & B Brass Rail Inc., David Bergman Agent, Brass Rail Saloon & Eatery, 130 W. Main St; Fine Food Culture LLC, Tyler Sailsbery Agent, Casual Joe's, 319 W. James St; D.R.A. LLC, Daniel Rodriguez Agent, Cheap Shotz, 214 W. Whitewater St; College Pub LLC, Kirk Rasmussen Agent, College Pub, 202 W. Whitewater St; Lil' Debbies Coyote Grill LLC, Deborah Mischka Agent, Lil' Debbies Coyote Grill, 132 W. Center St; Ramon Lopez, Jose Jesus Lopez Agent, Cozumel Mexican Restaurant, 1139 W. Main St; Dennis Knopp, Dennis Knopp Agent, Denny K's Bar & Grill, 156 W Whitewater St; Spaiu LLC, Bajram Spahijoski Agent, Fanatico, 162 W. Main St; WMED LLC, Mark Wokasch Agent, Fat Jack's Sports Bar & Grill, 146 W. Main St; GZW LLC, Katherine Gibbs Agent, Ground Zero, 204 W. Main St; LIPIS Inc., Ilmi Shabani Agent, Jessica's Family Restaurant, 140 W. Whitewater St; Clara F Rocha, Clara Rocha Agent, Karina's Mexican Restaurant, 1170 W. Main St; Mad Boar Pub LLC, Nicolas Marietta Agent, Mad Boar Pub, 123 W. Center St; GAC Enterprises Inc., Gregory Condos Agent, Mitchell's/Pumping Station, 158-162 W. Whitewater St; Richard Hartmann, Richard Hartmann Agent, Rick's Eastside Pub & Grill, 561 E. Milwaukee St; Fire Station 1

LLC, Patrick Wellnitz Agent, Station 1, 140 W. Center St. **CLASS C WINE - Gus' Pizza Palace LLC**, George Christon Agent, Gus' Pizza Palace, 139 W. Main St. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**CITIZEN MEMBER TO BIRGE FOUNTAIN COMMITTEE.** It was moved by Goettl and seconded by Allen to approve the appointment of Russell Walton to the regular position on the Birge Fountain Committee. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**VACANT ALDERMANIC DISTRICT 2 COUNCIL SEAT.** With James Langnes' resignation, the Aldermanic District 2 council seat is open. Council reviewed the policy on vacancies and directed the Clerk to create a public notice for the position, and bring applications to the July 18<sup>th</sup> council meeting for review and possible appointment. The deadline to submit the applications will be July 11<sup>th</sup>.

**POLCO SOFTWARE SAMPLE QUESTIONS.** City Manager Clapper noted that sample questions to be submitted to the citizenry were included in the packet. Several councilmembers suggested that questions be very specific vs. broad. One concern expressed was the fact that the citizenry is not yet familiar with the POLCO software, and in the era of computer scams, identity theft, etc., some residents may be uncomfortable with providing their e-mail address and other personal information. It was suggested by several councilmembers that information informing the public on the process, how the information will be organized, and what the information will be used for, be assembled and brought back to the next council meeting.

**BOARD AND COMMISSION REPORTS TO COUNCIL.** Discussion about information being relayed between Council and the various Boards and Commissions was discussed. Councilmember Grady desired that more in depth information be provided at the Council level, since ultimately they are the overseers of City business. Numerous options were discussed, including requests for Boards and Commissions to submit regular presentations to Council relating to their goals, etc. Councilmember Goettl indicated that Committees post agendas and minutes on the website, so information is available. The City Manager indicated that the CDA, Library, and Landmarks Commission supply an annual report. Clapper also indicated that several Boards have a full-time staff person assisting them. Clapper agreed that Board reports can be provided, and the responsibility could go to the staff member affiliated with the group.

**AUTHORIZATION TO SELL UNUSED CITY PROPERTY THROUGH WISCONSIN SURPLUS AUCTION SERVICE.** The Wastewater Treatment plant has city-owned property they no longer need, and requested permission to have this equipment sold via the Wisconsin Surplus auction service. It was moved by Binnie and seconded by Allen to authorize the disposal of the unused property through the auction service. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**CANCELLATION OF JULY 4, 2017 COUNCIL MEETING.** It was moved by Binnie and seconded by Allen to authorize cancellation of the 7/4/17 council meeting. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**FUTURE AGENDA REQUESTS.** None.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Goettl to **Adjourn to Closed Session, TO RECONVENE APPROXIMATELY 15 MINUTES FROM TIME OF ENTERING INTO CLOSED SESSION,** pursuant to Wisconsin Statutes Chapter 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: Legal strategy relating to 2016 Downtown Parking Lot Resurfacing. City Staff members Steve Hatton and Chuck Nass were invited to join the Council in closed session. AYES: McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. The council went into closed session at 7:40 p.m.

**RECONVENE INTO OPEN SESSION.** The Council reconvened into open session at 8:28 p.m.

**ACTION ON 2016 DOWNTOWN PARKING LOT PROJECT.** Council President Singer announced that there would be no action on the downtown parking lot project.

**ADJOURNMENT.** It was moved by Allen 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