

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

February 15, 2022

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Binnie. The meeting was held both virtually and in person. Members Present: McCormick, Schreiber, Brown, Binnie, Allen, Smith, Majkrzak. Members Absent: None. Legal Counsel Present: Wallace McDonell.

It was moved by Allen and seconded by Majkrzak to approve the Council minutes of 2/1/22, and to acknowledge receipt and filing of the following: CDA minutes of 10/28/21, 11/2/21, 12/16/21 and 1/3/22; the Irvin L. Young Memorial Library Board minutes of 12/20/21; the Equal Opportunities Commission minutes of 1/17/22; and the Equal Opportunities Commission memo relating to the Whitewater Police Department presentation. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen, Majkrzak. NOES: None. ABSENT: None. (1:53 on video).

**AUTHORIZATION TO AMEND AGENDA WITH LESS THAN 72 HOUR NOTICE.** Council President Binnie requested that this item be voted on separately, and on future agendas, not be included as part of the consent agenda items. It was moved by Allen and seconded by Schreiber to authorize amendment of council agenda without the transparency-ordinance required 72 hours notice. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. (4:54 on video).

**STAFF REPORTS:** None.

**CITY MANAGER REPORT.** (20:32 on video)

**CITIZEN COMMENTS:** None.

**RESOLUTION APPOINTING CITY MANAGER AS CONTACT FOR DNR STORM GRANT APPLICATION.** (4:54 on video)

**RESOLUTION AUTHORIZING GOVERNMENTAL RESPONSIBILITY  
FOR URBAN NONPOINT SOURCE AND STORMWATER GRANTS**

**WHEREAS**, the City of Whitewater is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 154 and 155); and

**WHEREAS**, a cost-sharing grant is required to carry out the project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Whitewater that the Common Council authorizes the City Manager for the City of Whitewater to act on behalf of the City of Whitewater to:

- Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
- Sign and submit reimbursement claims along with necessary supporting documentation;
- Sign and submit interim and final reports and other documentation as required by the grant agreement;
- Sign and submit an Environmental Hazards Assessment Form, if required; and
- Take necessary action to undertake, direct and complete the approved project.

**BE IT FURTHER RESOLVED** that the City of Whitewater shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Resolution introduced by Councilmember Allen who moved its adoption. Seconded by Majkrzak. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: February 15, 2022.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION WAIVING PROVISION IN LSP DEVELOPMENT. (33:09 on video)**

**RESOLUTION WAIVING THE PROVISION IN THE LSP DEVELOPMENT AGREEMENT THAT REQUIRES LSP TO PROVIDE THE CITY OF WHITEWATER WITH A 2022 DECOMMISSIONING COST ANALYSIS AND AN APPRAISAL OF THE LSP FACILITY**

**WHEREAS**, Tyr Energy, Inc. (LSP) has requested that the City of Whitewater waive the provision in its Development Agreement with the City of Whitewater (City) that requires LSP to provide a 2022 decommissioning cost analysis and an appraisal of the LSP facility to the City, and

**WHEREAS**, the City of Whitewater has determined that the decommissioning cost analysis and an appraisal of the LSP facility is not necessary because the value of the facility far outweighs the estimated decommissioning costs,

**NOW THEREFORE, BE IT RESOLVED** that the City of Whitewater hereby waives the Development Agreement provision that requires LSP to provide to the City a 2022 decommissioning cost analysis and an appraisal of the LSP facility.

Resolution introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Majkrzak. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: February 15, 2022.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**AUTHORIZING SALE OF REAL ESTATE TO RICHTER EXCAVATING LLC AND APPROVAL OF DEVELOPMENT AGREEMENT. (41:45 on video).**

**RESOLUTION AUTHORIZING THE SALE OF REAL ESTATE  
TO JAMES RICHTER**

WHEREAS, the City of Whitewater is the owner of the following real estate:

Approximately 2.702 gross acres of land commonly known as Lot 1 of Certified Survey Map No. 4996, and more particularly described as follows:

Lot 2 of Certified Survey Map No. 4996, recorded November 22, 2021 as Document No. 1051345, being a redivision of Certified Survey Map No. 3050, being part of the Northwest 1/4, and the Southwest 1/4 of the Northwest 1/4 of Section 3, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

and

WHEREAS, James Richter, owner of Richter Excavating, LLC, seeks to purchase the property for industrial purposes, as contemplated by the attached Vacant Land Offer to Purchase, and

WHEREAS, it is in the City of Whitewater's best interest to sell said property.

NOW, THEREFORE, BE IT RESOLVED that the City Manager and City Clerk are authorized to sign the attached Development Agreement and to sign any and all documents necessary to sell the property.

Resolution introduced by Councilmember Smith, who moved its adoption. Seconded by Councilmember McCormick.

AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None.  
ABSENT: None. ADOPTED: February 15, 2022.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**WASTEWATER TREATMENT PLANT ROOF REPLACEMENT.** City Attorney McDonnell recommended that the Council obtain bids, not quotes, on this project. No formal action was taken on the quotes submitted. **(49:20 on video).**

**CODE ENFORCEMENT, NSO TRAINING, PROPERTIES IN AREAS WITH COVENANTS, UPDATE ON PREVIOUSLY REPORTED COUNCILMEMBER CONCERNS, AND DEPARTMENT HOURS SPENT ON PLANNING VS. CODE ENFORCEMENT.** It was moved by Allen and seconded by Smith to waive the requirement for 72 hours notice for this agenda item, as required by the City of Whitewater transparency ordinance. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. A memo outlining code enforcement statistics was submitted to Council. **(52.0 on video)**

**APPOINTMENT OF CITIZEN MEMBER TO COMMUNITY INVOLVEMENT COMMITTEE.** It was moved by Allen and seconded by Majkrzak to appoint Chux Ibekwe to the open Community Involvement Committee seat. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak, Brown, Binnie. NOES: None. ABSENT: None. **(4:54 on video).**

**CLASS “B” LICENSE for JUANA BARAJAS.** It was moved by Allen and seconded by Majkrzak to approve a Class “B” Beer license for Juana Barajas d/b/a San Jose Mexican Store, 148 W. Main Street. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak, Brown, Binnie. NOES: None. ABSENT: None. **(4:54 on video).**

**SPECTRUM BROADCASTING EQUIPMENT NEEDED FOR BROADCASTING CITY MEETINGS.** It was moved by Allen and seconded by Schreiber to authorize addition of this subject to the council agenda with less than 72 hours notice, and to direct City staff to draft a letter relating to Charter’s delinquency in providing up-to-date equipment to the City, to allow live streaming to occur on our local cable television station. (copy to be sent to Alan Lockett as well). AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen, Majkrzak. NOES: None. ABSENT: None. **(7:37 on video).**

**TRANSPARENCY ORDINANCE, TIMELY POSTING OF AGENDAS AND SUBMISSION OF BACKUP MATERIALS.** It was moved by Allen and seconded by Schreiber to approve the addition of this subject to the council agenda with less than 72 hours notice (per City’s transparency ordinance). AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: Binnie. ABSENT: None. A very short discussion about late agenda materials ensued. **(55:25 on video).**

**YOUTH BUILD PROGRAM.** It was moved by Allen and seconded by Smith to waive the requirement for the 72 hour notice and authorize discussion of this item (per City’s transparency ordinance). In response to Councilmember Allen’s inquiry about the City’s commitment to Youth Build, City Manager Clapper indicated that the City has participated in a grant submission, but has not guaranteed anything with regard to the Youth Build (Elkhorn) project. AYES: Schreiber, McCormick, Smith, Allen. NOES: Brown, Binnie, Majkrzak. ABSENT: None. **(1:01:25 on video).**

**ARCH DEVELOPMENT PROJECT ON TRATT STREET.** It was moved by Allen seconded by Schreiber to waive the requirement for a 72 hour notice with regard to this subject. AYES: Schreiber, McCormick, Smith, Allen. NOES: Brown, Binnie, Majkrzak. ABSENT: None. Councilmember Allen would like this subject discussed in public at a future time, with city staff members and

councilmembers, to learn more about TIF and to hear concerns from local developers. Would like to review opportunities for improvement. **(1:12:07 on video).**

**FUTURE AGENDA ITEMS AND/OR POLCO QUESTIONS.** Councilmember Smith requested discussion regarding the potential paving for Fraternity Lane, as well as the next steps for the Housing Study. Councilmember Brown would like to see new traffic counts at the new Kwik Trip locations. **(video 1:14:30).**

**EXECUTIVE SESSION.** It was moved by Binnie and second by Allen to adjourn to Closed Session *Not to Reconvene* pursuant to Wisconsin Statutes Ch. 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 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. Items to be Discussed: 1) Negotiation of agreement with Whitewater Fire Department relating to fire and rescue services; 2) Negotiation of purchase of vacant land adjacent to South Street (Dalee Property); and 3) Annual City Manager Performance Evaluation. AYES: Brown, Binnie, Allen, Schreiber, Smith, McCormick. NOES: None. ABSENT: Majkrzak. (1:17:00 on video). The meeting adjourned at 7:48 p.m.

Respectfully submitted,

Michele R. Smith, Clerk