

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

March 15, 2022

The regular meeting of the Common Council was called to order virtually and in person at 6:30 p.m. by Council President Binnie. MEMBERS PRESENT: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Smith and seconded by Schreiber to authorize amendment of the Executive Session portion of the agenda with less than 72 hours notice as required by the City of Whitewater's transparency ordinance, (to add "conferring with legal counsel" with regard to a claim filed against the City relating to the Public Construction bidding requirements for the Cravath and Trippe Lakes dredging project). AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

It was then moved by Allen and seconded by Schreiber to approve payment of invoices in the total sum of \$ 396,199.21. and to acknowledge receipt and filing of the Landmarks Commission minutes of 2/3/22; the Public Works Committee minutes of 1/11/22; and the Urban Forestry Commission minutes of 1/24/22. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

**PUBLIC HEARING REPORTING PROJECT PROGRESS AND TO RECEIVE INPUT
FROM LOCAL COMMUNITY REGARDING THE WATER TOWER (CDBG PROJECT).**

DPW Director Brad Marquardt reported that holding of a public hearing is a requirement of the CDBG agreement we currently have in place. In 2021, the City received \$859,366 for a one-time CDBG close award. Marquardt reported that typically the State awards approximately \$10,000,000 to communities. Communities are eligible to receive funds three years after a previous award. Examples of eligible projects would include public facilities and improvements, acquisition of real property, relocation, rehabilitation, code enforcement and construction of housing. As with all grants, requirements must be met and documentation is required. Awards must benefit the entire community, or if the project is site specific, more than 50% of those benefiting from the project must be at low or moderate income levels.

Marquardt noted that in 2020, the community needs information indicated that the City needs a new water tower to replace an aging tower. Marquardt also noted that the recently-completed Housing Study outlined a need for single family housing. Marquardt indicated that the City will evaluate the use of CDBG funds for single-family housing needs as well. Marquardt stated that the current water tower project is on schedule, with the watermain extended and the foundation of the lower bell portion of the water tower in place. The upper bell and roof will be completed by the end of April, with electrical work to be completed in July. Testing and disinfection will be completed in August, with final project completion occurring in October. Final documentation will be concluded in December. Marquardt indicated that there was no displacement with the project. Council President Binnie indicated that a minor amount of crops were displaced, but the property owner was reimbursed for it. The Public Hearing was opened, and citizens were invited to participate. No citizens participated in the public hearing, and Council President Binnie closed the public hearing.

RESOLUTIONS AWARDING GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2022A.

A meeting of the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, was duly called, noticed, held and conducted in the manner required by the City Council and the pertinent Wisconsin Statutes on March 15, 2022. The Council President called the meeting to order at 6:30 p.m.

The following members were present: McCormick, Schreiber, Brown, Binnie, Majkrzak, Allen, Smith. The following members were absent: None. (Here occurred other business.)

The following resolution was then moved by Smith and seconded by Majkrzak.

RESOLUTION NO. N/A

RESOLUTION AWARDING THE SALE OF \$5,130,000 GENERAL
OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2022A

(A true copy of the resolution as adopted is attached hereto and incorporated herein by reference.)

Upon the vote being taken, the following voted

Aye: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. Nay: None.
Abstaining: None, and the resolution was declared adopted. (Here occurred other business.)

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION AUTHORIZING SALE OF BUSINESS PARK VACANT LAND AND A
DEVELOPMENT AGREEMENT WITH PROPERTY X LLC.**

**RESOLUTION AUTHORIZING THE SALE OF REAL ESTATE
TO PROPERTY X LLC**

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

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, Property X 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 any and all documents necessary to sell the property.

Resolution introduced by Councilmember Smith. Seconded by Councilmember Allen. AYES:
Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.
ADOPTED: March 15, 2022.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION APPROVING DEVELOPMENT AGREEMENT (CONTRACT FOR IMPROVEMENTS) WITH
PROPERTY X LLC.**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, supports orderly
development of the community in accordance with adopted City plans and policies and the efficient provision of
municipal services to serve such development, and

WHEREAS, Property X LLC has proposed a commercial development which is in conformance with adopted
City plans, policies, and Titles 18 and 19 of the City Code of Ordinances of the City of Whitewater, and

WHEREAS, the City of Whitewater and Property X LLC have negotiated a development agreement (contract for improvements) to establish the responsibilities and timetables for the development, and

Now, therefore, BE IT RESOLVED, that the Common Council of the City of Whitewater authorizes the execution of, the development agreement (contract for improvements) and authorizes the City Manager and City Clerk to execute the agreements and documents necessary for said approvals. Resolution introduced by Councilmember Smith. Seconded by Councilmember Allen. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: March 15, 2022.

Cameron L.Clapper, City Manager

Michele R. Smith, City Clerk

TECHNOLOGY PARK ZONING.

ORDINANCE No. 2041A AN ORDINANCE AMENDING CHAPTER 19.38 WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT (WUTP DISTRICT)

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

SECTION 1. Whitewater Municipal Code Chapter 19.38 is hereby amended to read as follows:

19.38.010 Purpose.

The WUTP district is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices; research, testing, and development institutions; and certain specialized manufacturing establishments compatible with an office and research setting, all of a non-nuisance-type and public parks. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors, and the community and to promote and maintain desirable economic development activities in a park like setting with well-designed sites and buildings.

19.38.020 General Provisions.

No building or improvements shall be erected, placed, or altered on any building site in the technology park until the plans and use for such building or improvements, including site plans, landscaping plans, building plans, and specifications have been approved according to zoning permit requirements set forth in Chapter 19.63 of the Whitewater Municipal Code.

19.38.030 Permitted uses.

Permitted uses in the WUTP district include:

1. Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
 - a. Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices.
 - b. High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry, biology, or other scientific field offered for study at the University of Wisconsin-Whitewater.

- c. Laser technology, radiology, X-ray and ultrasound products, manufacturing and assembly.
 - d. Medical and dental supplies.
 - e. Optical, fiber optical and photographic products and equipment.
 - f. Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers.
 - g. Products related to process design, process simulation, computer hardware and software development, and safety engineering.
 - h. Scientific and precision instruments and components, including robotics.
- 2. Research, development and testing laboratories, including testing facilities and equipment.
 - 3. Business and professional offices.
 - 4. Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.
 - 5. Telecommunication centers (not including wireless telecommunication facilities as regulated in Section 19.55).
 - 6. Accessory uses, (which shall be accessory uses to principal use on site), including the following:
 - a. Educational or training centers or institutions.
 - b. Nursery schools or day care centers for children of employees on the site.
 - c. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
 - d. Reproduction processes related to a primary function including printing, blueprinting, photostating, lithographing, engraving, stereotyping, publishing and bookbinding.
 - e. Wholesaling of goods and merchandise manufactured or produced on the premises.
 - f. The generation of power via a local energy system, with the primary purpose of supplying energy to the principal use being conducted on the lot.
 - g. The fabrication of products in conjunction with a research, development, or testing laboratory as the principal use.
 - h. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
 - i. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
 - j. Trash dumpsters where located outside of the required yards in Section 19.38.070 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
 - k. Outdoor seating for restaurants within designated areas;
 - l. Outdoor eating and recreation areas;
 - m. Essential services;
 - n. Health clubs, banks and other financial institutions, medical, dental and optical clinics,

- barbershops, beauty parlors, or similar retail establishments;
- o. Conference centers.
- 7. Restaurants, without drive-up or drive-through service.
- 8. Colleges and universities (not including housing or residential uses).
- 9. Public parks and public recreation use facilities, including, but not limited to, Morraine View Park and the planned athletic facilities, trail and possible playground therein.

19.38.040 Conditional uses.

Conditional uses in the WUTP district include:

1. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served.
2. Public utility and public service uses as follows:
 - a. Bus turnarounds (off-street), bus transfer points.
 - b. Electric substations.
 - c. Gas regulator stations, mixing stations and gate stations.
 - d. Radio, television, and telecommunication towers and wireless telecommunication facilities meeting the standards of Chapter 19.55.
 - e. Railroad passenger stations.
 - f. Railroad rights-of-way.
 - g. Sewerage system lift stations.
 - h. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards.
 - i. Electric generator which serves a principal use located on the zoning lot and is capable of providing electricity for off-site use provided:
 - a) The electric output is less than three thousand kilowatts and said generator is operated no more than two hundred hours per year;
 - b) The location of every generator shall be not less than twenty feet from any zoning lot which permits residential uses; and
 - c) Said generator shall be located and screened so as to reduce the visual impact of the generator from neighboring property and to be compatible with neighboring structures and the character of the community. This may include screening with materials similar in appearance to those used for the principal structure on the zoning lot, and landscaping or fencing as approved by the architectural review committee.
 - j. Water pumping stations and reservoirs.
3. Any production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
 - a. Cameras and other photographic equipment.

- b. Ceramic products, such as pottery, figurines and small glazed tiles.
 - c. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps.
 - d. Drugs and pharmaceutical products.
 - e. Electrical appliances, such as lighting fixtures, irons, fans and toasters.
 - f. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
 - g. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
 - h. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones, rubber, shell, wood (but not including a planing mill) and yarn.
 - i. Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid crystals, and synthetic fuels.
 - j. Small-scale products (finished weight not exceeding fifty pounds) related to energy, environmental, telecommunications, or satellite applications.
 - k. Small-scale products (finished weight not exceeding fifty pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining.
 - l. Specific products not listed above but similar in intent and character and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery; being conducted entirely within enclosed substantially constructed buildings; in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations; which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.
- 4. Outside storage areas, subject to the development standards in Section 19.38.110.
 - 5. Day care centers.
 - 6. Other uses substantially consistent with or linked to the goals of the WUTP including retail sales and services and food and beverage sales and services.

19.38.050 Lot area and lot width requirements.

In the WUTP district, there shall be provided a lot area of not less than one acre and a lot width of not less than one hundred feet.

19.38.060 Floor area ratio.

In the WUTP district, the floor area ratio shall not exceed 3.0.

19.38.070 Yard requirements.

Minimum required yards for principal buildings in the WUTP district are:

- 1. Front yard—twenty-five feet, except as indicated on the city's official map.

2. Side yard—each side, fifteen feet. On corner lots, twenty-five feet for side yard adjoining an arterial highway and twenty-five feet for side yard adjoining other streets.
3. Rear yard—thirty feet.
4. Environmental corridor or wetland yard adjacent to any mapped environmental corridor, as defined by the Southeastern Wisconsin Regional Planning Commission, or a delineated wetland as approved by the agency with jurisdiction—thirty feet.

Minimum required yards for accessory buildings, outside storage areas, parking lots, and dumpsters in the WUTP district are:

1. Accessory buildings, outside storage areas, and dumpsters shall not be located in the front yard.
2. Side yard – ten feet. On corner lots, twenty-five feet for side yard adjoining a street.
3. Rear yard – ten feet.
4. Parking lots and associated circulation drive aisles may extend into normal side or rear yard setbacks, but not into front or street side yard setbacks, unless exempted by Subsection 4(a). Any paved area shall have a minimum setback of 10 feet on all sides.
 - a. For lots that abut either Innovation Drive or Howard Road, a maximum of one driveway with passenger vehicle parking spaces on both sides of that driveway shall be permitted along the Innovation Drive or the Howard Road sides of the principal building.

19.38.090 Lot coverage.

The combination of all buildings, other roofed structures, all parking, driveways, loading areas and other paved area (except for approved pervious pavement applications, green building roofs, or similar features that allow infiltration) shall cover no more than seventy-five (75) percent of the total lot area. At least twenty-five (25) percent of the total lot area shall be landscaped green area or other approved infiltration area, such as a green roof or pervious pavement. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

19.38.100 Building height.

Maximum building height in the WUTP district is one hundred feet, except as may be otherwise approved upon the finding that such increased height will not be detrimental to the character of the park or adjoining buildings and uses.

19.38.110 Development standards.

In the WUTP district, the following development standards shall apply, in addition to any standards that may be required by covenant:

1. Building placement. The position of buildings and parking on all lots shall be in general accordance with Exhibit A (Whitewater University Technology Park, Lot Standards & Conceptual Site Configurations), except where an alternative arrangement will be more in keeping with the limitations and opportunities of the lot, with pre-existing development on adjacent lots, with the actual lot configurations that may be created or adjusted over time, or with any combination.
2. Building Design and Materials. All buildings shall be sited, designed, and constructed in such manner as to provide an aesthetically pleasing development, emphasizing building styles, designs, and materials that are modern or contemporary in nature; that reinforce a technology park theme, and that promote sustainability, energy efficiency, and environmental responsibility. Buildings shall be designed for compatibility with adjoining structures within the district, especially as it relates to rooflines and

building materials. Permitted materials shall include masonry, concrete, stone, exterior insulation and finishing system (EIFS), dry-vit, glass, and decorative architectural grade metal as a design detail, except where other quality materials are also allowed during plan review. No building shall be designed with long, uninterrupted, horizontal blank walls facing any public right-of-way or public park. The primary entrance of the building shall face or be visible from the public right-of-way that provides principal access to the lot.

3. Accessory buildings. Accessory buildings and ancillary structures such as fences, walls, and dumpster enclosures shall be designed to be architecturally compatible with the principal building on the lot.
4. Accessory Off-Street Parking and Loading. Accessory off-street parking lots, loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, safe and convenient circulation within the site, and an aesthetically pleasing site design. Parking lots and access driveways shall be designed and located so that such facilities do not provide a direct unlandscaped view from the street to the parking lot or access driveway.
5. Landscaping and Site Development. To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. When adjacent, connected, or within thirty feet of an environmental corridor or environmental corridor buffer, all existing mature, healthy trees shall be retained and protected, where possible, during construction as per city of Whitewater forestry guidelines. All land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, environmental preserves, enhancements of wetlands, stormwater features designed as landscape enhancements, features incorporated into the landscape for the purpose of improving sustainability of the site, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover. Use of bioswales, rain gardens, prairie plantings in lieu of lawn, and native planting solutions are encouraged. Decorative berms with organic shapes are encouraged, rather than more rigid, angular, or straight berm designs. Wherever possible, ponds, wetlands, and/or storm water detention and/or retention basins should be intentionally designed to provide an aesthetic element to the site.
6. Lighting. Exterior lighting shall be designed to provide uniform illumination with low glare. All exterior lights shall be full cut-off, dark-sky compliant fixtures. Parking lot and driveway fixtures shall not exceed thirty (30) feet in height. Pedestrian pathway lights shall not exceed fifteen (15) feet in height. LED or equivalent low-energy lighting is preferred on all external lighting fixtures. Electrical reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, signs, and parking and loading areas on any site, but only if they are equipped with lenses or other devices which concentrate the illumination upon such buildings, landscaping, street graphics, and parking and loading areas. All lighting shall be directed away from residences and public rights-of-way and other public lands. All lighting shall be in compliance with City of Whitewater Ordinance 19.57.150.
7. Storage Areas. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened from adjoining properties and public rights-of-way by an opaque screening wall or fence with such wall or fence not less than six feet nor more than eight feet in height, and no materials stored shall exceed the height of such screening wall or fence. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five percent of the total lot area. Landscaping shall be required on the outside of the opaque screen wall or fence. No chain link or barbed wire fence shall be allowed. Fences are not permitted between the public street and the front building façade. On corner lots, fences are not permitted between the public street and any building façade.
8. Signs. All signs shall meet applicable standards in Chapter 19.54, and the specific requirements set forth for the M-1 district in the table contained in Section 19.54.052.
 - a. No ground sign shall exceed a maximum height of eight feet and a maximum gross area of forty-eight square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs.
9. Prohibited Site Uses. No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any

water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. To reduce external noise associated with businesses within the Technology Park, a maximum external decibel reading of sixty-five (65) db at the property line must be maintained.

10. Uses Required to be Enclosed. All business, servicing, or processing shall be conducted within completely enclosed buildings, except for the following:
 - a. Off-street parking and off-street loading;
 - b. Drive-up service windows for banks and other financial institutions.
11. Truck Parking. Parking of trucks as an accessory use, when used in the operation of a permitted business, shall be limited to vehicles of not over one and one-half tons of capacity when located within one hundred fifty feet of a residential district boundary line.
12. Loading Areas. Loading areas and docks shall be secondary elements of any principal building, focused in locations and provided with screening in a manner that minimizes their visibility from public rights-of-way and adjoining properties. Loading areas and docks shall not be permitted in the street yard or along any façade facing a public street area, except that loading docks located at least one hundred fifty (150) feet from the street right-of-way may be permitted and where such loading docks are extensively screened from the public right-of-way. All loading areas and docks shall be screened from view from any public right-of-way through the use of landscaping, berms and walls, or methods otherwise approved under plan review.
13. Mechanical equipment. Mechanical equipment mounted on the roof shall be screened and/or positioned in a method that is architecturally compatible with the building and set back, providing screening from public view. All ground-mounted equipment shall be screened from public areas.

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

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AMENDMENT TO DEVELOPMENT AGREEMENT WITH BOWERS HOUSE LLC. The Common Council previously approved a Development Agreement with Greg Apprahamian, as it relates to the former “White Elephant” building at 183 W. Main Street. Upon the State’s review of the Agreement, the State requested several amendments to the agreement. Presented for approval is an updated Development Agreement, incorporating the changes requested by the State. It was moved by Majkrzak and seconded by Brown to approve the proposed changes to the Development Agreement. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Allen. NOES: None. ABSENT: None. ABSTAIN: Smith.

STRAND ASSOCIATES TASK ORDER 22-03 FOR STREET MAINTENANCE. It was moved by McCormick and seconded by Allen to approve a task order with Strand Associates, for completion of street maintenance work, for a sum not to exceed \$15,000. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

REFERENDUM ADVISORY COMMITTEE. City Manager Clapper recommended that a Referendum Committee be formed to assist with the upcoming Fire Department / EMS referendum

planned for November, 2022. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

MULTI-DISCHARGER VARIANCE WATERSHED PLAN AGREEMENT WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES. The Wastewater Utility has been looking at cost effective ways to achieve phosphorus permit limit compliance. The Utility applied for, and has received verbal approval for, a Multi-Discharger Variance Self-Directed Project. The project will include the conversion of two agricultural fields, located adjacent to the Wastewater Utility, into a conservation tall grass prairie.

Modeling of the conversion of the agricultural fields into tall grass prairie showed there was sufficient phosphorus nutrient “credits” available to validate our proposed project. With this information, along with soil tests values, WDNR representatives agreed and provided verbal approval to move forward. The City, with help from Strand, is in the process of formalizing the WDNR application through completion of a Watershed Checklist and Watershed Plan. To meet the recommended compliance window, we will need to prepare the site and have it seeded by late May, early June.

Through research and assistance from consultants, staff have concluded this phosphorus compliance approach is the most economical solution for the City of Whitewater. It was moved by Smith and seconded by Allen to approve the Multi-Discharger Variance Watershed Plan Agreement in draft form, authorizing City Manager signature upon completion. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

APPROVAL OF AGREEMENT WITH FIRE DEPARTMENT CONSULTANT. Originally proposed for approval was an agreement with a consultant to assist the City with the integration of the volunteer EMS and Fire Department to a City department. City Manager Clapper indicated that the matter would have to be delayed, as additional time is needed to conduct reference checks.

AWARD OF CONTRACT TO FISCHER EXCAVATING FOR YODER LANE RECONSTRUCTION. It was moved by Smith and seconded by Majkrzak to approve an agreement with low bidder, Fischer Excavating, for a sum not to exceed \$552,147 for the 2022 reconstruction of Yoder Lane, from Hyer Lane then west. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

AWARD OF CONTRACT TO ROCK ROAD CO. FOR RECONSTRUCTION OF E. MAIN STREET. It was moved by Smith and seconded by Schreiber to approve award of a contract to the low bidder, Rock Road Companies, for a sum not to exceed \$2,279,109.49 for the 2022 reconstruction of E Main Street, from Newcomb Street to Bluff Road. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

APPOINTMENT OF CITIZEN MEMBER TO COMMUNITY DEVELOPMENT AUTHORITY. It was moved by Smith and seconded by Schreiber to appoint Jacob Gildemeister to the vacant Community Development Authority Board position. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

AUTHORIZE EXECUTION OF CONSENT AND ESTOPPEL DOCUMENT WAIVING CITY’S RIGHTS, IF ANY, OF REPURCHASE PROPERTY AT 411 N. NEWCOMB STREET. A company planning on expanding its operations in the City of Whitewater has offered to purchase the real estate and building located at 411 Newcomb Street. The property is currently

owned by another company. Years ago, covenants were imposed that give the City the right to repurchase the property if a buyer attempts to sell the property without constructing a building on it. City Attorney McDonell opines that the City has no right to purchase the property, but that it is not unreasonable for the parties to request a waiver as part of their transaction, to assure there would not be a future claim. McDonell indicated that signing the agreement will facilitate a sale that will likely bring jobs and additional tax increment to Whitewater. It was moved by Allen and seconded by Schreiber to authorize the City Manager and City Clerk to sign the Consent and Estoppel Agreement. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

BEER AND LIQUOR LICENSE FOR GUS' PIZZA. George Christon has sold his pizza business to Anjeza Isbell, contingent upon the existing "Class B" license being issued to Anjeza Isbell, as Agent of Gus' Pizza LLC, located at 139 W. Main Street. The Alcohol Licensing Committee met and has recommended approval of the license. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS / POLCO QUESTIONS. Councilmembers did not request any future agenda items or POLCO questions.

EXECUTIVE SESSION. It was moved by Binnie and seconded by Allen to adjourn to closed session, NOT TO RECONVENE, pursuant to Wisconsin Statutes 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: Claim filed against the City concerning Public Construction bidding requirements for the Cravath and Trippe Lake dredging project. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. Being no further questions to come before the regular portion of the meeting, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk