

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

April 7, 2022

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

It was moved by Allen and seconded by McCormick to acknowledge receipt and filing of the following: CDA minutes of 1/27/22 and 2/9/22; Community Involvement minutes of 12/9/21; Equal Opportunity Commission Minutes of 2/7/22; Financial Reports for February, 2022; Irvin L. Young Memorial Library Board minutes of 2/21/22; and the Police Department Annual Report for 2021. AYES: Schreiber, McCormick, Brown, Binnie, Smith, Allen, Majkrzak. NOES: None. ABSENT: None.

STAFF REPORTS. Tourism Council Director Kellie Carper provided the Chamber's Annual Report related to tourism matters. Gratitude was expressed for outgoing Councilmember Lynn Binnie. A short recess was taken to express thanks to Lynn and to enjoy refreshments. (Councilmember Schreiber left the meeting at this point). An update on property assessments and process was provided.

CITY MANAGER UPDATE. City Manager Clapper gave an update as to events occurring in the City.

CITIZEN COMMENTS: None.

FIRST READING OF ORDINANCE AMENDING SECTION 5.56 OF MUNICIPAL CODE, ADDING PAVERS AND/OR BRICKS TO DEFINITION OF A HARD SURFACE. Neighborhood Services Director Bennett stated that the brick / paver option is being added to the ordinance to provide a lower cost and temporary option for storing inoperable vehicles at private residences.

**FIRST READING OF AN ORDINANCE AMENDING SUBSECTION 5.56.010(b)(2)
HARD SURFACE REQUIREMENT FOR CERTAIN VEHICLES**

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

SECTION 1. Whitewater Municipal Code Chapter 5.56 Subsection 5.56.010(b)(2), is hereby amended to read as follows:

5.56.010(b)(2) - Parked on a hard surface. Asphalt, concrete or patio/landscape pavers shall be considered hard surfaces. The material used must, at a minimum, encompass the length and width of the vehicle;

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Smith. AYES: McCormick, Brown, Binnie, Smith, Majkrzak, Allen. NOES: None. ABSENT: Schreiber. FIRST READING APPROVED: April 7, 2022.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ARRIVAL OF NEW COMMUNITY MEMBERS. Deputy Police Chief Meyer reported that the City has experienced a marked increase in the number of new community members in the City. The School District has seen an increase of between 110-120 new students since September of 2021, and that number has steadily risen through the school year. The Police Department estimates the total number of new residents in the City to be somewhere between 400-500. Meyer reported that the majority of the individuals recently migrated here by various means from Nicaragua. Meyer continued by stating that the influx of people is positive for the community, but there are a number of short-term challenges. Communication barriers exist due to the fact that most of these individuals speak a dialect of Spanish and generally very little English. There are known cultural differences including educational expectations and living arrangements. The group is facing challenges, including poverty and lack of access to resources. To combat the challenges, Meyer indicated that a group of subject matter experts is working toward the goal of connecting the new community members to resources and helping them assimilate here.

FRATERNITY LANE OVERLAY. Director of Public Works Marquardt stated that research was done as to whether the portion of Fraternity Lane north of Carriage Drive was ever considered a public road. Marquardt located a plat that depicted the area as a public right of way, and found an ordinance calling for a stop sign for traffic on Fraternity Lane at Carriage Drive. Marquardt indicated that this information confirmed that the area was considered a public street. Marquardt recommended that the City accept responsibility for that portion of Fraternity Lane again. It was moved by Majkrzak and seconded by Smith to accept responsibility for the portion of Fraternity Lane north of Carriage Drive. AYES: McCormick, Brown, Binnie, Smith, Majkrzak, Allen. NOES: None. ABSENT: Schreiber.

APPOINTMENT OF CITIZEN MEMBERS TO LIBRARY BOARD. City Manager Clapper and Council President Binnie recommended appointment of Alyssa Orłowski and Sallie Berndt to the Library Board. Allen moved approval of appointment of Alyssa Orłowski and Sallie Berndt to the Library Board. Majkrzak seconded. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

AGREEMENT WITH PUBLIC CONSULTING GROUP LLC TO ASSIST WITH INTEGRATION OF FIRE DEPARTMENT / EMS INTO A CITY DEPARTMENT. City Manager Clapper recommended entering into an agreement with Public Consulting Group LLC, at a cost not to exceed \$26,640, to serve in an advisory capacity during the transition of the Whitewater Fire Department into a City department. Clapper noted that a bid from McMahon Associates came in a little lower, but Clapper feels that the Public Consulting Group is a better fit for the City. Smith asked whether the firm is being asked to provide future insight, as well as immediate needs. Clapper confirmed that they were. Allen inquired whether any cost savings could be experienced from using the firm that was recently used by a neighboring community. Clapper acknowledged that he had not looked into that firm for transition purposes, but he would be looking into using them for assistance with marketing the referendum. . Councilmember McCormick noted that Public Consulting LLC is based out of Texas. She asked whether they would be available to come to Whitewater. Clapper stated that the project lead is from the Appleton/Green Bay area, and would be able to come to Whitewater. It was moved by Smith and seconded by Majkrzak to approve an agreement with Public Consulting Group LLC, for a sum not to

exceed \$26,640, for assistance with transition of the Fire Department / EMS into a City department
AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

MEMORANDUM OF UNDERSTANDING WITH U.S. FORESTRY DEPARTMENT FOR USE OF FORMER LANDFILL SITE AT NORTH END OF JEFFERSON STREET FOR DRONE FLYING TRAINING PURPOSES. U.S. Forestry Services representative Nick Howell presented details on their request to use the former Landfill site for training purposes. The drone flying training will be used to train pilots to operate drones that will drop chemicals to create controlled burns to prevent wildfires. It was moved by Majkrzak and seconded by Smith to approve the MOU as requested by the U.S. Forestry Department. AYES: McCormick, Brown, Binnie, Smith, Allen, Majkrzak. NOES: None. ABSENT: Schreiber.

EASEMENT TO WE ENERGIES FOR EXTENSION OF UTILITIES ON UNIVERSAL BOULEVARD. Public Works Director Marquardt stated that WE Energies is requesting a 12 foot wide easement across City property to extend services to other City owned property. It was moved by Allen and seconded by Smith to approve the proposed easement with We-Energies. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

BYPASS SYSTEM FOR INNOVATION CENTER. Parks and Recreation Director Boettcher informed the Council that the mechanical portion of this project was previously approved by council, and the current request is for the control portion of the project. It was explained that the request is for computer control for the mechanical system at the Innovation Center. Boettcher confirmed that the cost was to be repaid by the Innovation Center. It was moved by Smith and seconded by Allen to authorize the purchase of the bypass system. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

CODE ENFORCEMENT INFORMATION UPDATE. Neighborhood Services Director Bennett presented an update on code enforcement. He stated that the sign ordinance is being enforced as signs are noted to be out of compliance or has been erected outside of the permitting process. He stated that there have been 129 violations noted so far this year, of which 111 have been closed. Of the violations, 49 were totter violations, nine were junk vehicle violations, eight were junk on property / trailer. Bennett reported that there have been sixty-eight building permits issued in 2022 to date. He also reported that notices were sent to property owners known to have junk vehicles on their property on March 4th. Bennett indicated that all of those notified property owners have contacted the Neighborhood Services Department and have resolved the issue, or are in the process of dealing with the junk vehicle(s). Councilmember Binnie stated that there is a part of the sign ordinance that requires properties with out-of-business locations to remove the signs after a certain period of time. Bennett indicated he has not pursued that type of enforcement, but it can certainly be revisited.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR POLCO QUESTIONS. None.

EXECUTIVE SESSION. It was moved by Binnie and seconded by Allen to adjourn to : Closed Session, *To Reconvene*, pursuant to Wisconsin Statutes Ch. 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 body with respect to litigation in which it is or is likely to become involved. And 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 bargaining reasons require a closed session.” Items to be Discussed: 1) Settlement of the claim field against the City concerning Public Construction bidding requirements for the Cravath and Trippe Lake dredging project [19.85(1)(g)]; and 2) Discussion of Memorandum of

Understanding with the Fire Department [19.85(1)(e)]. AYES: Brown, Binnie, Allen, Majkrzak, Smith, McCormick. NOES: None. ABSENT: Schreiber.

RECONVENE INTO OPEN SESSION.

STIPULATION AND ORDER SETTLING THE LAWSUIT FILED AGAINST CITY CONCERNING PUBLIC CONSTRUCTION BIDDING REQUIREMENTS FOR CRAVATH AND TRIPPE LAKE DREDGING PROJECT.

City Attorney McDonnell explained that the proposed settlement agreement requires that the City develop a policy stating that the City will go through the public bidding process in the future, for any dredging project with an estimated value of \$25,000 or greater. Attorney McDonnell recommends approval of the agreement. It was moved by Majkrzak and seconded by Brown to enter into the stipulation and order. Motion was seconded by Councilmember Brown. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

MEMORANDUM OF UNDERSTANDING WITH WHITEWATER FIRE DEPARTMENT.

Councilmember Binnie stated that the Memo of Understanding is a non-binding agreement that lays out the intentions of both the City and the Fire Department. Councilmember Smith moved, and Councilmember Allen seconded, approval of the proposed Memorandum of Understanding, contingent upon City-Manager approved revisions. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber.

ADJOURNMENT. It was moved by Smith and seconded by McCormick to adjourn the meeting. AYES: McCormick, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: Schreiber. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Michele R. Smith, Clerk