

**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 21, 2020.

The organizational meeting of the Common Council was called to order virtually (via technological device and not in person) at 6:30 p.m. by City Manager Clapper. The Common Council's first virtual meeting was held in response to the Coronavirus ("COVID 19") pandemic. MEMBERS PRESENT: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Allen and seconded by Schulgit to acknowledge receipt and filing of the following: Public Works Committee minutes of 2/11/20 and Financial Reports for March, 2020. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

**SWEARING IN OF NEWLY ELECTED COUNCILMEMBERS.** City Clerk Michele Smith administered the oath of office to newly elected council members, Matthew Schulgit – Aldermanic District 2; Lynn Binnie – Aldermanic District 4; and James Allen – Councilmember at Large.

**ELECTION OF COUNCIL PRESIDENT.** Councilmember Allen nominated Lynn Binnie to serve as Council President. Councilmember Singer seconded the nomination. No other nominations were made. Allen moved and Singer seconded the closure of nominations. AYES: McCormick, Palmer, Brown, Schulgit, Allen, Singer. NOES: None. ABSTAIN: Binnie.

**ELECTION OF COUNCIL PRESIDENT PRO TEM.** Councilmember McCormick nominated and Councilmember Schulgit seconded the nomination of Jim Allen to serve as Council President Pro Tem. No further nominations were made. It was moved by Allen and seconded by Schulgit to close the nominations. A vote was taken on appointment of Jim Allen as Council President Pro Tem. AYES: McCormick, Palmer, Brown, Schulgit, Binnie, Singer. NOES: None. ABSTAIN: Allen.

**APPOINTMENT OF COUNCIL REPRESENTATIVES TO FOLLOWING BOARDS AND COMMISSIONS:** Annual appointments for Council representatives was necessary. It was moved by Allen and seconded by Schulgit to make the following one-year appointments to City boards and Commissions: **Alcohol Licensing Committee:** Palmer, Schulgit, McCormick; **Birge Fountain Committee:** Allen; **Community Development Authority:** Allen, Singer; **Community Involvement Commission and Cable Television Commission:** Brown; **Whitewater Fire Department Board:** Binnie; **Finance Committee:** Palmer, Allen, Singer; **Library Board:** Brown; **Landmarks Commission:** Schulgit; **Library Board:** Brown; **Parks & Recreation Board:** McCormick; **Plan & Architectural Review Commission:** Binnie as regular member, Brown as alternate member; **Public Works Committee:** Schulgit, McCormick, Binnie; **Technology Park Board:** Singer. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

**STAFF REPORTS:** City Manager Clapper gave an update on City operations, based on the current mandates in response to COVID- 19. Public Works and the Police Department are each working in teams to limit exposure. Fire/EMS are taking extra precautions when responding to calls. Administrative offices and the Library are currently closed to the public. Finance Director Hatton stated that he is compiling the expenses related to COVID-19. This is required in order to receive any federal aid.

**CITIZEN COMMENTS:** Councilmember Allen thanked city staff and poll workers for their contributions, especially in light of the continuously changing rules and the pandemic.

**RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES.**

**RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES**

WHEREAS, it is deemed necessary and expedient to designate official depositories for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Whitewater that PremierBank, First Citizens State Bank, Associated Bank, American Deposit Management, LLC, be and the same hereby are, designated the official depositories for the City, as well as the State of Wisconsin – Local Government Investment Pool, and Fort Community Credit Union.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: April 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RESOLUTION AUTHORIZING OFFICIAL NEWSPAPER.**

**RESOLUTION ADOPTING OFFICIAL NEWSPAPER**

WHEREAS, it is deemed necessary and expedient to designate an official newspaper for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Wisconsin, Walworth and Jefferson Counties, that THE WHITEWATER REGISTER be, and the same hereby is, designated the official newspaper of said City.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: April 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**DESIGNATING CITY MANAGER AS CITY'S REPRESENTATIVE FOR WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN NONPOINT SOURCE AND STORMWATER GRANT.**

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

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 of 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 Councilmember Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: April 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING THE ZONING MAP AND THE ZONING CLASSIFICATION IN REGARD TO PROPERTY IN MOUND PARK ACRES FIRST ADDITION (KNOWN AS MOUND MEADOWS – CRAIG POPE, OWNER).** Requested was change of the zoning of the Mound Meadows subdivision to R-1 (single family residential). Clapper reported that the Plan and Architectural Review Commission recommended approval with several conditions that were outlined by Clapper. It was moved by Singer and seconded by Allen to approve the ordinance. Plan Commission did place several conditions on the approval. Councilmember Allen inquired whether basements could be constructed when homes are built. He noted that the area has a history of bedrock being very close to the surface. Allen also inquired whether water service had been extended and asked whether sidewalks would be required on both sides of the Street. Neighborhood Services Director Munz-Pritchard stated that construction of a basement could occur, but would be very expensive. Munz-Pritchard indicated that the Department of Natural Resources would have to review utilities, as the current ones were installed twenty years ago. With regard to sidewalks, Munz-Pritchard did not have information, indicating the sidewalk requirement would be reviewed at a later date. The property owner has asked that the Council waive the requirement for a second reading of the ordinance.

**AN ORDINANCE AMENDING THE ZONING MAP AND THE ZONING CLASSIFICATION IN REGARD TO CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do pursuant to Municipal Code Chapter 19.69, hereby amend the zoning classification of the below properties:

Section 1. Pursuant to Whitewater Municipal Code 19.69, the below described property (previously zoned Planned Community Development) is hereby rezoned to R-1 One Family Residence:

Property Address:  
Mound Park Acres First  
Addition, 21 Lots

Tax ID#:  
/MM 0001,  
/MM 0002,  
/MM 0003,  
/MM 0004,  
/MM 0005,  
/MM 0006,  
/MM 0007,  
/MM 0008,  
/MM 0009,  
/MM 0010,  
/MM 0011,  
/MM 0012,  
/MM 0013,  
/MM 0014,  
/MM 0015,  
/MM 0016,  
/MM 0017,  
/MM 0018,  
/MM 0019,  
/MM 0020,  
/MM 0021

Property Owner:  
Craig Pope

Section 2. The official zoning map of the City of Whitewater is hereby amended to show the above action.

Section 3. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Palmer, who moved its adoption. Seconded by Councilmember Allen. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. **It was moved by McCormick and seconded by Allen to waive the second reading of the ordinance. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ADOPTED: April 21, 2020.**

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**2020 PUBLIC WORKS CONSTRUCTION CONTRACT 1-2020.** Director of Public Works Marquardt stated that this project included storm sewer work at Walworth Ave./Court Street.; Walworth Ave./Pleasant Street.; and water main replacement on Industrial Drive. The low bid was from RR Walton & Company of Whitewater, Wisconsin in the sum of \$364,062.60. The money for the project will come from budgeted funds as well as from funds that were budgeted for a project at Walworth Ave./Douglas Court. The Walworth Ave./Douglas Court project has been delayed, so the money intended for that would be reassigned to the replacement project. The Public Works Committee is in agreement with the reorganization of projects. Councilmember Allen moved, and Councilmember McCormick seconded, the

award of a contract to RR Walton & Company for a sum not to exceed \$364,062.60. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

**APPROVAL OF DELTA DENTAL OF WISCONSIN FOUNDATION, INC. FLUORIDATION EQUIPMENT GRANT AGREEMENT.** Public Works Director Marquardt indicated that the City has been awarded a grant in the sum of \$10,325. There is a stipulation in the agreement that fluoridation must continue for five years or a prorated amount of the grant will have to be repaid. It was moved by Allen and seconded by Palmer to approve the Grant Agreement between Delta Dental of Wisconsin and the City. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

**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, per Wisconsin Statutes 19.85(1)(e) “Deliberating or Negotiating the Purchase of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session. CLOSED SESSION: Adjournment to Closed Session, to reconvene, per Wisconsin Statutes 19.85 (1) (e):“Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and Discussion of terms of sale by the City of Whitewater to KT Real Estate Holdings, LLC (commonly referred to as Kwik Trip) of Vacant land adjacent to the roundabout located on Elkhorn Road in the City of Whitewater (Tax I.D. # /A405400004). Item to be Discussed: Discussion of terms of purchase by the City of Whitewater of approximately 104 acres of vacant land in the area of Highway 12, Highway P and Willis Ray Road, located in the City of Whitewater and Town of Whitewater. The Tax Id #'s for the 5 parcels being considered for purchase are as follows:

1. DW1000007 (16 Ac); DW1000007C (29.71Ac);, DW1000008C (20 Ac); DW1000008 (21.16 Ac), (Land Locked); /WUP00275 (18 Ac). (Land Locked). The approximately 104 acres of property is being sold in its current condition “As Is”

AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 7:58 p.m.

**RECONVENE TO OPEN SESSION. (8:45 p.m.)**

**Possible purchase by the City of Whitewater of approximately 104 acres of vacant land in the area of Highway 12, Highway P and Willis Ray Road, located in the City of Whitewater and Town of Whitewater.** The Tax Id #'s for the 5 parcels being considered for purchase are as follows: DW1000007 (16 Ac); DW1000007C (29.71Ac);DW1000008C (20 Ac); DW1000008 (21.16 Ac), (Land Locked); /WUP00275 (18 Ac). (Land Locked). No action was taken by the Council.

**Approval of resolution authorizing the sale, by the City of Whitewater, to KT Real Estate Holdings, LLC (commonly reverred to as Kwik Trip) of Vacant land adjacent to the roundabout located on Elkhorn Road in the City of Whitewater (Tax I.D. # /A405400004).**

Attorney McDonell stated that there are two proposals in relation to the sale of property to KT Real Estate Holdings, LLC. There is the agreement to purchase the property for \$229,000 and a proposal to place \$80,000 in an account to be held as payment for a portion of the access road to be installed to access this property and the adjacent property.

**RESOLUTION AUTHORIZING THE SALE OF PROPERTY  
TO KT REAL ESTATE HOLDINGS, LLC**

WHEREAS, the City of Whitewater is the owner of the following property:

Lot 4 of Certified Survey Map No. 4054, recorded June 14, 2007 in Volume 25, Page 149-153, as Document No. 711118, being a redivision of Lot 1 of Certified Survey Map No. 2599, being part of the Southeast 1/4 of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4, the Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 in Section 3, Town 4 North, Range 15 East. Said land being in the City of Whitewater, County of Walworth, State of Wisconsin.

WHEREAS, KT Real Estate Holdings, LLC (commonly referred to as Kwik Trip) seeks to purchase said property for the amount of \$229,000, for the purpose of constructing a commercial development, and

WHEREAS, the sale of said property will promote economic development in the City of Whitewater, and

WHEREAS, it is in the City's and public's best interest to sell said property to KT Real Estate Holdings, LLC, for this purpose,

NOW, THEREFORE, BE IT RESOLVED that the City of Whitewater City Manager, City Clerk and other staff approved by the City Manager, are authorized to sign any documents necessary to close this transaction, including but not limited to the attached:

1. Release of Recorded Easement – Lots 3 and 4
2. Release of Recorded Easement – All Lots
3. Termination Waiver and General Release of Redevelopment Agreement
4. Declaration of Easements, Covenants and Restrictions

and are further authorized to take any other necessary actions to transfer said property to KT Real Estate Holdings, LLC. This approval shall also include authorization to sign various instruments and take actions that are necessary to implement changes required by the revised plans related to Lots 1, 2, 3 and 4 of CSM Map 4054, commonly referred to as the roundabout property, which were completed to facilitate this sale and improve the marketability of Lots 1 and 2 of CSM 4054.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Palmer. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: April 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**Approval of a resolution authorizing the creation of a fund to pay the City's share of the construction costs of a project drive for property owned by the City and KT Real Estate Holdings, LLC (commonly referred to as Kwik Trip) adjacent to or in the area of the roundabout.**

**RESOLUTION AUTHORIZING THE CREATION OF A FUND TO PAY  
FOR CONSTRUCTION OF A PROJECT DRIVE**

WHEREAS, the City of Whitewater is selling Lot 4 of CSM 4054 to KT Real Estate Holdings, LLC, and

WHEREAS, a provision in the sales agreement requires the City to share equally the cost (estimated at \$160,000) of construction of a project drive for the development after it is constructed by KT Real Estate Holdings, LLC, and

WHEREAS, the City intends to hold a portion of the proceeds of the sale for that purpose in a separate account to be created by placing \$80,000 from the proceeds of the sale into the account, and

WHEREAS, it is in the City's and public's best interest to hold said funds, for this purpose, and

NOW, THEREFORE, BE IT RESOLVED that at the time of the closing of the sale of Lot 4 CSM 4054 to KT Real Estate Holdings, LLC, the City of Whitewater shall deposit \$80,000 from the sale proceeds into an account so that funds are available, in the future, to pay the City's contribution to the construction costs for the project drive as provided for in the sales agreement. However, if the City of Whitewater sells Lot 1 to a third party before the payment is due, it shall no longer hold said funds for the purpose of construction of the project drive.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Palmer. AYES: McCormick, Schulgit, Brown, Binnie, Palmer, Singer, Allen. NOES: None. ABSENT: None. ADOPTED: April 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ADJOURNMENT** It was moved by Singer and seconded by Brown to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at \_8:50 p.m.

Respectfully submitted,

Michele R. Smith, Clerk