

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

May 3, 2022

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Lisa Dawsey-Smith. Members Present: McCormick, Schreiber, Brown, Allen, Smith, Majkrzak. Members Absent: Gerber: (arrived virtually later in the meeting). LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Schreiber and seconded by Majkrzak to approve the Council minutes of 4/7/22. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**PAYMENT OF INVOICES.** It was moved by Schreiber and seconded by Majkrzak to approve payment of city invoices in the total sum of \$7,719.58. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**CITY MANAGER UPDATE.** City Manager Clapper announced that a Memorandum of Understanding has been entered into with the Whitewater Fire Department. The intent is to integrate the volunteer Fire Department into a City Fire Department. Clapper also presented an overview of future agenda items.

**CITY OF WHITEWATER PROCUREMENT POLICY.** City Manager Clapper stated that there were three versions of the City's procurement policy in the packet. One is the current policy that was adopted in 2013. The second is a redlined version, incorporating proposed changes / updates and the third is a final copy of the proposed version of the policy. Changes include the City's new, standardized formatting, with a significant change in the process to solicit quotes. The proposed policy clarifies the requirement for documentation on who was solicited for quotes and the accompanying response. The public bidding section was also changed,. Any time public bidding occurs, even if Council approval for the project is not required, the bids will be brought before the Council for approval. Also updated is the threshold for items being brought before the Council. Currently, budgeted items up to \$25,000 can be approved by staff without being brought to Council. The proposed policy increases this amount to \$50,000. Council President Smith asked whether this figure pertains to all items or just budgeted items. Clapper indicated that items not budgeted for will remain at the \$25,000 limit. It was moved by Majkrzak and seconded by Schreiber to adopted the updated and revised Procurement policy as presented. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**FINANCIAL AUDIT AND ACCOMPANYING MANAGEMENT LETTER.** Kevin Krazinski from the City's auditing firm, Johnson Block, was present. Finance Director Hatton stated that this item is coming back before the Council since some audit materials were not included in the packet previously distributed to the public. Auditor Krazinski explained that the audit was completed in accordance with auditing standards. He noted that the Financial Statement is reviewed to assure that generally-accepted accounting practices are being followed. Krazinski explained that the process is the most commonly used audit. Councilmember Allen questioned whether sampling of invoices and charges are completed in addition to the Financial Statement Review. Krazinski confirmed that sampling of invoices and charges are a component

of the audit. Allen confirmed that his purpose in bringing this subject back to Council a second time is to provide transparency to the public. In response to questions, Auditor Krazinski stated that some communities place their Auditor's cover letter on their website. He indicated that the management letter is intended to communicate areas of concern and any adjusting entries to the Council and the public. Krazinski indicated that the Whitewater Aquatic and Fitness Center was mentioned in Whitewater's management letter, confirming that the Center is operating at a deficit. Krazinski confirmed that the City's audit is "clean."

**LAKES DREDGING PROJECT UPDATE.** Parks and Recreation Director Boettcher provided a brief update on the dredging project, reporting on the timeline for the remainder of the project. Lake bed burning is planned for May. This will probably be done only in front of the boat launch on Cravath Lake, due to the other planned areas already being under water. A cover crop will be planted in May. Live plants will be planted in June 2022 and June 2023. Lake shore restoration will take place in Cravath Lakefront and Trippe Lake Parks and the Clay Street Nature Park. Refilling is set to begin June 10, 2022. Fish restocking will take place in fall of 2022 and fall of 2023. Fish cribs will be added in winter 2022/2023. Boettcher stated that restoration consists of placement of logs and plants along the shoreline, which will prevent erosion once the Lake is refilled. The cover crop will be either rye or oats, and will be seeded in the lake bed and allowed to grow before filling. Boettcher has a meeting with the Department of Natural Resources regarding carp eradication and fish restocking options. Boettcher confirmed that Councilmember Allen would be included in that meeting. Also noted were the problematic non-migratory geese.

**WALTON OAKS PARK AND EFFIGY MOUNDS UPDATE.** With regard to the Effigy Mounds, Parks and Recreation Director Boettcher stated that in September and October 2021, he contacted contractors for quotes to clean up both Walton Oaks and Effigy Mounds. In October 2021, the issue with the tree root ball in the Mounds was resolved. A state archeologist looked at it and advised to cut off as much as possible and let the rest rot. Removal could possibly do damage, so was not pursued. In November, Boettcher contracted with Midwest Prairie and Restoration to clean both the Effigy Mounds and Walton Oaks. In February, Midwest Prairie mowed and hand cut invasive plants at Walton Oaks and hand cut and mowed at Effigy Mounds. Brush was burned at Effigy Mounds in March. Clapper stated that the tasks were contracted out, as city staff members could not absorb the responsibilities with their heavy workload. Boettcher noted that Walton Oaks Park has been cleared as well. Chemical treatment on some invasive plants still needs to be completed, then a subsequent burn needs to be done. The park boundary around Walton Oaks will be marked to help resolve issues of where the property lines are, especially in areas where development is possible.

**ARCH DEVELOPMENT SANITARY SEWER AND WATER MAIN.** Public Works Director Marquardt indicated that the agreement outlines what is dedicated water and sanitary sewer mains and needed easements. The extension for future looping will be reimbursed for construction costs and engineering costs, which are not to exceed \$16,500. Council President Dawsey-Smith asked whether the proposal was consistent with the previous Council action for future constructions and not to benefit the developer. Marquardt confirmed both of Smith's statements. It was moved by Brown and seconded by Majkrzak to approve the Agreement between the City and Arch Development as presented. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**SPECIAL COUNCIL MEETING FOR MAY 19.** Finance Director Hatton stated that the revenue bonds are to be sold on May 19, and Council action is needed to award the sale to the successful bidder. It was moved by Brown and seconded by Majkrzak to hold a special Council meeting at 5:30 p.m. on May 19. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**CITY MANAGER ANNUAL REPORT AND 2022 GOALS.** City Manager Clapper stated that the City's Annual Report was provided to the Council at the last meeting. The report is being brought forth to allow for public comment and/or questions. Councilmember McCormick asked for a glossary of acronyms for future use. She also suggested that the strategic objective of pocket housing development should be moved from Neighborhood Services to CDA. Councilmember Gerber, who could not attend parts of the meeting, had relayed to Clapper that she believes the outcomes should be more specific and quantitative where applicable. Gerber suggested that new goals be set each year by each department, and details as to why goals were not met should be added. Councilmember Allen suggested that solicitation of a grocery store should be added as a goal, if not already on the list.

**COMMUNICATIONS WITH SPECTRUM REGARDING BROADCAST OF CITY MEETINGS.** City Manager Clapper confirmed that a letter has been drafted to Whitewater's Legislators regarding the issue of Spectrum's inability to supply the equipment needed to live-broadcast meetings. Public Relations Manager Mickelson said that the letter has also been sent to the League of Municipalities and other municipalities. She noted she has received a communication indicating that the President of Community Media is publishing an article highlighting nine municipalities' issues with Spectrum. Councilmember Allen requested that the letter also be sent to the Governor, Federal representatives, and the National League of Cities. Councilmember Allen moved to add the Councilmember signatures to the letter, in addition to the City Manager and Public Relations Manager signatures. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber. Resident, Jeff Knight suggested adding the Public Service Commission to the list of places to send the letter.

**REIMBURSEMENT TO TOWN OF COLD SPRING FOR IMPROVEMENTS TO CITY OWNED PORTION OF COLD SPRING ROAD.** Director of Public Works Marquardt stated that the Town of Cold Spring had approached the City about their plan to mill and overlay Cold Spring Road, asking whether the City wanted to be included in the contract for the city portion. Marquardt stated that the project was listed in his five-year plan, but not for year 2022. He believes it is prudent to combine forces to save money. Marquardt indicated that the cost would be approximately \$50,000 and the agreement would come back to Council for approval. It was moved by Majkrzak and seconded by Schreiber to move forward with the bidding process for the project. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS.** Citizen applicants for Parks and Recreation Board include Kori Oberle, Kathleen Fleming, and Deb Weberpal. Applicant for CDA is Joseph Kromholz. Also included was a list of current board and commission members whose current term is expiring, but who wish to serve another term. (Beverly Stone – Police and Fire Commission and Board of Zoning Appeals; Ken Kienbaum – Board of Zoning Appeals and Landmarks Commission (Termed out on both, but no new applicants for the positions); Miguel Aranda – Community Involvement and Cable TV Commission; Chux Ibekwe – Community Involvement and Cable TV Commission (filled a partial term); Sherry Stanek – Ethics Committee; Maryann Zimmerman – Equal Opportunities Commission; Ryatisima Blue – Equal Opportunities Commission; Dan Richardson – Landmarks Commission; Dan Fuller – Parks and Recreation Board (filled a partial term); Tom Miller – Plan and Architectural Review Commission; Patrick Taylor – Urban Forestry Commission).

The City Manager recommends appointment of all individuals. Brown moved approval of all individuals. Majkrzak seconded. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**CANCELLATION OF JULY 5, 2022 COUNCIL MEETING.** Schreiber moved, Majkrzak seconded a request to cancel the July 5, 2022 Council meeting. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**VANDEWALLE AND ASSOCIATES NEIGHBORHOOD DEVELOPMENT PLAN SCOPE OF SERVICES.** City Manager Clapper indicated that the proposal was included with the Council backup materials, and the priority is the property located on Starin Road. Clapper indicated that the property is in the stewardship of the City, but proceeds from the sale would be placed in a fund for use by the Fire Department and the EMS. The scope of services includes a conditional analysis, draft plan, obtaining feedback, final concept plan and presentation of final concept plan, for a cost of \$21,000. The report is anticipated to take three-four months. The Community Development Authority has recommended approval of the agreement. City Manager Clapper indicated that the City intends to repeat this process with other properties as opportunity presents itself. The Housing Plan will be brought back to Council for final approval. Councilmember Clapper indicated that there is a list within the Scope of Services that lists the properties to be reviewed, in the order of priority. It was moved by Majkrzak and seconded by Allen to approve pursuit of the development plan for the Starin Road property. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber.

**AGREEMENT WITH WEDC RELATING TO BOWER HOUSE GRANT.** City Manager Clapper stated that the grant is for the redevelopment of the Bower House on Main Street (formerly known as the White Elephant). The grant and development agreement were approved by the CDA. The Development Agreement has been brought to the Council for approval. Attorney McDonell explained that the City is the applicant for the grant and will administer it based on this contract. The CDA has funded \$75,000, with an additional \$903,000 being funded by the developer and \$250,000 being funded through the grant. The City is obligated to ensure that the grant funds are allocated and properly used, so that the City does not have any liability. Attorney McDonell said that the City is responsible for administering the grant. McDonell explained that the grant has significant reporting requirements which may best be done by an outside administrator, but this decision has yet to be made. Majkrzak moved approval of the agreement, contingent upon the addition of the City Manager as a signatory. Schreiber seconded. AYES: Schreiber, McCormick, Brown, Allen, Majkrzak. NOES: None. ABSTAIN: Smith. ABSENT: Gerber.

**FUTURE AGENDA ITEMS AND/OR POLCO QUESTIONS.** Councilmember Allen asked that the POLCO platform be better utilized. Public Relations Manager Mickelson responded that she would like to use it more and would like boards and commissions to come up with questions to use. She stated that a one-year contract was just signed with POLCO. She stated that if the platform is not better utilized this year, the money spent on this platform may be better used somewhere else.

**EXECUTIVE SESSION.** It was moved by Smith and seconded by Majkrzak to adjourn to closed session *NOT TO RECONVENE*, pursuant to Wisconsin Statutes 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” 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) **Consideration of the terms of a Release and Employment Disposition Agreement between the City of Whitewater and The City of Whitewater Police Chief.** [19.85(1)(c) and 19.85(1)(e)]; 2) **Discussion regarding purchase of 412 W. Whitewater Street and/or 406 W. Whitewater Street.** 19.85(1)(e); and 3) **Discussion with the Common Council concerning the amount the amount the Council would be willing to authorize to pay for certain properties in the City of Whitewater for a residential development project.** [19.85(1)(e)]. Council President Dawsey-Smith indicated that the Council will NOT reconvene per notice, as the item relating to approval of a Release and Employment Disposition Agreement with the Whitewater Police Chief is removed from the open session portion of the agenda. AYES: Schreiber, McCormick, Brown, Smith, Allen, Majkrzak. NOES: None. ABSENT: Gerber. The regular portion of the meeting adjourned at 8:31 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk