

**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 3, 2014

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Abbott, Binnie, Singer, Bregant, Kidd. MEMBERS ABSENT: Frawley, Winship. LEGAL COUNSEL PRESENT: Wallace McDonell.

PAYMENT OF INVOICES. It was moved by Binnie and seconded by Abbott to approve payment of city invoices in the total sum of \$153,347.57. AYES: Abbott, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley, Winship.

STAFF REPORTS: Cable Coordinator Luckett reported on Charter Communications' intent to provide only digital programming. Downtown Whitewater reported on their upcoming Jack Hanna program.

RESOLUTION AUTHORIZING GRANT SUBMISSION FOR WHITEWATER CREEK, STORMWATER DETENTION LOCATION NORTH OF ANN STREET, AND DEVELOPMENT OF TOTAL MAXIMUM DAILY LOAN COMPLIANCE PLAN, AND AUTHORIZATION TO SUBMIT GRANT APPLICATION FOR URBAN AND NONPOINT SOURCE STORMWATER MANAGEMENT AND AUTHORIZATION TO ENTER INTO INTERGOVERNMENTAL AGREEMENT WITH UNIVERSITY TO INCORPORATE UNIVERSITY IN APPLICATION FOR TDML COMPLIANCE PLAN.

URBAN NONPOINT SOURCE GRANT PROGRAM

A RESOLUTION authorizing the submittal of a state grant application by the City of Whitewater and the subsequent appropriation of City funds for Urban Nonpoint Source projects for planning, design, and construction of streambank stabilization measures along Whitewater Creek and a stormwater detention facility located south of Ann Street and for development of a Total Maximum Daily Load (TMDL) Compliance Plan.

WHEREAS, the City of Whitewater is qualified, willing and able to carry out all activities described in the state grant application; and

WHEREAS, in this action the Whitewater City Council has declared its intent to conduct the Stormwater Management projects described in the application; and,

WHEREAS, the City of Whitewater will maintain records documenting all expenditures made during the Urban Nonpoint Source Grant project; and,

WHEREAS, the City of Whitewater will submit a final report to the Department which describes all Urban Nonpoint Source project activities, achievements and data collected, and documentation of the project costs.

IT IS THEREFORE RESOLVED THAT:

The Whitewater City Council requests the funds and assistance available from the Wisconsin Department of Natural Resources under the Urban Nonpoint Source Grant Program, will comply with state rules for the program, and,

BE IT FURTHER RESOLVED THAT the City of Whitewater will meet the obligations of the planning, design, and construction projects including timely publication of the results and meet the financial obligations under this grant including the prompt payment of our commitment to planning, design, and construction project costs.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Bregant. AYES: Abbott, Binnie, Singer, Bregant, and Kidd. NOES: None. ABSENT: Frawley and Winship. ADOPTED: April 3, 2014

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AUTHORIZING SUBMITTAL OF STATE GRANT APPLICATION ON BEHALF OF ROCK RIVER STORMWATER GROUP.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A STATE GRANT APPLICATION BY THE CITY OF WHITEWATER ON BEHALF OF THE ROCK RIVER STORMWATER GROUP AND THE SUBSEQUENT APPROPRIATION OF ROCK RIVER STORMWATER GROUP FUNDS FOR A PLANNING GRANT APPLICATION FOR EDUCATION AND OUTREACH PROGRAMS PURSUANT TO DNR REQUIREMENTS

WHEREAS, the City of Whitewater on behalf of the Rock River Stormwater Group desires to receive grant funding from the Wisconsin Department of Natural Resources (WDNR) pursuant to ss. 281.65 or 281.66, of the Wisconsin State Statutes, and Chapters NR 151, 153, and 155, of the Wisconsin Administrative Code, for the purpose of implementing educational and outreach programs; and

WHEREAS, the City of Whitewater on behalf of the Rock River Stormwater Group agrees to contribute the local share (also called ‘match’), from the Rock River Stormwater Group account, needed for projects that are ultimately grant-funded by the WDNR; and

WHEREAS, the Rock River Stormwater Group will submit a final report to the Department which describes all education and outreach activities, achievements, and data collected, and documentation of the project costs.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Wisconsin, Walworth and Jefferson Counties, on behalf of the Rock River Stormwater Group authorizes the City Manager to submit a signed grant application to the WDNR.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Abbott, Binnie, Singer, Bregant, and Kidd. NOES: None. ABSENT: Frawley and Winship. ADOPTED: April 3, 2014

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

WISCONSIN STREET PARKING. Parks and Recreation Director Amundson indicated that during staff discussion of the East Gate project, it was determined that the City should explore the elimination of parking on Wisconsin Street, from Milwaukee to the entrance of Trippe Lake Park. Affected residents were given an opportunity to express their thoughts. Some residents expressed approval of eliminating parking on one side and providing a bike lane, while others were opposed to parking elimination, Council requested that Matt Amundson and Ken Kidd discuss options that might be considered, reach out to area residents and businesses for suggestions, and bring back recommended options to the Council.

BEFORE AND AFTER SCHOOL PROGRAMMING. Parks and Recreation Director Amundson indicated that he has been working with the School District to explore the possibility of their Department providing before and after school programming. Amundson cited numerous advantages to have the City in charge of this programming, and indicated that revenue received will offset direct expenses, as well as achieve the Parks and Recreation Department's 110% fee recovery policy. No formal action was taken, but Council consensus was supportive of the programming.

LAKES MANAGEMENT. Parks and Recreation Director Amundson indicated that in 2014, the City will be harvesting aquatic plants on both Cravath and Trippe Lakes. Amundson indicated that the contract has been awarded to Midwest Aquatics of Germantown, Wisconsin. The weeds will be harvested then trucked to a nearby disposal site. Amundson indicated that the City will be applying for DNR grant funding in year 2015 for the purpose of completing a feasibility study related to dredging of the Lakes. No formal action was taken.

NEIGHBORHOOD SERVICES POSITION AND RECRUITMENT PROCESS. City Manager Clapper indicated that with the resignation of Neighborhood Services Director Birkeland, there is a need to establish a process for providing the services Birkeland previously supervised. Discussions regarding amendment of the contract with Kahube, LLC (Municipal Zoning and Inspection Services – Greg Noll) have taken place, and Noll is willing to take on additional duties until such time as the Neighborhood Services position is filled.

WEIGHTS AND MEASURES ORDINANCE DISCUSSION. It was noted that the Weights and Measures ordinance in the Code has never been implemented. Implementation would result in businesses who use weighing devices being “charged back” for the fee the City pays for annual inspections. Council requested that staff come back with the number of businesses that would be affected by the change, information on the practice of other municipalities, and a proposed ordinance amendment that would reflect the city's current practice.

SOLACOM 9-1-1 SOFTWARE AND EQUIPMENT. Police Chief Otterbacher requested permission to purchase new 911 software and equipment through Solocom Company. The current software is no longer supported and purchase of the software was included in the 2014 Capital Improvement plan. Otterbacher indicated that this is the same software used by the Walworth County Communications Center. Lengthy discussion ensued. . It was determined that further information will be coming to a future meeting.

PRO-PHOENIX RECORDS MANAGEMENT SOFTWARE. Chief Otterbacher requested permission to purchase Pro-Phoenix, a records management software (“RMS”). The computer aided dispatch portion of the software would provide shared access for the Whitewater Police Department, Walworth County Sheriff's Office, and UW-Whitewater Police services. The quote of \$104,135 does not include a Fire Department component. An additional annual maintenance fee of \$9,775 would be needed. It was noted that this purchase was budgeted for in the Capital Improvement Plan (“CIP”). Lengthy discussion ensued. It was agreed that further information will be coming to a future meeting.

2015 BUDGET DISCUSSION AND DOCUMENT. City Manager Clapper indicated that the Government Finance Officers Association has a program to assist governments to prepare budget

documents of the very highest quality. Clapper would like to begin incorporating some of those practices into the City’s budget making process. Clapper indicated that the budget process will begin earlier in the year for future budgets, and improvements will be made to the document.

FUTURE AGENDA ITEMS. Councilmember Kidd requested a future discussion on communication issues. Councilmember Singer requested an update from the Janesville Transit Service (Innovation Bus) and Stephanie Abbott requested that an update about the “Parking Summit” be brought forth.

EXECUTIVE SESSION. At 8:32 p.m., it was moved by Singer and seconded by Binnie to adjourn to Closed Session, **TO RECONVENE APPROXIMATELY 30 MINUTES AFTER ADJOURNMENT TO CLOSED SESSION,** per Wisconsin Statutes 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 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” 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:

Settlement Agreements and strategy discussions concerning acquisition of property interests in the following property for the East Gateway Transportation Project:

<u>Plat #.</u>	<u>Tax Key No.</u>	<u>Address</u>	<u>Owner</u>
5	/WUP 00257A	108 W. Main St.	Donna J. Henry
7	/BIRW 00001	116 East Main Street	Frawley Enterprises
8	/TRA 00001	202 East Main St.	Ruth Walton Rentals, LLC
	/TRA 00002	210 East Main St.	Ruth Walton Rentals, LLC
11	/WUP 00266	227 East Main St.	Donna J. Henry
12	/ES 0007	230 East Milwaukee St.	D&R Partnership, LLC
13	/A 70900001	203 East Milwaukee St.	FCCU
15	/TRA 00003	212 East Main St.	Donna J. Henry
17	/TRA 00032, /TRA 00033	211 East Main St.	Dean L. Zweifel
18	/TRA 00036	113 East Main St.	EA Investments, Inc.

AND

Discussion of status of Elkhorn Road Ventures, LLC tax foreclosure for property located at intersection of Elkhorn Road and Bluff Road

AYES: AYES: Abbott, Binnie, Singer, Bregant, and Kidd. NOES: None. ABSENT: Frawley and Winship.

RECONVENE INTO OPEN SESSION. (9:20 p.m.)

AGREEMENTS BETWEEN CITY AND PROPERTY OWNERS AFFECTED BY EAST GATEWAY PROJECT. City Attorney McDonell indicated that the City is acquiring an interest in nine different properties for construction – none of which are displacing owners. McDonell indicated he

has been able to reach oral agreements on price with all properties, three of which are owned by Donna Henry. McDonell is still negotiating with her attorney on some of these issues. Purchase prices were approved as presented. It was moved by Binnie and seconded by Abbott to approve purchase agreements between the City and the property owners affected by the East Gate project. (See listing of property owners as set forth in Closed Session discussion). AYES: Abbott, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: Frawley, Winship.

ADJOURNMENT. It was moved by Binnie and seconded by Abbott to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk