

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

January 18, 2011

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Binnie, Singer, Kienbaum, Olsen, Stewart, Winship, Butler. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Winship to approve payment of city invoices through January 11, 2011 in the total sum of \$327,186.76. AYES: Kienbaum, Olsen, Winship, Binnie, Singer, Stewart, Winship. NOES: None. ABSENT: None.

**APPROVAL OF MINUTES.** It was moved by Olsen and seconded by Winship to approve the Council minutes of December 7, 2010 and December 21, 2010, and to acknowledge receipt and filing of the Landmark minutes of December 8, 2010; the Irvin L. Young Memorial Library Board Minutes of December 13, 2010; the Senior Forum minutes of November 1, 2010; the Financial Reports for December, 2010 and the Report of Manually-Produced Checks for December, 2010. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**REPORTS.** City Manager Brunner congratulated the UWW Football team on their recent championship and Councilmembers Singer and Butler presented a plaque to the team. Brunner updated Council on the construction of the Innovation Center and on the status of TIF 4. Park & Recreation Director Amundson encouraged everyone to vote for the "Field of Dreams" project on the Pepsi website. DPW Director Fischer reported on the status of the Automatic Meter Reading process, changes in garbage pickup services, and Navigator audible pedestrian signals at the Prince and Prairie Street intersections.

**CITIZEN COMMENTS.** Downtown business owner Mark Wokasch requested that Council look at options to allow longer-term parking in the downtown area.

**RESOLUTION SUPPORTING TRAFFIC SIGNAL ALTERNATIVE DESIGN FOR THE NEWCOMB AND MILWAUKEE STREET INTERSECTION.**

**RESOLUTION SUPPORTING TRAFFIC SIGNAL ALTERNATIVE DESIGN FOR NEWCOMB/MILWAUKEE INTERSECTION**

**WHEREAS,** the Common Council of the City of Whitewater has reviewed and considered alternative designs for the reconstruction of the Newcomb/Milwaukee Street intersection.

**WHEREAS,** the Common Council of the City of Whitewater held a public information meeting December 9, 2010 in partnership with the Wisconsin Department of Transportation for public comment on alternative designs for the reconstruction of the Newcomb/Milwaukee Street intersection.

**WHEREAS,** the Common Council of the City of Whitewater requested any additional public comment on alternative designs for the reconstruction of the Newcomb/Milwaukee Street intersection at the January 18, 2011 Council meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council that the City of Whitewater is recommending the design of the traffic signal alternative for the reconstruction of the Newcomb/Milwaukee Street intersection to the Wisconsin Department of Transportation.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None. ADOPTED: January 18, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION ADOPTING EQUIVALENT RUNOFF UNIT (ERU) RATE FOR THE WHITEWATER STORM WATER UTILITY.**

**RESOLUTION ADOPTING EQUIVALENT RUNOFF UNIT (ERU)  
RATE FOR THE WHITEWATER STORM WATER UTILITY**

**WHEREAS**, the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin has reviewed all fiscal cost breakdowns and budgets for stormwater utility services in accordance with Chapter 16.10 and 16.14 of the Municipal Code; and

**WHEREAS**, the Common Council determined a need to revise the rate for Equivalent Runoff Unit (ERU) for the Stormwater Utility to maintain the stormwater fund on a sound fiscal basis.

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Whitewater that the City of Whitewater will establish the Equivalent Runoff Unit rate to be \$49.00 annually to support the operations of the Whitewater Stormwater Utility.

**FUTHERMORE, BE IT RESOLVED** by the Common Council that the Equivalent Runoff Unit (ERU) rate (\$49.00 annually) hereby established, will become effective January 1, 2011.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Stewart. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None. ADOPTED: January 18, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE ADOPTING EMERALD ASH BORER MANAGEMENT PLAN.**

Presented for adoption was an Emerald Ash Borer Management Plan. Council concerns were raised about the lack of focus on prevention in the plan and also about the fact that if only terrace trees and trees on city property are treated, the treatment process is very likely to be ineffective since not all trees in the City will be treated. Councilmember Winship felt it would be helpful to have all ash trees placed on the City's Government Information System ("GIS"). It was moved by Binnie and seconded by Winship to send a request back to the Urban Forestry Commission to work further on prevention methods that could be incorporated into the Plan.

**ORDINANCE NO. 1813  
ORDINANCE ADOPTING THE CITY OF WHITEWATER  
EMERALD ASH BORER MANAGEMENT PLAN**

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

**Section 1.** Whitewater Municipal Code Chapter 12, Section 12.24.045 is hereby created to read as follows:

**12.24.045 Adoption of the City of Whitewater Emerald Ash Borer Management Plan.**

- a. The City of Whitewater Emerald Ash Borer Management Plan, and all amendments and supplements thereto, are hereby adopted and made a part of this section.
- b. The Emerald Ash Borer Management Plan shall serve as a guide for local response to an emerald ash

borer infestation.

**Section 2.** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council member Olsen, who moved its adoption. Seconded by Council member Winship AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. FIRST READING APPROVED: January 18, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE IMPOSING THE NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR PROPERTIES LOCATED ON NORTH STREET IN THE CITY.**

**ORDINANCE NO. 1811A  
AN ORDINANCE IMPOSING THE NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION FOR 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 Section 19.69, hereby impose the Non-Family Residential Overlay District Zoning classification on the below properties:

**SECTION 1:** The Non-Family Residential Overlay District (Chapter 19.25 is hereby imposed upon the following described properties:

<u>Property Address:</u>	<u>Tax ID #:</u>
318 West North Street	/WUP 00090
326 West North Street	/WUP 00091
330 West North Street	/WUP 00092

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

**SECTION 3:** The City staff shall mail notice of this action to the property owner as required by Chapter 19.25 within 15 days of the passage of this ordinance.

**SECTION 4:** This ordinance shall take effect upon passage and publication as provided by law.

An ordinance imposing the non-family residential overlay district zoning classification for certain property in the city was introduced by Councilmember Olsen . Seconded by Councilmember Winship. AYES: Kienbaum, Winship, Olsen, Binnie, Singer, Stewart, Butler. NOES: None. ABSENT: None. ADOPTED: January 18, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF CHAPTER 11.44 SNOWMOBILES REGARDING REQUEST TO HAVE CITY MANAGER APPROVE PERMITS TO CITY TRAVERSE CITY LANDS.**

**ORDINANCE NO. 1812A  
ORDINANCE AMENDING CHAPTER 11.44 SNOWMOBILES**

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

Section 1: Whitewater Municipal Code, Chapter 11.44, Subsection 11.44.020(3), is hereby amended to read as follows:

11.44.020(b)(3) Upon such public property (including city streets) or private property, under the control of the City, as the City Manager may from time to time designate as snowmobile areas. However, snowmobiles are prohibited at all times from operation in any park in the City of Whitewater.

An ordinance amending Chapter 11.44 (Snowmobiles) authorizing the City Manager to approve permits to traverse city lands was introduced by Councilmember Olsen. Seconded by Councilmember Winship. AYES: Olsen, Kienbaum, Winship, Binnie, Singer, Stewart, Butler. NOES: None. ABSENT: None. APPROVED: January 18, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**APPROVAL OF REQUEST FOR PURCHASE OF EQUIPMENT FOR IMPROVEMENTS TO WEST MAIN STREET/MULBERRY GLEN PEDESTRIAN CROSSING.** Councilmember Binnie, in response to a request from Mulberry Glen residents, requested that Council consider installing eye-level blinker signs and pedestrian blinker lights at the Mulberry Glen / Walmart location immediately, instead of waiting for the reconstruction of the Whiton Street intersection. The cost to add the equipment and installation is \$3,600. It was moved by Olsen and seconded by Binnie to approve the installation of the traffic controls at the Mulberry Glen / Walmart crossing. A portion of the money Walmart donated for traffic controls will be used to fund the improvements. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**APPROVAL OF 2011 LAKES MANAGEMENT PLAN.** The Park and Recreation Board has submitted a 2011 Lakes Management Plan for Council approval. Plans, in part, would be to continue implementation of stormwater management programs; encourage volunteer participation in water quality monitoring on Cravath Lake; holding of a shoreland management workshop; install and/or maintain signage for boat and trailer parking and to alert users of non-native invasive species; encourage manual harvesting of Eurasian Water Milfoil (“EWM”) around docks and piers, and to apply for grant funding for EWM. It was moved by Olsen and seconded by Butler to approve the 2011 Lakes Management Plan as presented by the Park and Recreation Board. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**APPROVAL OF THREE-YEAR CONTRACT WITH VANDEWALLE ASSOCIATES FOR CITY PLANNING SERVICES FOR 2011-2013.** City Manager Brunner reported that in late 2010, the City initiated a Request for Qualifications (“RFQ”) process for City planning services. Three firms responded to the RFQ, and were interviewed by a Committee consisting of the regular Council representative to the Plan Commission (Binnie); Plan Commissioners Torres and Zaballos, and city employees Bruce Parker, Cameron Clapper and City Manager Brunner. After interviews, the group unanimously recommended that Vandewalle Associates be retained to provide planning services for 2011 – 2013. Brunner reported that he has negotiated with Vandewalle that they freeze their fees for the three year period, and that the hourly travel rate to attend City meetings be reduced. Brunner noted that he recently met with Vandewalle representatives and Neighborhood Services Director Parker to review other methods to reduce costs to the City as well as to Developers.

Councilmember Singer expressed concern that there were no developer and/or citizen members serving on the appointment Committee. Councilmember Kienbaum indicated that she has received complaints about the high fees charged developers. Councilmember Singer indicated that he has reviewed some bills and has some concerns about some of the costs and some of the billing methods used by Vandewalle. Singer cited some specific concerns, in particular about the costs associated with a review of the City’s recently adopted Transparency Ordinance. It was agreed that City staff, with input from Plan Commission, should designate which items are to be referred to Vandewalle for review. It was moved by Stewart and seconded by Binnie to amend the contract to require a 30 days

notice by either party prior to termination, instead of the seven day notice currently in the contract. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None. It was then moved by Olsen and seconded by Binnie to approve the three-year contract for planning services with Vandewalle Associates. AYES: Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: Kienbaum. None. ABSENT: None.

**APPROVAL OF CONTRACT WITH RADICOM BUSINESS COMMUNICATION SYSTEMS.** It was moved by Olsen and seconded by Winship to approve a contract with Radicom for maintenance of Police Department Radio Infrastructure and Equipment. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**APPROVAL OF CHANGE OF AGENT TO RYAN SCOTT JOHNSON FOR HAWK'S NEST TAVERN, 214 W. WHITEWATER STREET.** 214 Whitewater Street LLC has requested approval for a change of agent (and manager) for the Hawk's Nest Tavern at 214 Whitewater Street. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**COUNCILMEMBER REQUEST FOR FUTURE AGENDA ITEMS** Councilmember Kienbaum requested that City Hall offices be open on December 31<sup>st</sup> of each year (assuming it falls on a weekday) to receive real estate tax payments. Councilmember Binnie noted that the drop box is available for those paying after hours. Councilmember Winship encouraged support of the Field of Dreams Pepsi Refresh Voting process.

It was moved by Singer and seconded by Olsen to **Adjourn to closed session, TO RECONVENE, per Wisconsin statutes Ch. 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.”** ITEM TO BE DISCUSSED: Employee separation Agreement. AYES: Winship, Olsen, Stewart, Binnie, Singer, Kienbaum, Butler. NOES: None. ABSENT: None. The initial portion of the meeting adjourned at 7:50 p.m.

**RECONVENE INTO OPEN SESSION.** It was moved by Winship and seconded by Olsen to reconvene into open session. AYES: Kienbaum, Winship, Binnie, Singer, Stewart, Olsen, Butler. NOES: None. ABSENT: None.

**ACTION ON SEPARATION AGREEMENT WITH CITY EMPLOYEE LINDA MCVEIGH.** City Manager Brunner requested action on a Separation Agreement and General Release between the City of Whitewater and Police Department employee, Linda McVeigh. Terms of the agreement are that the employee resigns her employment effective 2/1/11. The City will pay the employee the lump sum of \$25,000 (less required deductions), as well as sick leave, unused vacation time payouts, and any other benefits afforded an employee separating employment in good standing. Prior to payout, McVeigh will be required to sign a Waiver and release with the City of Whitewater. It was noted that with approval of the agreement, the position currently held by McVeigh will be eliminated. It was moved by Olsen and seconded by Winship to approve the Separation Agreement between the City of Whitewater and Linda McVeigh. AYES: Olsen, Winship, Binnie, Kienbaum. NOES: Stewart, Singer, Butler. ABSENT: None.

**ADJOURNMENT.** It was moved by Olsen and seconded by Winship to adjourn the meeting. AYES: Olsen, Winship, Binnie, Kienbaum, Stewart, Singer, Butler. NOES: None. ABSENT: None. The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Michele R. Smith, Clerk