

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

March 29, 2011

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

**SEPARATION AGREEMENT WITH FORMER POLICE CHIEF JAMES COAN.** Former Police Chief Coan submitted a letter indicating he was retiring on 3/19/2011. The five year employment agreement he entered into in 2006 included potential penalties in the event the contract was not adhered to. Council and former Chief Coan have agreed to a separation agreement that included forfeiture of his right to sick leave payment upon separation (\$30,799.22), but did include a payout of \$5,300 for accumulated but unused vacation. The employee is not required to pay the \$10,000 liquidated damages amount referenced in the employment contract. It was moved by Olsen and seconded by Winship to approve the Separation Agreement with James Coan. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

**RESOLUTION OF NECESSITY - EMINENT DOMAIN - RELOCATION ORDER FOR WHITON STREET / MAIN STREET LIGHT PROJECT.** It is necessary to acquire lands to allow for installation of traffic signal for the Whiton and Main Street traffic signal project.

**RESOLUTION ESTABLISHING A DETERMINATION OF NECESSITY FOR ACQUISITION OF LANDS FOR TRAFFIC SIGNAL PURPOSES; PERMANENT LIMITED EASEMENTS; TEMPORARY LIMITED CONSTRUCTION EASEMENTS, AND AUTHORIZING NEGOTIATIONS FOR SUCH ACQUISITION AND AUTHORIZING CONDEMNATION, IF NECESSARY, FOR THE WHITON AND MAIN STREET TRAFFIC SIGNALS PROJECT**

**WHEREAS**, the City of Whitewater, Walworth and Jefferson Counties, has decided that public necessity demands the installation and construction of traffic signals at the intersection of Whiton and Main Street in the City of Whitewater, and

**WHEREAS**, on November 4, 2009, the City of Whitewater entered into an agreement with the State of Wisconsin, Department of Transportation for the funding of the installation and construction of traffic signals at the intersection of Whiton Street and Main Street in the City of Whitewater, and

**WHEREAS**, public necessity demands that the City of Whitewater acquire fee simple titles to the lands required for said traffic signal purposes, and

**WHEREAS**, public necessity demands that the City of Whitewater acquire permanent limited easements for traffic signal installation and operation, and

**WHEREAS**, public necessity demands that the City of Whitewater acquire temporary limited easements required for the installation and construction of said traffic signals,

Now, therefore, **BE IT RESOLVED**, by the Common Council of the City of Whitewater that the determination of necessity for 1) acquisition of lands for traffic signal purposes; 2) acquisition of permanent limited easements for placement and operation of traffic signals, and 3) acquisition of temporary limited easements for the installation and construction of traffic signals is hereby established; and

**BE IT FURTHER RESOLVED** that the attached Relocation Order is hereby approved, and the City Attorney, or agent for the City of Whitewater at the direction of the City Attorney, is hereby authorized and directed to serve the relocation order on the Clerk in and for Walworth County, Wisconsin, and

**BE IT FURTHER RESOLVED** that the City Attorney, or agent for the City of Whitewater at the direction of the City Attorney, is hereby authorized and directed to negotiate for the acquisition of those lands and easements required for the purposes above stated, and in the event said lands and easements cannot be obtained by negotiation, the City Attorney is hereby authorized and directed to take, by condemnation, those lands required for City purposes.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. Ayes: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: Butler. ABSENT: None. ADOPTED: March 29, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION AUTHORIZING EASEMENT FOR NATURAL GAS REGULATION PITS – JEFFERSON STREET.**

**RESOLUTION APPROVING THE GRANT OF AN EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY UPON A PART OF PARCEL WSS 00060**

WHEREAS, Wisconsin Electric Power Company is upgrading its facilities in the City of Whitewater and requires a gas distribution and regular easement from the City of Whitewater upon a part of Parcel WSS 00060, which is owned by the City of Whitewater; and

WHEREAS, Wisconsin Electric Power Company has agreed to pay Two Thousand Dollars (\$2,000.00) for said easement; and

WHEREAS, it is in the best interests of the City of Whitewater to grant the easement.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, hereby authorizes the City Manager and the City Clerk to sign the attached Gas Distribution and Regulator Easement in consideration of a payment of Two Thousand Dollars (\$2,000.00) from Wisconsin Electric Power Company.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: March 29, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**EXECUTIVE SESSION**. It was moved by Singer and seconded by Olsen to adjourn to executive session, not to reconvene, pursuant to 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". Item to be discussed: Discussion on Union request to consider extension of Union Contract with city employees. AYES: Olsen, Butler, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None. The regular meeting adjourned at 6:35 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk