

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

December 6, 2011

The meeting of the Common Council was called to order at 6:30 p.m. by Council President Pro Tem Binnie. MEMBERS PRESENT: Binnie, Stewart (arrived at 6:35 p.m.), Olsen, Winship, Abbott. MEMBERS ABSENT: Kienbaum, Singer, Stewart (arrived at 6:35 p.m.). LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Olsen and seconded by Abbott to approve the Council minutes of November 1, 2011 and to acknowledge receipt and filing of the following: Plan and Architectural Minutes of October 10, 2011; Irvin L. Young Memorial Library Board minutes of October 17, 2011; Financial Statements for October, 2011; Landmark Commission minutes of September 7, 2011 and Police Commission minutes of August 27, 2011. AYES: Winship, Binnie, Olsen, Abbott. NOES: None. ABSENT: Kienbaum, Singer, Stewart (arrived at 6:35 p.m.).

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Abbott to approve payment of invoices in the total sum of \$130,605.28. AYES: Winship, Binnie, Olsen, Abbott. NOES: None. ABSENT: Kienbaum, Singer, Stewart (arrived at 6:35 p.m.).

**STAFF REPORTS.** City Manager Brunner reported that the 2011 property tax bills should be mailed next week. DPW Director Fischer reported on the upcoming **Public Information Meeting on Milwaukee Street**. Fischer also noted that **Electronics Recycling** is now available at the City Garage, there are changes planned for **overnight parking restrictions in Parking Lot A**, and gave updates on **Downtown parking permit** and the **North Street project**.

**HEARING OF CITIZEN COMMENTS.** Birge Fountain Committee member Roy Nosek gave a photo presentation showing the recent improvements to the Birge Fountain. The restoration volunteers were thanked for their work. Resident Sandy Haas spoke in opposition to the policy adopted by the Whitewater Fire Department relating to attendance at the annual Firefighters' Banquet. Haas expressed her disagreement with the fact that EMTs and Fire Fighters are required to work at the annual Ham Dinner in order to be invited to the annual Firefighters' Banquet. Haas indicated that the City donates towards the appreciation banquet, and that volunteers, as well as their families, give all year long and should be allowed to attend the appreciation banquet regardless of whether they work at the annual ham dinner. After reading the definition of defamation of character, resident Dawn Karges Kiernan stated that she recently had experience with two current councilmembers, where Kiernan felt that those Councilmembers inappropriately mentioned or used their council positions as the Councilmembers addressed complaints.

**RESOLUTION ADOPTING 2012 SALARY RESOLUTION.** The annual Salary Resolution was presented for approval.

**CITY OF WHITEWATER  
2012 SALARY RESOLUTION**

**WHEREAS**, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2012, in which wages are established.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2012 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

**BE IT FURTHER RESOLVED** that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning January 1, 2012.

**SCHEDULE I  
ADMINISTRATIVE POSITIONS**

<b>Position</b>	<b># of Positions</b>	<b>Effective</b>	
City Manager	1	07/01/2011	100,630.51
Chief of Police	1	09/27/2011	87,000.00
Municipal Judge	<b>1</b>	05/01/2011	19,576.76
City Attorney	1	07/01/2011	52,531.25

**SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

<b>Pay Grade</b>	<b># of Positions</b>	<b>Classification Titles</b>	<b>Pay Grade</b>	<b># of Positions</b>	<b>Classification Titles</b>
A*	3/4	Senior Coordinator (Part-time)	F	1	City Clerk
	2	Administrative Assistant II - Records Technician	G	1	Neighborhood Services Manager
	2	Administrative Assistant II - General Admin	H		
	1	Administrative Assistant II - Utilities (Part-time)	I	1	Assistant to City Manager
B*	1	Accounting Technician II - Payroll & Accounts Payable		I	1
	1	Accounting Technician II - Utilities	1		Water Superintendent
	1	Administrative Assistant I - Neighborhood Services	J	1	Streets, Parks & Forestry Superintendent
	1	Clerk of Courts		1	Parks & Recreation Director
C			1	Wastewater Treatment Plant Superintendent	
D	1	Finance Support Services Manager	K	1	Lieutenant - Field Services

	1	Support Services Manager	L	1	Captain
E	1	Community TV/Media Services Manager		1	Finance Director
	1	CDA Coordinator		1	Public Works Director
	1	Recreation & Community Events Programmer			

\*Non-Exempt Positions

**SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade		1	2	3	4	5
A*	Hourly Wage 2080 Hours	14.93 31,053.11	15.39 32,014.65	16.05 33,391.38	16.73 34,789.98	17.39 36,166.72
B*	Hourly Wage 2080 Hours	16.00 33,282.12	16.73 34,789.98	17.45 36,297.83	18.18 37,805.69	18.90 39,313.55
C	Salary	36,160.57	37,803.46	39,446.58	41,091.17	42,734.30
D	Salary	39,051.73	40,827.38	42,600.54	44,375.93	46,153.07
E	Salary	42,859.15	44,806.88	46,754.34	48,703.30	50,651.99
F	Salary	46,209.18	48,309.44	50,408.71	52,510.46	54,609.49
G	Salary	49,558.97	51,812.27	54,064.33	56,314.90	58,568.21
H	Salary	52,908.99	55,312.62	57,718.71	60,120.85	62,528.42
I	Salary	56,257.80	58,815.44	61,371.61	63,928.27	66,485.91
J	Salary	59,606.35	62,315.55	65,026.23	67,734.20	70,444.64
K	Salary	62,957.62	65,818.36	68,680.61	71,540.13	74,402.36
L	Salary	66,306.42	69,319.96	72,334.99	75,347.55	78,363.57

\*Non-Exempt Positions

**SCHEDULE III  
LIBRARY POSITIONS**

Pay Grade	# of Positions	Classification Titles	Step				
			1	2	3	4	5
A1	3	Library Aide*	11.91	12.44	13.00	13.00	13.00
A2	5	Library Assistants*	12.94	13.53	14.13	14.71	15.30
A3	3	Library Technical Assistants*	14.71	15.39	16.05	16.73	17.39
	3	Library Associates*					
A4	1	Youth Service Librarian	36,160.57	37,803.70	39,446.58	41,091.17	42,734.30
A5	1	Assistant Library Director	46,209.18	48,309.44	50,408.71	52,505.71	54,609.49
A6	1	Library Director	59,606.35	62,315.55	65,026.23	67,734.20	70,444.64

\*Non-Exempt Positions

**SCHEDULE IV  
WHITEWATER POLICE DISPATCH UNION**

Position	# of Positions	Effective Date	Step			
			1	2	3	4
Records Communications Coordinator	1	01/01/2011	18.64	19.63	20.65	20.89
<i>Per 2,080 Hours</i>			38,781.29	40,826.95	42,958.73	43,454.00
Dispatch / Records Communications Aide	7	01/01/2011	16.77	17.64	18.57	18.76
<i>6 @ Per 1947 Hours</i>			32,653.23	34,346.37	36,160.43	36,523.25
<i>1 @ Per 976 Hours</i>			16,368.54	17,217.28	18,126.65	18,308.52
Parking/Community Support	1	01/01/2011	15.22	16.03	16.87	17.04
<i>Per 1872 Hours</i>			28,488.42	30,000.05	31,589.20	31,899.28

**SCHEDULE V  
AFSCME UNION**

Pay Grade	Classification Title	Step					
		1 0-11 mos.	2 12-23 mos.	3 24-35 mos.	4 36-47 mos.	5 48-59 mos.	6 60+ mos.
A	Chemist Assistant	12.58	13.20	13.82	13.82	13.82	13.82
B	Custodian/Groundskeeper <i>Per 2,080 Hours</i>	14.96 31,118.67	15.53 32,298.73	16.10 33,478.80	16.64 34,615.15	17.20 35,773.36	17.76 36,931.57
C	Laborer II <i>Per 2,080 Hours</i>	17.48 36,363.39	18.05 37,543.45	18.61 38,701.66	19.16 39,859.87	19.73 41,039.93	20.28 42,176.29
D	Building Maintenance <i>Per 2,080 Hours</i>	19.57 40,712.14	20.14 41,892.20	20.68 43,006.70	21.26 44,230.47	21.81 45,366.83	22.38 46,546.89
E	Laborer I Laborer I - Mechanic Code Enforcement/Building Maintenance Water Operator - no certification (1) Wastewater Operator - no certification (1) Wastewater Operator - Lab Technician no certification (1) <i>Per 2,080 Hours</i>	21.90 45,541.65	22.39 46,568.74	22.87 47,573.98	23.37 48,601.07	23.85 49,606.31	24.35 50,655.25

(1) Additional twenty cents (\$.20) per hour upon completion and receipt of Grade I certification and one (1) subgrade

**Grade**

**F:** Successful completion of Grade II and all Grade II subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.  
Wastewater Operator      \$25.12      52,250.52

**Grade**

**G:** Successful completion of Grade IV and all Grade IV subgrades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.  
Wastewater Operator      \$25.38      52,796.85

**SCHEDULE VI  
WHITEWATER PROFESSIONAL POLICE ASSOCIATION UNION**

Position	# of Positions	Effective Date	Hourly Wage	<i>Per 2,080 Hours *Patrol (2,008 Hours)</i>
Sergeant*	3	01/01/2011	30.10	60,460.88
Detective Sergeant	1	01/01/2011	30.10	62,608.80
Detective	2	01/01/2011	28.78	59,862.40
Juvenile Officer	1	01/01/2011	28.78	59,862.40
Patrol Officer I*	14	01/01/2011	27.54	55,300.32
Patrol Officer II*		01/01/2011	24.96	50,119.68
Patrol Officer III*		01/01/2011	23.54	47,268.32

**SCHEDULE VII  
FIRE-RESCUE**

Position	# of Positions (Part-time)	Wage
Fire-Inspector	6	\$11.00 per hour
Volunteer Fire	48	\$8.00 per call
Rescue Squad Captain	1	\$10.00 per call
Rescue Squad Lieutenant	4	\$9.00 per call
Rescue Squad Maintenance	1	\$100.00 per month
EMT Driver		\$16.00 per hour
EMT Basic		\$17.50 per hour
EMT Intermediate		\$20.00 per hour
EMT On-Call Pay		\$2.00 per hour
Fire Chief	1	\$15.00 per call
1st Asst. Fire Chief	1	\$13.00 per call
2nd Asst. Fire Chief	1	\$11.00 per call
Fire Vehicle Maintenance	5	\$50.00 per month

**SCHEDULE VIII  
PART-TIME EMPLOYEES**

Position	# of Positions	Effective Date	Hourly Wage
Community Service Officer	2	01/01/2009	\$10.54
Neighborhood Services Officer	0	01/01/2009	\$10.54
Zoning/GIS Technician	1	07/01/2011	\$12.58

**SCHEDULE IX  
PART-TIME SEASONAL EMPLOYEES**

Position	Step				
	1	2	3	4	5
Election Officials	8.00	8.00	8.00	8.00	8.00
Crossing Guards	10.96	10.96	10.96	10.96	10.96
Cable TV Camera Operator	7.25	7.50	8.00	8.75	9.75
Adult Sport Officials	10.00	11.00	12.00	13.00	15.00
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.75	8.00	8.25	8.50	8.75
Youth Sport Officials	20.00	21.00	22.00	24.00	25.00
Seasonal Labor	7.25	7.50	8.00	8.75	9.75

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Singer, Kienbaum. ADOPTED: December 6, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ORDINANCE AMENDING CH. 7.27, POSSESSION AND USE OF SYNTHETIC CANNABINOID SUBSTANCES PROHIBITED.**

**ORDINANCE AMENDING CHAPTER 7.27  
POSSESSION AND USE OF SYNTHETIC  
CANNABINOID SUBSTANCES PROHIBITED**

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

Section 1, Chapter 7.27, Possession, Sale and Use of Synthetic Cannabinoid Substances Prohibited, is hereby deleted in its entirety and amended to read as follows:

Chapter 7.27.010. The provisions of Section 961.14 (4) (tb) to (ty) and 961.41 (3g) (em) and all acts amendatory thereof and supplementary thereto relating to possession and use of substances prohibited therein (synthetic cannabinoids) exclusive of the penalty provisions are adopted as a portion of this chapter.

Chapter 7.27.020. Penalty. Any person who violates this chapter shall upon conviction thereof forfeit not less than \$300 nor more than \$700 together with costs of prosecution and other costs, and in default of payment for such forfeiture and costs shall be imprisonment in the County Jail until full payment is made, but not to exceed 60 days.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Singer, Kienbaum. FIRST READING APPROVED: December 6, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS.**

**ORDINANCE AMENDING SECTION 1.21.010  
SCHEDULE OF DEPOSITS**

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended by deleting those deposits set forth under 7.27.030A and 7.27.030B.

SECTION 2: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENCE</u>	<u>DEPOSITS AND COSTS</u>
7.27	Possession and use of synthetic cannabinoid substances prohibited	1 <sup>st</sup> offense - \$400 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

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

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Winship. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Singer, Kienbaum. FIRST READING APPROVED: December 6, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**ANNUAL REPORT FROM AQUATIC CENTER BOARD.** Whitewater Aquatic Center (“WAC”) Board President Steve Ryan reported that the Aquatic Center opened December 15, 2000 and that there were immediate utility cost issues which have continued. After three years, Mercy Health System took over operations management and added the fitness center. Unfortunately, they had a deficit of approximately \$250,000 per year. In 2009, the Whitewater Aquatic Board again assumed operation of the facility. WAC’s goal is to keep the Aquatic Center open as a community center as opposed to a private club. The Aquatic Center is non-profit group. Ryan reported that many rates have been reduced, and participation in programs and memberships has increased.

Ryan stated that yearly deficits have decreased. Last year’s deficit was \$20,000 and this year it is hoped that the Center will break even. This will continue to be a challenge as costs, including water utility costs, continue to increase. The Aquatic Center’s biggest cost is utilities, which run approximately \$250,000 per year.

Ryan reported that the Aquatic Center has a ten year plan underway that includes energy savings projects. The first phase was completed this year for the leisure pool and the whirlpool. Air quality in the facility has been improved, along with a reduction of need for outside air. Gas usage has gone down by 33% and electrical usage has declined by 25%. The lap pool will be improved next. The Aquatic Center looks forward to being able to use solar power in the future. Fundraising will be needed to reach that goal. Since the facility is now ten years old, maintenance costs will be increasing. Ryan stated that an endowment will be needed to keep the facility on track. Ryan announced that from December 15<sup>th</sup> through the 18<sup>th</sup>, an open house celebrating the Aquatic Center's 10<sup>th</sup> anniversary will be held.

**AUTHORIZATION TO PROCEED WITH PURCHASE OF NARROW BANDING RADIO EQUIPMENT.** The FCC has mandated that narrow banding of radio communications must occur. Quotes were obtained, but Chief Otterbacher strongly recommended that Radicom be retained so that different types of equipment are not combined, possibly resulting in problems, as well as the fact that Radicom is familiar with Whitewater's system. It was moved by Olsen and seconded by Stewart to approve Option 2 with Radicom, at a cost not to exceed \$347,640. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Kienbaum, Singer.

**SAFE HAVEN ORDINANCE.** Councilmember Winship recommended the consideration of an ordinance that would prevent prosecution of people who report that another individual has, or appears to have suffered great bodily harm. Winship expressed concern that, in certain circumstances, some people may be afraid to report a problem due to the fact that they themselves may be concerned about being ticketed. Police Chief Otterbacher was strongly opposed to an ordinance of this type, and requested that those decisions be left in the hands of the responding officer. No action was taken on the proposal.

**DENIAL OF A BEVERAGE OPERATOR'S LICENSE FOR JARED BAUMANN.** Alcohol Licensing Committee Chair Binnie indicated that the Committee had met and recommended that the recommendation of the Police Chief be upheld, and that Jared Baumann's application for a beverage operator's license be denied. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Kienbaum, Singer.

**APPROVAL OF 2012-2013 AMBULANCE CONTRACT WITH TOWNS OF KOSHKONONG, COLD SPRING, LIMA, RICHMOND AND JOHNSTOWN.** City Manager Brunner has negotiated renewal of the ambulance contracts with area townships. Brunner has not yet concluded negotiations with the Town of Whitewater. It was moved by Olsen and seconded by Stewart to approve the 2012-2013 ambulance contracts with the Towns of Koshkonong, Cold Spring, Lima, Richmond and Johnstown. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Kienbaum, Singer.

**APPROVAL OF REPLACEMENT OF TWO POLICE SQUAD CARS.** Two quotes for replacement squad cars were obtained; one from Ketterhagen Motors of Whitewater in the sum of \$25,469,88 and one from Ewald of Oconomowoc in the sum of \$24,513 per car. The desire to buy local vs. being fiscally responsible with taxpayer money was discussed. It was moved by Winship and seconded by Binnie to approve the purchase of two police squad cars from Ewald of Oconomowoc, Wisconsin, at a cost of \$25,469.88 per car. AYES: Abbott, Winship, Binnie, Stewart. NOES: Olsen. ABSENT: Kienbaum, Singer.

**APPROVAL OF CLASS C WINE LICENSE FOR GUS' PIZZA PALACE, 139 W. CENTER ST.** It was moved by Olsen and seconded by Abbott to approve the request for a Class C Wine license from Gus' Pizza Palace LLC., George Christon, Agent, 139 W. Center Street, Whitewater. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: None. ABSENT: Kienbaum, Singer.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** None.

**ADJOURNMENT TO EXECUTIVE SESSION** It was moved by Binnie and seconded by Olsen to adjourn to Closed Session, not to reconvene, per 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 Wisconsin Statute 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: 1) 2012 City Employment and Compensation. AYES: Olsen, Abbott, Winship, Binnie, Stewart. NOES: Singer, Kienbaum. Being no further business to come before the regular portion of the meeting, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Michele R. Smith  
City Clerk