

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

June 7, 2012

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

It was moved by Councilmember Olsen and seconded by Councilmember Kidd to acknowledge receipt and filing of the following: Parks and Recreation Board Minutes of 4/16/12; Financial Statements for May, 2012; Report of Manually-Produced Checks for May, 2012; Whitewater Police Department Consolidated Monthly Report for April, 2012; and Library Board Minutes of 4/9/12 and 4/23/2012. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Kidd to approve payment of invoices through June 1, 2012 in the total sum of \$89,962.39. AYES: Stewart, Winship, Olsen, Binnie, Abbott, Kienbaum, Singer. NOES: None. ABSENT: None.

**STAFF REPORT.** Assistant City Manager, Cameron Clapper reported on the Train Depot Restoration Project. It is expected that Train Depot rehabilitation will start within the next two weeks and be finished by the time of the 100<sup>th</sup> anniversary of construction of the depot on November 30, 2012.

**HEARING OF CITIZEN COMMENTS.** None.

**RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF WHITEWATER AND UNIVERSITY OF WISCONSIN-WHITEWATER FOR UNIVERSITY LEASING OF PARKING SPACES ON PRAIRIE AND PRINCE STREETS.** Brunner indicated that Council had adopted a Memorandum of Understanding with the University of Wisconsin-Whitewater earlier this year in regard to reconstruction of Prairie and Prince Streets, under which the University would pay for underground burial of utilities on Prince Street as well as a payment to the City for street reconstruction. As part of the agreement, the City and University were to work out a parking plan for Prairie and Prince Streets near the University.

The University's lease of parking spaces from the City is predicated on what the City might receive if the spaces were metered or leased. The University will be paying \$40,000 per year until 2017, then \$45,000 through the remainder of the ten year agreement. As the University already has a parking system in place with enforcement, it was determined that they would administer the permit parking in a way compatible with current University fees and procedures. Funds received from the University will go into the City's General Fund and will be used for street repair and maintenance purposes.

Jeff Arnold (Vice Chancellor for Administrative Affairs) and Bob Brecklin, who is in charge of campus parking for the University of Wisconsin-Whitewater, were present at the meeting to answer questions. Jeff Arnold stated that the spaces on Prince Street would revert to public parking at 6:00 p.m. on weekdays; and the spaces on Prairie Street would revert at 10:00 p.m. Weekend public parking starts Friday at noon and is in force on all holidays.

It was confirmed that there will be 50 leased on-street parking spots plus 16 free motorcycle parking spaces on Prairie Street. Abbott indicated that there were more parking permits issued to students in

the previous year than there were spaces to park. Brecklin replied that the permits to spaces ratio is based on the fact that not everyone is on campus all day. His preference is that this would be metered parking.

Singer asked about any concern that the paid parking on Prince and Prairie Streets would push people onto other streets for free parking. Brunner replied that City staff is suggesting that any changes in parking limits on other streets would wait until after the new parking arrangement goes into effect.

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH  
UNIVERSITY OF WISCONSIN-WHITEWATER FOR LEASING OF PARKING  
SPACES ON N. PRINCE AND N. PRAIRIE STREETS**

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, and the University of Wisconsin-Whitewater previously agreed through a Memorandum of Understanding dated January 17, 2012 to jointly participate in the reconstruction of N. Prince Street (from W. Main Street to Starin Road) and the future public parking operations along N. Prince Street (from W. Main Street to Starin Road) and N. Prairie Street (from W. Main Street to Starin Road) contiguous to the University Campus, and

WHEREAS, the parties agreed to work cooperatively to develop a street parking system that is compatible with current University parking fees and procedures and, further, the University agreed to administer the public parking system on behalf of the City for both N. Prince and N. Prairie Streets, and

WHEREAS, Wisconsin State Statute 66.0921 allows the municipal lease of space over and below ground level of any street, road, alley, or public place or municipally owned real estate, if the governing body determines by resolution and states that the action is in the best public interest, and

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Whitewater authorizes the execution of the Memorandum of Understanding between the City of Whitewater and University of Wisconsin-Whitewater for the leasing of public parking spaces along both N. Prince and N. Prairie Streets as identified in such agreement and authorizes the City Manager and City Clerk to execute the agreements and documents necessary for said approval, and

BE IT FURTHER RESOLVED, that the Common Council of the City of Whitewater finds that such leasing of public space to the University of Wisconsin-Whitewater is in the best public interest and complies with Wisconsin State Statute 66.0921 and such leasing does not substantially interfere with the public purpose for which the surface of the land is used.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer  
NOES: None. ABSENT: None APPROVED: June 7, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION AMENDING 2012 SALARY RESOLUTION.** Asst. to the City Manager, Cameron Clapper introduced the resolution. He asked that the sentence under the Administrative Positions Chart (Schedule 1) be amended such that the sentence ends after the amount of \$1,250 per month. This would delete the reference to an hourly wage increase.

**CITY OF WHITEWATER  
2012 SALARY RESOLUTION  
AMENDMENT #2**

**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 June 7, 2012.

**SCHEDULE I  
ADMINISTRATIVE POSITIONS**

Position	# of Positions	Effective	Salary
City Manager	1	07/01/2011	100,630.51
Interim City Manager*	1	06/23/2012	73,815.44*
Chief of Police	1	09/27/2011	87,000.00
Municipal Judge	1	05/01/2011	19,576.76
City Attorney	1	07/01/2011	52,531.25

\* The annual salary reflects the Assistant to the City Manager's current salary plus \$1,250 per month

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

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
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		
B*	1	Accounting Technician II - Payroll & Accounts Payable	I	1	Assistant City Manager
	1	Accounting Technician II - Utilities		1	Chief Information Officer
	1	Accounting Technician II - Utilities (Part-time)		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	GIS Technician		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

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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

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer  
NOES: None. ABSENT: None. ADOPTED: June 7, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**APPROVING 2012 COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE WASTEWATER UTILITY.**

**City of Whitewater  
Wisconsin Department of Natural Resources  
Compliance Maintenance Annual Report Resolution  
2011**

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater facilities under Wisconsin Administrative Code NR 208; WHEREAS, it is necessary to acknowledge that the governing body has reviewed the CMAR;

WHEREAS, it is necessary to provide recommendations or an action plan for all CMAR section grades of "C" or less and/or an overall grade point average <3.00;

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2011 CMAR was reviewed and this resolution was voted on as follows:

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie.

AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None  
ADOPTED: June 7, 2012

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RESOLUTION NAMING ROOM AT DOWNTOWN ARMORY “MARILYN KIENBAUM ROOM”.** It was moved by Olsen and seconded by Winship to name the Food Pantry room at the Downtown Armory the Marilyn Kienbaum Room. AYES: Binnie, Kidd, Olsen, Abbott, Winship, Singer. NOES: None. ABSTAIN: Kienbaum. ABSENT: None.

**FIRST READING OF ORDINANCE AMENDING SECTION 2.72.020 – CAPTAIN AND LIEUTENANT UNIFORM ALLOWANCES.**

**AN ORDINANCE AMENDING SECTION 2.72.020  
UNIFORM ALLOWANCE**

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

**Section 1.** Whitewater Municipal Code Chapter 2.72, Section 2.72.020 is hereby amended to read as follows:

**2.72.020 Uniform allowance—Captain and Lieutenant.**

The positions of captain and lieutenant shall be entitled to the same annual uniform allowance that is allocated to patrol officers per the current employment agreement between the city of Whitewater and the Wisconsin Professional Police Officers Association of Whitewater.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer  
NOES: None. ABSENT: None. FIRST READING APPROVED: June 7, 2012.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING CHAPTER 11 RELATING TO PARKING RESTRICTIONS FOR NORTH STREET (FROM FIRST STREET TO JEFFERSON STREET).**

**ORDINANCE AMENDING CHAPTER 11.16.150 OF THE CITY OF WHITEWATER MUNICIPAL CODE ENTITLED “STREET INDEX OF PARKING RESTRICTIONS.**

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

**SECTION 1:** Chapter 11.16.150 entitled “Street Index of Parking Restrictions” shall be amended as follows:

The following is hereby deleted from the Street Index of Parking Restrictions:

North St	North side; starting 140 feet west of Jefferson Street for a distance of 200 feet	<a href="#">11.16.070</a>	Two-hour parking
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North St—W	Both sides; from W Main, east to N First	<a href="#">11.16.080</a>	No parking
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The following is hereby added to the Street Index of Parking Restrictions:

North St	North side; starting 200 feet west of Jefferson Street for a distance of 330 feet	<a href="#">11.16.070</a>	Two-hour parking
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North St—W	North side; from W Main, to 70 feet east to N First	<a href="#">11.16.080</a>	No parking
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North St—W	South side; from W Main east to George Street	<a href="#">11.16.080</a>	No parking
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Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Olsen. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer  
 NOES: None. ABSENT: None. FIRST READING APPROVED: June 7, 2012

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

**RENEWAL OF 2012-2013 CLASS A BEER, CLASS A BEER AND LIQUOR, CLASS B BEER, CLASS B BEER AND LIQUOR AND WHOLESALE BEER LICENSES FOR CITY OF WHITEWATER ESTABLISHMENTS PROVIDING BEER AND ALCOHOL.**

It was moved by Olsen and seconded by Binnie to approve renewal of the following Beer and Alcohol Licenses for the 2012-2013 licensing year:

**CLASS A BEER:** Campus Quick Shop , 1184 W Main Street, Whitewater, WI 53190, Agent: Campus Quick Shop Inc., Jason McArdle, Michael McArdle, John McArdle; Eastsider, 650 E. Milwaukee Street, Whitewater, WI 53190, Agent: John Frawley, Michael Frawley, Betty Frawley; Five Points BP, 804 W. Walworth Avenue, Whitewater, WI 53190, Agent: C. A. Pope; Raceway Food Mart, 1138 W. Main Street, Whitewater, WI 53190, Agent: Wish Enterprises, LLC, Pankaj Kalra, Mohan Singh, Agent.

**CLASS A BEER AND LIQUOR:** Acorn Beverages; 561 E. Milwaukee Street; Whitewater, WI 53190, Agent: Hartmann’s Acorn Beverages, Inc., Richard Hartmann; Sentry Foods, 1260 W Main Street, Whitewater, WI 53190; Agent: Daniels of Whitewater, LLC, Terry Daniels, Dennis Riley, Agent; Westsider Liquor, 1353 W. Main Street, Whitewater, WI 53190, Agent: Frawley Oil company, Inc., John Frawley, Michael Frawley, Betty Frawley.

**CLASS B BEER:** Gus’ Pizza Palace, W7723 Hackett Road, Whitewater, WI 53190, Agent: Gus Pizza Palace LLC, George Christon; Pizza Hut, 1107 W. Main Street, Whitewater, WI 53190, Agent: P. H. Green Bay, LLC Andy Pizur; TRH Whitewater Restaurant, Inc., Rocky Rococo’s, 1210 W. Main Street, Whitewater, WI 53190, Agent, Kenneth Dahnert; San Jose Mexican Store, 148 W. Main Street Whitewater, WI 53190, Agent: Jose J. Barajas; Qdoba, 1114 W. Main Street; Whitewater, WI 53190; Agent: Ron Stokes.

CLASS B BEER AND CLASS C WINE: Fine Food Culture d.b.a The Black Sheep, 210 W. Whitewater Street, Whitewater, WI 53190, Agent: Tyler Salisbery.

CLASS B BEER AND LIQUOR: Cordio Inc. d/b/a Beer Here, 617 E. Milwaukee Street, Whitewater, WI 53190 Agent: John Cordio; Brass Rail, 130 W. Main Street, Whitewater, WI 53190, Agent: R & B Brass Rail Corp., David Bergman, Dale Pellmann; College Pub, 202 W. Whitewater Street, Whitewater, WI 53190; Agent: College Pub, LLC, Julie Rasmussen, Kirk Rasmussen, Agent; Coyote Grill, 132 W. Center Street, Whitewater, WI 53190, Agent: Coyote Grill, LLC, Dennis Salverson; Cozumel, 1139 W. Main Street, Unit E, Whitewater, WI 53190, Agent: Ramon Lopez, Jose Jesus Lopez, Agent; Denny K's, 156 W. Whitewater Street, Whitewater, WI 53190, Agent: Dennis Knopp; Fat Jack's Roadhouse, 146 W. Main Street, Whitewater, WI 53190, Agent: WMED, LLC, Mark T. Wokasch; Hawk Bowl, 1390 W. Main Street, Whitewater, WI 53190; Agent: DLK Enterprises, Inc., Laurence Kachel, Michael Kachel; Mad Boar Pub, 123 W. Center Street, Whitewater, WI 53190; Agent: Mad Boar Pub LLC; Nicholas A. Marietta, Mitchell's Pumper, 158/162 W. Whitewater, Street, Whitewater, WI 53190; Agent: GAC Enterprises LLC, Robyn L. Hantropp, Greg Condos; Randy's Supper Club, 841 E. Milwaukee Street, Whitewater, WI 53190, Agent: Fun Hunters, LLC; Randolph Cruse, Kristina Sobolewski, Agent; Ricks Eastside Pub and Grill; 561 E. Milwaukee Street, Whitewater, WI 53190, Agent: Richard Hartmann; Station 1 140 W. Center Street, Whitewater, WI 53190, Agent: Fire Station 1 LLC, Patrick Wellnitz, Diane L. Wellnitz, Agent; Jessica's Restaurant, 140 W. Main Street, Whitewater, WI 53190, Agent: Ilmi Shabani.

WHOLESALE BEER: Randy's Fun Hunters Brewery, 841 E. Milwaukee Street, Whitewater, WI 53190, Agent: Randy's Funhunters Brewery, Inc.; Randolph Cruse, Kristina Sobolewski, Agent.

AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**APPROVAL OF CLOSURE OF STREETS FOR JULY 4<sup>TH</sup> ACTIVITIES.** It was moved by Olsen and seconded by Binnie to approve closure of streets for July 4<sup>th</sup> activities, as requested by the Committee. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**DISCUSSION AND POSSIBLE DIRECTION REGARDING MAYORAL FORMS OF GOVERNMENT.** Councilmember Singer requested that this item be removed from the agenda at this time.

**EASEMENTS WITH ROD AND MARY DALEE WITH REGARD TO PEDESTRIAN/BIKE TRAIL AND UTILITIES. (BETWEEN JEFFERSON AND NORTH STREETS).** Councilmember Binnie thanked the Dalees for their cooperation in allowing the pedestrian/bike trail and utilities to traverse their land. Councilmember Winship indicated that addition of this area to the trail allows for extension of the bike path for our City. It was moved by Olsen and seconded by Binnie to approve easements with Rod and Mary Dalee with regard to pedestrian/bike trail and utilities. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**CONFIRMATION OF JOINT MEETING WITH PLAN COMMISSION ON 6/11/12.** It was noted that there will be a joint meeting of the Common Council and the Plan and Architectural Review Commission on Monday, June 11, 2012.

**APPOINTMENT OF ED MADERE AS LIMITED TERM CITY MANAGER ADVISOR.** It was moved by Binnie and seconded by Olsen to approve a contract with Ed Madere of Janesville,

Wisconsin, to serve as limited term City Manager advisor. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**CANCELLATION OF JULY 3, 2012 REGULARLY SCHEDULED COUNCIL MEETING.** It was moved by Olsen and seconded by Kidd to cancel the July 3, 2012 regularly scheduled Council meeting. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**DENIAL OF CLAIM FILED BY JUDY ZIEBELL FOR DAMAGE TO AUTOMOBILE.** Councilmembers noted several discrepancies in dates in the letters they received as backup material. Asst. City Manager Clapper indicated that letters were sent out as dated. Councilmembers noted that one of the letters had incorrect information in it, and should be corrected. It was moved by Olsen and seconded by Binnie to deny claim filed by Judy Ziebell for damage to an automobile. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

**APPOINTMENT OF CITIZEN MEMBER (REGULAR MEMBER) TO PLAN COMMISSION.** Donna Henry had originally been appointed as a regular member of the Plan Commission, but it was her wish to continue her previous appointed as an alternate member. It was moved by Binnie and seconded by Olsen to appoint Cort Hartmann to the Plan and Architectural Review Commission as a regular member. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None.

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

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Olsen to adjourn to Executive 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 government body has jurisdiction or exercises responsibility” and Chapter 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”. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None. Item discussed: Collective bargaining and possible adjustments to city employee 2012 salaries/wages.

Being no further business to come before the regular portion of the meeting, the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Michele R. Smith

City Clerk