

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

October 2, 2012

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

It was moved by Councilmember Olsen and seconded by Councilmember Abbott to approve the Council minutes of September 11, 2012 and to acknowledge receipt and filing of the following: Plan and Architectural Review Commission minutes of August 13, 2012, Urban Forestry minutes of July 24, 2012, Whitewater Police Department Consolidated Monthly Report for August 2012 and Financial Reports for August, 2012. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Abbott to approve payment of invoices processed through September 26, 2012, in the total sum of \$134,366.54. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**STAFF REPORTS.** Interim City Manager Clapper introduced proclamations in honor of the **CROP Hunger Walk** and **Fairhaven's 50<sup>th</sup> Anniversary**. Clapper stated that the budget for 2013 will be delivered to Council on October 9<sup>th</sup>, and will be reviewed at Council meetings beginning on October 16<sup>th</sup>.

**HEARING OF CITIZEN COMMENTS.** Randy Aschbrenner, a Whitewater landlord, stated that he is having issues with City zoning. He feels that and that the City should be more flexible with their student housing regulations. .

**INTRODUCTION TO COUNCIL OF RESOLUTION DISCONTINUING UNPAVED ALLEY BETWEEN EAST NORTH STREET AND EAST MAIN STREET, WEST OF AND ADJACENT TO THE OAK GROVE CEMETERY.** Attorney McDonell indicated that the resolution would be published in the newspaper for three weeks and then come back to Council for final action.

**FIRST READING OF ORDINANCE AMENDING CHAPTER 11.16.150 TO PROHIBIT PARKING FROM 2:00 A.M.-5:00 A.M. ON JEFFERSON STREET, BETWEEN MAIN AND CRAVATH STREETS.** It was moved by Olsen and seconded by Winship to amend the ordinance by adding prohibition of parking all year from 2:00 a.m.-5:00 a.m. on North Street from Main Street through the 200 block of Jefferson Street. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None. Councilmember Binnie requested that the Clerk's office send notices to the affected property owners.

**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 *added* to the chart entitled Street Index of Parking Restrictions:

Jefferson St.	Both sides; from E. Main St., north to Cravath St.	<a href="#">11.16.090</a>	No parking 2:00 am to 5:00 am
North Street	Both sides; from N. Jefferson St., east to Cherry St.	11.16.090	No parking 2:00 am to 5:00 am

SECTION 2: 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: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None. FIRST READING APPROVED: October 2, 2012

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**DEADLINES FOR REMOVAL OF SNOW FROM SIDEWALKS.** Neighborhood Services Manager/City Planner Birkeland introduced two ordinance changes recommended by City staff to improve consistency of enforcement on snow removal from sidewalks. Birkeland indicated that the City was not able to comply with the same time restrictions that were placed on property owners. Birkeland also requested that Council approve a change in the process for notification of violating property owners. It was moved by Olsen and seconded by Winship to approve an ordinance change with a 24 hour window for removal of snow from sidewalks, but to maintain the current noticing procedure for residents. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**AGREEMENT REACHED BETWEEN CITY OF WHITEWATER AND NICHOLAS MARIETTA, AGENT OF MAD BOAR PUB LLC LOCATED AT 123-125 W. CENTER STREET.** After recommendation from the Alcohol Licensing Committee, it was moved by Olsen and seconded by Abbott to approve the agreement between the City of Whitewater and Nicholas Marietta, agent of Mad Boar Pub LLC. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**IN RE THE "CLASS B" ALCOHOL LICENSE OF THE MAD BOAR PUB, LLC,  
NICHOLAS A. MARIETTA, AGENT, FOR 123 WEST CENTER STREET**

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**WHEREAS,** Nicholas A. Marietta, the agent for the Mad Boar Pub, LLC, located at 123 West Center Street, City of Whitewater, Walworth County, State of Wisconsin, has been issued 3 citations alleging underage persons alcohol violations related to said premises; and

**WHEREAS,** Nicholas A. Marietta pled no contest to the citation issued on 12-09-11 and has agreed to plead no contest to the citations issued on 07-27-12 and 08-28-12; and

**WHEREAS,** the Chief of Police of the City of Whitewater and the City Attorney of the City of Whitewater intended to bring forward a request to the Common Council to suspend said license; and

**WHEREAS**, the City Attorney and the attorney for Nicholas A. Marietta entered into negotiations concerning license action and have reached an agreement concerning license action, which is subject to review by the Alcohol License Committee and the approval of the Common Council of the City of Whitewater.

Now, therefore, **IT IS HEREBY AGREED** as follows:

1. The Mad Boar Pub, LLC, "Class B" beer and liquor alcohol license for the premises located at 123 West Center Street in the City of Whitewater shall be suspended from October 1, 2012, at 6:00 a.m. until October 8, 2012, at 6:00 a.m.
2. On the dates stated below the "Class B" license for said premises shall be subject to the following conditions:
  - a. By October 8, 2012, digital video cameras will be mounted so as to cover the entire premises with monitors located in the office and images will be stored for at least 30 days and shall, upon request, with reasonable notice, be made available to the Whitewater Police Department for review and copying.
  - b. Immediately licensee, its agents and employees may not sell, dispense or give away alcohol to any person who is under the influence of alcohol beverages as that term is defined in sec. 346.63(1)(a), Wis. Stats., nor shall such a person be permitted to be on the premises.
  - c. By November 18, 2012, licensee will produce written training and policy manuals. These documents will include, but not be limited to: liquor laws; guidance on determining when a person is under the influence of alcohol as defined in sec. 346.63(1)(a), Wis. Stats., and the refusal to serve or allow such person on the premises; guidance on when to call the police; procedures and responsibilities assigned to create a "no drugs" atmosphere; specific training on determining a patron's age; and specific policies and procedures to be used in allowing patrons entrance into any part of the licensed establishment.
  - d. By November 18, 2012, prior to hiring any bartender or bouncer, Licensee shall check the CCAP record of that person including case detail available on CCAP and shall inform the police chief or designee of the full name and date of birth of the prospective employee and the potential of hiring that person, the purpose of which is to allow the police department to share any potential concerns with Licensee regarding law enforcement information that may have a bearing upon employment suitability.
  - e. By June 30, 2013, at all times when open for business, Licensee shall require every patron entering the premises, who appears to be under the age of 30, to show an official identification card and to swipe such card through an electronic device whose purpose is to determine whether the identification card is valid and that the person presenting the card is of legal drinking age. The information on said device shall be stored for at least 30 days and will be made available upon request to the Whitewater Police Department.

2. The above conditions may also be imposed on the license in future license years unless the Common Council specifically removes them.
3. A violation of the conditions shall be grounds to revoke, suspend or nonrenew the license, after licensee is given notice of the suspension, revocation or nonrenewal request and an opportunity for a hearing.
4. This agreement is subject to City of Whitewater Common Council approval by October 2, 2012.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**APPROVAL OF JOB DESCRIPTION FOR DIRECTOR OF PUBLIC WORKS AND AUTHORIZATION TO ADVERTISE FOR POSITION.** City Manager Clapper sought input as to whether there should be a Professional Engineer degree requirement for the new DPW Director position. Clapper suggested possible composition of a recruitment panel. Clapper indicated that the advertisement for the position opening will be sent out within the next two weeks. Council discussed alternatives to an Engineering degree requirement. The advertisement will be amended to allow that experience in handling Capital Improvement Plans, Budgeting, computer skills and a city residency. Council agreed to keep the current pay scale, with the salary to be reviewed when an applicant is hired.

**AUTHORIZING TO DISPOSE OF CITY OWNED VIDEO PRODUCTION EQUIPMENT.** It was moved by Olsen and seconded by Abbott to authorize disposal of City owned video production equipment as presented by Cable Coordinator Lockett. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**APPROVAL OF PURCHASE FOR WINTER SALT.** It was moved by Olsen and seconded by Abbott to approve purchase of winter salt from Morton Salt Company, Chicago, Illinois at the quoted price of \$61.47/ton delivered.. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Councilmember Kidd indicated that the Parks and Recreation Board would like to review the Transient Merchant Ordinance.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Olsen to adjourn to Executive Session TO RECONVENE 15 MINUTES AFTER ADJOURNMENT TO CLOSED SESSION, 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". Item to be discussed: Negotiation of contract with City Manager. AYES: Binnie, Kidd, Olsen, Abbott, Kienbaum, Winship, Singer. NOES: None. ABSENT: None. The meeting adjourned to Executive Session at 7:40 p.m.

**RECONVENE TO OPEN SESSION.** It was moved by Olsen and seconded by Winship to reconvene to open session. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None. The meeting reconvened at 8:15 p.m.

**APPROVAL OF EMPLOYMENT AGREEMENT WITH CITY MANAGER, CAMERON L. CLAPPER.** It was moved by Olsen and seconded by Abbott to approve an employment agreement

with City Manager, Cameron L. Clapper. Clapper is to receive a salary of \$90,000 per year. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

**AMENDMENT TO SALARY RESOLUTION (NEW CITY MANAGER SALARY ASSIGNED).**

It was moved by Olsen and seconded by Binnie to approve an amendment to the 2012 Salary Resolution to assign the new City Manager's salary. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None.

2012 SALARY RESOLUTION  
AMENDMENT #6

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 October 3, 2012. SCHEDULE I

ADMINISTRATIVE POSITIONS			
Position	No. of Positions	Effective	Salary
City Manager	1	10/03/2012	90,000.00
Chief of Police	1	06/19/2012 Retroactive to 01/01/2012	87,870.00
Municipal Judge	1	06/19/2012 Retroactive to 01/01/2012	19,772.53
City Attorney	1	06/19/2012 Retroactive to 01/01/2012	53,056.56

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen, Kienbaum. NOES: None. ABSENT: None. ADOPTED: October 2, 2012

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ADJOURNMENT.** It was moved by Olsen and seconded by Winship to adjourn the meeting. The meeting was adjourned by unanimous approval at 8:17 p.m.

Respectfully submitted,

Michele R. Smith  
City Clerk