

**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 4, 2013

The regular meeting of the Common Council was called to order by Council President Singer. MEMBERS PRESENT: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. MEMBERS ABSENT: None.

It was moved by Olsen and seconded by Binnie to approve the Council minutes of 5/7/13 and 5/21/13 and to acknowledge receipt and filing of the Irvin L. Young Memorial Library minutes of 4/15/13. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**STAFF REPORTS:** City Manager Clapper updated the Council on **State budget matters**. Library Director Lunsford updated the Council on the Library Expansion project; and Parks and Recreation Director Amundson reported on the goose management activities his Department has been engaged in.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Olsen and seconded by Binnie to approve payment of city invoices in the total sum of \$60,873.72. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**SECOND READING OF ORDINANCE REGARDING ABANDONED PROPERTY.**

**ORDINANCE NO. 1857A – Final ORDINANCE CREATING CHAPTER 1.32  
ABANDONED PROPERTY ORDINANCE**

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

**Section 1.** Whitewater Municipal Code Chapter 1.32 entitled Abandoned Property is hereby created to read as follows:

**Chapter 1.32 – Abandoned Property**

(1) Abandoned or unclaimed personal property which has been in the possession of the City for more than 30 days may be disposed of in accordance with Wisconsin Statute §66.0139 by the City by public auction, private sale, sale by contract, a trade on other property to be acquired by the City, retention for use by the City, gifted by the City to a third party, or other means of disposal deemed to be in the best interest of the City determined by the City Manager of the City of Whitewater.

(2) If the property is disposed of in a means other than a sale open to the public, the City shall maintain an inventory of the property, a record of the date and method of disposal,

including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of at least 2 years from the date of disposal of the property.

(3) If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the General Fund of the City of Whitewater.

(4) For reference on related State Statutes, please see:

- § 59.66 Disposition of Unclaimed Funds by Clerk of Courts
- § 66.0139(3) Disposition of Dangerous Substances
- § 66.0139(5) Disposition of Weapons and Ammunition
- § 173.23 Disposition of Animals
- § 961.55 Forfeitures Related to Controlled substances
- § 968.20 Return of Property Seized Pursuant to Search Warrant or Seized Without a Search Warrant
- § 973.075 Forfeiture of Property Including Money Derived from Crime and Disposition of Certain Vehicles

Ordinance introduced by Council member Olsen, who moved its adoption. Seconded by Council member Binnie. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. ADOPTED: 6/4/2013.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RENEWAL OF 2013-2014 ALCOHOL LICENSES.** It was moved by Olsen and seconded by Winship to approve renewal of the following alcohol licenses, contingent upon completion of any outstanding items or items that need correction.

**Class A Beer:** Campus Quick Shop, Inc., Campus Quick Shop, 1134 W. Main St., Jason McArdle, Agent; Frawley Oil Co., Inc., Eastsider, 650 E. Milwaukee St., Mike Frawley, Agent; Wish Enterprises, LLC., Raceway Food Mart, 1138 W. Main St., Pankaj Kalra, Agent; SBL Petro Inc., The Station, 844 E. Milwaukee St., Amar Nath, Agent; Walgreen Co., Walgreen's, 1041 W. Main St., Kathy Schultz, Agent; Whitewater Gas Mart Inc., Whitewater Gas Mart, 1184 W. Main St., Harjinder Samar, Agent.

**Class A Beer & Liquor:** Hartmann's Acorn Beverages, Inc., Acorn Beverages, 561 E. Milwaukee St., Richard Hartmann, Agent; Daniels of Whitewater, LLC., Sentry Foods 1260 W. Main St., Dennis Riley, Agent; Wal-Mart Stores East LP, Walmart, 1353 W. Main St., Richard Gunderson, Agent; Frawley Oil Co., Inc., Westside Liquors, 1353 W. Main St., Mike Frawley, Agent.

**Class B Beer:** George Christon, Gus' Pizza, 139 W. Center St., George Christon, Agent; PH Hospitality Group LLC, Pizza Hut, 1107 W. Main St., Andy Pizur, Agent; TRH Whitewater Restaurant Inc., Rocky Rococo's, 1210 W. Main St., Kenneth Dahnert, Agent; Jose J. Barajas, San Jose Mexican Store, 148 W. Main St., Jose Barajas, Agent; Luis Islas Martinez, La Preferida, 132 W. Main St., Luis Islas Martinez, Agent.

**Class B Beer & Liquor:** Cordio Inc., Beer Here, 617 E. Milwaukee St., John Cordio, Agent; B & R Brass Rail Corp., Brass Rail, 130 W. Main St., David Bergmann, Agent; Kirk Rasmussen, College Pub, 202 W. Whitewater St., Kirk Rasmussen, Agent; Coyote Grill LLC., Coyote Grill, 132-134 W. Center St., Dennis Salverson; Ramon Lopez, Cozumel, 1139 W. Main St., Jose Jesus Lopez, Agent; Dennis Knopp, Denny K's, 156 W. Whitewater St., Dennis Knopp, Agent; WMED LLC, Fat Jack's, 146 W. Main St., Mark Wokasch, Agent; DLK Enterprises, Inc., Hawk Bowl, 1390 W. Main St., Michael Kachel, Agent; EG Business Group Inc., Hawk's Nest, 214 W. Whitewater St., Hale Evans, Agent; Lipis, Inc., Jessica's, 140 W. Main St., Ilmi Shabani, Agent; Clara Rocha, Karina's, 137 W. Main St., Clara Rocha, Agent; Nicholas Marietta, Mad Boar Pub, 123 W. Center St., Nicholas Marietta, Agent; GAC Enterprises, LLC, Mitchell's/Pumpers, Greg Condos, Agent, 158-162 W. Whitewater St.; FunHunter's LLC, Randy's Supper Club, 841 E. Milwaukee St., Kristina Sobolewski, Agent; Richard Hartmann, Rick's Eastside Pub and Grill, 561 E. Milwaukee St., Richard Hartmann, Agent; DLK Enterprises, Inc., Split Decision, 1398 W. Main St., Michael Kachel, Agent; Fire Station 1 LLC, Station 1, 140 W. Center St., Patrick Wellnitz, Agent; Fine Food Culture, LLC, The Black Sheep, 206-210 W. Whitewater St., Tyler Sailsbery, Agent; Downstairs Sports Bar LLC, The Ly Brewery, 204 W. Main St., Robert Sweet, Agent; En Zheng, Tokyo Restaurant, 161 W. Main St., En Zheng, Agent; Wanda's Waterfront LLC, Wanda's Lakefront, 292 S. Wisconsin St., Wanda Milnamow, Agent; C. Christon LLC, Whitewater Street Restaurant / Lakeside Pub, 111 W. Whitewater St., Christ Christon, Agent.

**Wholesale Beer License:** FunHunters LLC, Randy's Fun Hunter's Brewery, 841 E. Milwaukee St., Kristina Sobolewski, Agent.

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

**MICHAEL HEIN APPEAL OF BEVERAGE OPERATOR LICENSE DENIAL.** It was moved by Abbott and seconded by Olsen to uphold the denial of Michael Hein's beverage operator license. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**DISCUSSION REGARDING PERMANENT PLACEMENT OF STOP SIGNS AT WALWORTH AND ELIZABETH.** At the request of Councilmember Kidd, discussion regarding permanent placement of stop signs at Walworth Street's intersection with Elizabeth and Janesville Streets was discussed. Streets Superintendent Nass indicated that Strand's past study indicated that traffic counts did not warrant permanent stop signs, and that professionals in the field indicate that stop signs should not be used to slow traffic.

**FUTURE FIBER OPTIC INFRASTRUCTURE.** City Manager Clapper recommended that the City consider contracting with Kapitan Engineering for services related to fiber optic infrastructure and obtain recommendations from the firm as to the initial direction the City should consider for future fiber optic development. No official action was taken.

**CDA REQUEST TO PURCHASE WHITEWATER BUSINESS PARK PROPERTIES.** City Manager Clapper reported that the Community Development Authority (“CDA”) believes it would be beneficial for the CDA to own Whitewater Business Park real estate instead of the City. CDA believes they would be in a more effective position to market property if they were able to expedite real estate sales by not having to go through another layer of government before the sale. The City Manager requested permission from the Council to move forward with a land sale process and to establish an agreement between the City and the CDA relating to city-owned real estate. Further information will be forthcoming.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Councilmember Singer requested a discussion relating to authority for closure of city streets, standards for approval of closure, and the notification and application process for closure.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Olsen to adjourn to closed session, TO RECONVENE IN APPROXIMATELY 20 MINUTES, pursuant to 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 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 of Police Department Command Staff wages. Compensation for Neighborhood Services Manager for work performed in the absence of a DPW Director. Discussion of City Manager Benefits. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The Council adjourned to Closed Session at 7:40 p.m.

**RECONVENE INTO OPEN SESSION.** At 8:30 p.m., Council reconvened into open session.

**TEMPORARY SALARY ADJUSTMENT FOR NEIGHBORHOOD SERVICES MANAGER.** It was moved by Olsen and seconded by Abbott to approve a 13% salary increase (\$631.61 per month) for the Neighborhood Services Manager, retroactive to the time she assumed the duties previously handled by former DPW Director Fischer, to continue until the new Assistant to the City Manager is hired and/or the duties have changed. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

**SALARY RESOLUTION CHANGE.** Action on the Salary Resolution amendment has been delayed.

**CITY MANAGER REQUEST FOR CITY PAYMENT OF DUES / SUBSCRIPTIONS.** Inasmuch as the City Manager’s contract already allows for payment of his professional dues, no action was taken.

**ADJOURNMENT.** It was moved by Olsen and seconded by Binnie to adjourn the meeting. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk