

**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 7, 2014.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council Vice President Lynn Binnie. MEMBERS PRESENT: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. MEMBERS ABSENT: Singer. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Bregant and seconded by Abbott to approve the Council Minutes of September 2, 2014 and to acknowledge receipt and filing of the following: Whitewater Police Department Consolidated Monthly Reports for August and September, 2014. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

**PAYMENT OF INVOICES.** It was moved by Bregant and seconded by Abbott to approve payment of city invoices in the total sum of \$518,626.68. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

**STAFF REPORTS:** Whitewater Unified School District representatives Nathan Jaeger and Eric Runez gave a presentation explaining the upcoming School District referendum on the November 4<sup>th</sup> ballot. Police Chief Otterbacher reported on their Cadet program. City Manager Clapper distributed the proposed 2015 city budget document.

**CITIZEN COMMENTS:** A Proclamation Honoring the 50<sup>th</sup> Anniversary of the League of Women Voters was presented.

**AUTHORIZING BORROWING OF \$205,000 TO PAY PORTION OF FUNDS NEEDED TO PURCHASE ELKHORN ROAD VENTURES PROPERTY.**

**RESOLUTION AUTHORIZING THE BORROWING OF  
\$205,000.00 FROM THE WASTEWATER EQUIPMENT  
REVOLVING FUND (FUND 620) FOR THE PURPOSE OF  
ASSISTING THE FUNDING OF THE PURCHASE OF  
APPROXIMATELY 10.5 ACRES OF PROPERTY  
LOCATED AT HIGHWAY 12/ELKHORN ROAD AND BLUFF ROAD  
IN THE CITY OF WHITEWATER**

**WHEREAS**, the City of Whitewater has agreed to purchase the above-referenced property for \$588,824.00, if Walworth County does not sell the property under its foreclosure sale process, and

**WHEREAS**, the City intends to use \$383,798.00 it currently is holding in a special account for the purchase of the property, and needs an additional \$205,000.00 to pay for the property, and

**WHEREAS**, City of Whitewater Wastewater Equipment Revolving Fund has sufficient funds available to lend to the City to purchase said property,

Now, therefore, **BE IT RESOLVED,**

1. The City of Whitewater shall borrow the sum of \$205,000.00 at the rate of 2% per annum from the Wastewater Equipment Revolving Fund for the purpose of assisting the funding of the purchase of approximately 10.5 acres of property located at Highway 12/Elkhorn Road and Bluff Road in the City of Whitewater.

Resolution introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Winship. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING CHAPTER 12.24.040, DANGEROUS OR DISEASED TREES A NUISANCE.**

**AN ORDINANCE AMENDING SECTION 12.24.040  
DANGEROUS OR DISEASED TREES A NUISANCE**

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

Section 1: Whitewater Municipal Code Chapter 12.24, Section 12.24.040, is hereby amended to read as follows:

12.24.040 Dangerous or diseased trees a nuisance.

- (a) Any tree or shrub growing in a public street, alley or any public place, or in private property, as determined by the City Forester, which is endangering or which in any way may endanger any person or property not owned by the tree or shrub owner, or the security or usefulness of any public street, sewer, street light, or sidewalk, or which is diseased and may spread said disease to other trees, is a public nuisance, and the City may require the property owner to remove, trim, or spray such tree on private property. Failure of the property owner to remove, trim or spray such tree on private property after thirty days written notice by mail has been given by the City is in violation of this chapter.
- (b) Every seven days after said thirty days have elapsed that the property owner continues to fail to remove, trim, or spray such tree(s) on private property is a new violation.
- (c) Certificate of Compliance Required. Any property owner ordered hereunder to remove, trim, or spray a tree on private property shall file a certificate of compliance with the City Forester within seven days after such ordered removal, trimming or spraying has been completed. The certificate of compliance shall be on forms provided by the City Forester. Failure of the property owner to file the certificate within the prescribed time is a violation of this chapter.
- (d) If a property owner fails to comply with orders under this chapter within 30 days, the City may, in addition to issuing citations or other remedies available to it, do the work necessary to remedy the violations and charge the cost of said work to the property owner as a special charge and said charges shall become a special tax and lien against said premises and, if not paid, shall be inserted by the City Clerk in the next ensuing

tax roll as a special tax against the premises and in addition, at the discretion of the City Manager, the costs may be collected by suit against the owner or occupant of the premises.

- (e) This subsection shall not create a duty for the City of Whitewater to inspect for dangerous trees or shrubs, or create a duty for the City of Whitewater to discover dangerous or diseased trees and shrubs and shall not be construed to hold the City of Whitewater or any of its officers, employees or agents, liable for any injuries or damages any party suffers related to dangerous or diseased trees or shrubs.
- (f) Appeals. Appeals from orders made hereunder may be made by filing written notice thereof with the City Clerk within five days after such order is received, stating in substance that appeal is being made from such order to the City Council. The Clerk shall thereupon call such appeal to the attention of the City Council at the next regular or special meeting, at which meeting the appellant and the City Forester may present evidence. Action taken by the City Council after such hearing shall be conclusive.

Ordinance introduced by Councilmember Winship, who moved its adoption. Seconded by Councilmember Bregant. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer. FIRST READING APPROVED: October 7, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE REZONING PROPERTY LOCATED AT 250-252 S. FOURTH STREET TO R-2A, RESIDENTIAL OVERLAY.**

**AN ORDINANCE IMPOSING THE R-2A  
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT  
ZONING CLASSIFICATION FOR CERTAIN PRPERTY  
IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>	
250-252 S. Fourth Street	/OT 00175	Aschebrenner

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

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

Ordinance introduced by Councilmember Bregant, who moved its adoption. Seconded by Councilmember Abbott. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer. ADOPTED: October 7, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE REZONING PROPERTY LOCATED AT 255 S. PRAIRIE ST. TO R-2A, RESIDENTIAL OVERLAY.**

**AN ORDINANCE IMPOSING THE R-2A  
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT  
ZONING CLASSIFICATION FOR CERTAIN PROPERTY  
IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>	
255 S. Prairie Street	/CL 00051	Maas

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

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

Ordinance introduced by Councilmember Bregant, who moved its adoption. Seconded by Councilmember Abbott. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer. ADOPTED: October 7, 2014.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**ELKHORN ROAD VENTURES PROPERTY PURCHASE (Intersection of Highway 12, Elkhorn Rd. and Bluff Rd., adjacent to roundabout).** City Attorney McDonell reported that negotiations with Walworth County are continuing for the City's purchase of the property previously owned by Elkhorn Road Ventures. Further details will be coming.

**STRAND ASSOCIATES TASK ORDER RELATING TO GEORGE STREET.** It was moved by Abbott and seconded by Bregant to approve a Task Order with Strand Associates, for a sum not to exceed \$95,200, for the purpose of completing design and bidding-related services for the George Street reconstruction improvements AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

**NEWCOMB/MILWAUKEE STREET JURISDICTIONAL OFFERS.** It was reported that the City has made offers to purchase for five parcels needed for the Wisconsin Department of Transportation project at the Milwaukee / Newcomb Street intersection. Jurisdictional Offers have been prepared, and if the recipients do not accept the offers within 20 days of their receipt, an Award of Damages will be signed by the City and submitted to the Walworth County Clerk of Courts. Property acquisitions are

anticipated to occur by the end of October. The City will be able to file for reimbursement for all property acquisition costs in November.

**DOWNTOWN WHITEWATER'S REQUEST TO CLOSE FIRST ST.** Downtown Whitewater submitted their annual request to close First St., from Main St. to North Street, on October 25<sup>th</sup>, 2014, from 1:00 – 8:00 p.m., for Trick or Treat on the Triangle. It was moved by Bregant and seconded by Abbott to approve the Street closure as requested. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

**2015 TAXI CAB GRANT (RIDE SHARE) SUBMISSION.** It was moved by Bregant and seconded by Kidd to approve the submission of the 2015 Taxi Cab Grant application. AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer.

**FUTURE AGENDA ITEMS.** Councilmember Bregant requested that discussion regarding the Enbridge pipeline resolution be brought forth. Councilmember Abbott requested an update on the Parking Summit project.

**EXECUTIVE SESSION.** It was moved by Binnie and seconded by Bregant to adjourn to closed session, **not to reconvene**, pursuant to Chapter 19.85(1)(f) “Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; **and** 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)(c) **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:** Consideration of matters related to the performance of a City employee and discussions related to city options and strategy related to the compensation and future employment of the employee.

AYES: Frawley, Abbott, Winship, Binnie, Bregant, Kidd. NOES: None. ABSENT: Singer. Being no further business to come before the regular portion of the meeting, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk