

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

May 5, 2015

The regular meeting of the Common Council was called to order at 6:30 p.m. MEMBERS PRESENT: Binnie, Abbott, Kidd, Singer. MEMBERS ABSENT: Stauffer, Grady. (As of opening of meeting, Councilmember seat for Aldermanic District 2 was vacant).

**APPOINTMENT OF COUNCILMEMBER, ALDERMANIC DISTRICT 2.** Stephanie Abbott, previous councilmember for AD 2, won the Aldermanic District 5 seat in the April election, thereby leaving a vacant position for Councilmember AD 2. One application to serve out the position was received from resident James Langness III. Langness resides at 1208 Carriage Drive and is a student at UW-W. Langness indicated he currently serves on UW-Whitewater student government, and has completed a great deal of volunteer work in the Walworth County District Attorney's office. Langness indicated his overall goal would be to improve the City of Whitewater in any way possible, and to make it a more attractive place for people to visit, live and learn. Langness indicated he was currently registered to vote in his home town of Lake Geneva, but would be registering in Whitewater. It was moved by Kidd and seconded by Binnie to appoint JAMES LANGNESS III to Councilmember, Aldermanic District 2, until April, 2016, at which time the seat will be on the ballot. AYES: Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Stauffer, Grady.

**SWEARING IN OF NEWLY-APPOINTED COUNCILMEMBER, AD 2, JAMES LANGNESS III.** Clerk Smith administered the Oath to newly-appointed councilmember, James Langness III.

It was moved by Binnie and seconded by Abbott to approve the Council minutes of April 9, 2015 and to acknowledge receipt and filing of the following: Irvin L. Young Memorial Library Board minutes of 3/16/15 and Police Department Consolidated Monthly Report of March, 2015. AYES: Binnie, Abbott, Kidd, Singer, Langness. NOES: None. ABSENT: Grady, Stauffer.

**APPROVAL OF PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Abbott to approve payment of city invoices in the total sum of \$37,948.48. AYES: Binnie, Abbott, Kidd, Singer, Langness. NOES: None. ABSENT: Grady, Stauffer.

**STAFF REPORTS:** City Councilmembers presented plaques honoring Whitewater High School's State Championships on the Math Team, the Basketball team, and the Swim team.

**CITIZEN COMMENTS.** Police Chief Otterbacher notified the public on the correct process to file a complaint against any Police Department member. Jason Kraayvonger presented a Petition asking the City to begin an investigation relating to Chief Otterbacher and unethical conduct involving her children.

**RESOLUTION APPROVING WITHDRAWAL FROM MID-WISCONSIN FEDERATED LIBRARY SYSTEM AND PARTNERING WITH WAUKESHA COUNTY FEDERATED LIBRARY SYSTEM.**

**Withdrawing from the Mid-Wisconsin Federated Library System and Partnering with the  
Waukesha County Federated Library System**

## Executive Summary

Jefferson County is currently a member of the Mid-Wisconsin Federated Library System, which consists of the counties of Jefferson, Dodge and Washington. In an effort to provide the citizens of Jefferson County with the best available library resources, the Jefferson County Library System Review Committee conducted a review of its current library system and also looked at what services and resources other library systems could provide. The review committee held question and answer sessions with Mid-Wisconsin Federated Library System and four adjacent library systems (South Central Library System, Arrowhead Library System, Lakeshores Library System, and Waukesha County Federated Library System). After completing this review, the Jefferson County Library System Review Committee made a recommendation that the Waukesha County Federated Library System would be the best option for Jefferson County. In order for Jefferson County to join the Waukesha County Federated Library System, it must withdraw its membership from the Mid-Wisconsin Federated Library System. This is accomplished with the approval of the governing bodies of participating municipalities that contain at least 80 percent of the population of county municipalities participating in the county library system. (s. 43.18(1)(ar) Wis. Stats.) This requires each participating municipality to pass a resolution indicating whether or not it approves of Jefferson County withdrawing from the Mid-Wisconsin Federated Library System and joining the Waukesha County Federated Library System. On March 17<sup>th</sup>, 2015, the Waukesha County Federated Library System unanimously approved making an offer to Jefferson County to develop a new federated library system between the two counties. This offer has been endorsed by the Jefferson County Library System Review Committee and the Jefferson County Library Board. The Jefferson County Board of Supervisors will hold a public hearing at its meeting on May 12<sup>th</sup> and take action at that time.

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WHEREAS, the City of Whitewater, through its membership in the Jefferson County Library Service, is currently a member of the Mid-Wisconsin Federated Library System, which consists of the counties of Jefferson, Dodge and Washington, and

WHEREAS, the Jefferson County municipalities that participate in the Mid-Wisconsin Federated Library System through the Jefferson County Library Service are Fort Atkinson, Jefferson, Johnson Creek, Lake Mills, Palmyra, Waterloo, Watertown and Whitewater, and

WHEREAS, the Jefferson County Library System Review Committee consisting of Jefferson County Library Board members and municipal librarians conducted a review of its current library system affiliation and also looked at what services other library systems could provide and the costs associated for such services, and

WHEREAS, the Jefferson County Library System Review Committee determined that joining the Waukesha County Federated Library System will provide the municipalities that are participating in the Jefferson County Library Service with the most cost effective and best available library resources, and

NOW THEREFORE, BE IT RESOLVED, that the City of Whitewater supports the participation in Waukesha County Federated Library System.

Resolution introduced by Councilmember Abbott, who moved its adoption. Seconded by Councilmember Binnie. AYES: Binnie, Abbott, Kidd, Singer, Langness. NOES: None. ABSENT: Stauffer, Grady. ADOPTED: May 5, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING ZONING MAP TO REZONE 1014 W. MAIN STREET TO R-3A.**

**SECOND READING OF AN ORDINANCE IMPOSING THE R-3A  
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-3A Residential Occupancy Overlay District Zoning classification (19.22) on the below property:

Section 1: The R-3A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

**Address**  
1014 W. Main Street

**Tax ID#**  
/WUP 173; /WUP 173A; WUP 173B  
Campus Edge Apartments, LLC – Ryan Hughes

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 Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer. ADOPTED: May 5, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING ZONING MAP TO R-3A FOR PROPERTY LOCATED AT 527, 531-533 AND 601 W. MAIN STREET.**

**SECOND READING OF AN ORDINANCE IMPOSING THE R-3A  
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Section 1: The R-3A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

Address

Tax ID#

527 W. Main;  
531-533 W. Main;  
601 W. Main

/WUP 242; /WUP 241; /WUP 240  
HSI Rentals LLC  
(Freiermuth)

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 Binnie, who moved its adoption. Seconded by Councilmember Abbott. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer. ADOPTED: May 5, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**CLASS “B” BEER LICENSE AND CLASS C WINE LICENSE FOR GARRET WITTERHOLT, LLC.** It was moved by Abbott and seconded by Binnie to approve a Class “B” Beer License and Class C Wine License for Garret Witterholt, upon completion of other requirements to obtain licenses, for the Taco Fresco restaurant, 175 W. Main Street. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer.

**CITY’S SPECIAL ASSESSMENT POLICY.** Assistant City Manager McDonell gave a detailed presentation relating to Whitewater’s special assessment policy and the history of charges for assessments. Discussion about eliminating certain special assessments occurred. Waiver of fees in hardship cases was also discussed. Consensus was to eliminate special assessments for sidewalks, but the elimination of curb and gutter assessments was not unanimous. It was noted that assessments should occur when there is a new development. It was agreed that the Assistant City Manager should bring back an actual special assessment resolution (at the 5/19/15 meeting). Final determination would be made then, when all councilmembers are present.

**PLEASANT STREET STORMWATER / WATER PROJECT.** Per Council approval on 10/21/14, Strand Associates was authorized to complete design, bidding and construction-related services for construction of storm water piping and added catch basins for the Pleasant Street and Melrose Street area. It was also determined that this project would be bid with the George Street project. Since the Task Order was approved, staff has directed Strand to include a water main looping project on Pleasant Street, which will increase the project cost by approximately \$40,000. Loops are encouraged because they ensure redundancy of water access for a resident during a water main break. It was moved by Binnie and seconded by Abbott to approve the specifications for the Pleasant Street project and authorize the project to go to bid. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Stauffer, Grady.

**SANITARY SEWER MAINTENANCE ACTIVITIES FOR 2015.** Wastewater Superintendent Reel presented information about Sanitary Sewer maintenance items. Included in the proposal was televising, manhole sealings and linings, and pressure test and seal. The cost estimate for 2015 is \$96,828.38. It was moved by Binnie and seconded by Abbott to approve the proposed 2015 sanitary sewer projects. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Stauffer, Grady.

**DISALLOWANCE OF CLAIM FILED BY PAULA KRAATZ FOR FALL NEAR PARKING PAD.** Paula Kraatz has filed a claim against the City in the sum of \$1,112.94 for loss incurred as a result of a fall due to a depression near the parking pad near Cravath Lakefront Park. The City's insurance carrier, Cities and Villages Mutual Insurance Company, has recommended denial of the claim filed by Kraatz. It was moved by Binnie and seconded by Kidd to deny the claim filed by Paula Kraatz related to her fall on 10/18/13. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer.

**APPOINTMENT OF CITIZEN MEMBERS TO BOARDS AND COMMISSIONS.** It was moved by Singer and seconded by Abbott to make the following citizen appointments to the following Boards and Commissions: Birge Fountain Committee – Dan Richardson; Urban Forestry Commission – Teri Smith; Library Board – Brienne Diebolt Brown. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Stauffer, Grady.

**FIRST QUARTER 2015 CITY FINANCIAL REPORT.** Finance Director Saubert presented an update on the City's first quarter, 2015 financial report. Some highlights of the report, which compared current activity with 2014 activity were: Ordinance violation revenue is \$27,613 higher in 2014. Saubert attributes the increase to participation in the State of Wisconsin Debt Collection service. Ambulance revenue is 25% higher than this point in 2014. Police patrol salaries are \$17,330 higher than last year, due to being fully staffed for the 1<sup>st</sup> quarter of 2015. The crossing guard program has been taken over by the School District, resulting in a change of \$9,307 in expenses so far. The Fire Department expenditures are higher due to the need for building repairs (door panels / overhead door openers); maintenance of vehicles, and positive trends in payroll and professional development. Communications / Dispatch expenses are higher due to payroll-related expenses. Planning expenses are higher due to timing of billings from vendors in 2014, plus expenses for title work in the business park.

**TRANSFER OF FUNDS TO THE LIBRARY FUND (REIMBURSEMENT OF RENTAL INCOME FOR LIBRARY PROPERTY).** It was moved by Binnie and seconded by Abbott to transfer \$46,781 from the City's contingency account to the Library account, in reimbursement of rent funds collected for the property at 413 W. Center Street, legally intended for the Library budget. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer.

**REQUEST FOR JOINT MEETING BETWEEN CDA AND COMMON COUNCIL TO DISCUSS TIF MATTERS.** City Manager Clapper indicated that a joint discussion between the CDA and the Council is needed, and that a Doodle meeting calendar schedule will be sent from his office so that a meeting can be set up. Councilmember Abbott expressed a desire to have the meeting held in early June vs. May.

**NATIONAL LEAGUE OF CITIES AND UTILITY SERVICE PARTNERS TO OFFER OPTIONAL INSURANCE COVERAGE ON WATER AND SEWER LATERALS ON PRIVATELY-OWNED REAL ESTATE.** Pat Tumilty of the National League of Cities and Utility Service Partners, Inc. ("USP") presented information about a service line warranty program which would provide residents with a service line insurance program. It was noted that many property owners are not aware that they are personally responsible for the costs of repairs to their water or sewer laterals. Most homeowner insurance plans omit service line coverage. This program would cover the insurance gap between the publicly owned infrastructure under

the street and the homeowner coverage of the home itself. The program comes at no cost to the City and is voluntary for residents. The initial rate for sanitary sewer line coverage is \$88 per year and the water line coverage is \$64 annually. USP will administer the marketing, claim management and billing for the program. The company would require that the City provide a letter, including the city logo, to to be distributed by USP to property owners explaining the program and the City's endorsement of it. It was moved by Binnie and seconded by Kidd to approve participation with USP on a non-royalty paying basis. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer.

**APPROVAL OF AGREEMENT WITH DONNA HENRY CONCERNING PECFA REMEDIAL ACTION FUND APPLICATIONS – EAST GATEWAY CONSTRUCTION PROJECT AND PROPERTY LOCATED AT 216 E. MAIN ST.** It was moved by Binnie and seconded by Abbott to approve an agreement with Donna Henry, relating to PECFA Remedial Action Fund applications with regard to the East Gateway construction project and property located at 216 E. Main Street. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Grady, Stauffer.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.** Councilmember Singer requested discussion on ordinances relating to alcohol in the parks. Singer also requested discussion about replacement of the existing phone used for council conference calls during meetings. Councilmember Abbott requested discussion regarding the parking summit / progress and expressed gratitude to Clerk Smith during Clerk's Week.

**ADJOURNMENT.** It was moved by Abbott and seconded by Binnie to adjourn the meeting. AYES: Langness, Binnie, Abbott, Kidd, Singer. NOES: None. ABSENT: Stauffer, Grady. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Michele R. Smith,  
Clerk