

**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 19, 2015

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Patrick Singer. MEMBERS PRESENT: James Langnes, Chris Grady, Lynn Binnie, Ken Kidd, Patrick Singer. MEMBERS ABSENT: Stephanie Abbott, Craig Stauffer. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Binnie and seconded by Grady to approve the Council Minutes of 4/21/15 and 5/5/15, and to acknowledge receipt and filing of the following: Parks and Recreation board Minutes of 4/14/15, Landmarks Commission Minutes of 4/2/15, Financial Reports for April, 2015, Report of Manually-Issued Checks for April, 2015, and Plan and Architectural Review Commission Minutes of 4/13/15.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Grady to approve payment of city invoices in the total sum of \$186,698.04. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

**STAFF REPORTS:** City Manager Cameron Clapper presented to Ken Kienbaum with Whitewater Landmarks Commission a Proclamation Declaring May as Historic Preservation Month and a Proclamation Declaring May as Wisconsin Archeology Month. Tami Brodnicki updated Council with Downtown Whitewater's quarterly report. Ken Kienbaum updated Council with Landmarks Commission 2014 activities.

**HEARING OF CITIZEN COMMENTS.** Jason Kravenger, a citizen of the City of Whitewater addressed WI Act 72 of 1995, which states that any ordinance regarding the sale or carrying of firearms cannot be made stricter than what WI Act 72 sets forth. Kravenger addressed City of Whitewater Ordinance No. 7.72.20, which states that no person shall go about the City armed with any concealed and dangerous weapons. This regulation shall not apply to any policeman or any other officer properly authorized to be so armed. Kravenger further addressed City of Whitewater Ordinance No. 7.72.040, which states that no person other than a peace officer may possess, place or transport in or on any vehicle or automobile any firearm, bow, or crossbow unless such bow or crossbow is unstrung or enclosed within a carrying case or firearm that is unloaded and enclosed within a carrying case. Kravenger stated that the State of Wisconsin does not have regulations for open carry, with the exception that a person needs to be at least 18 years of age. Kravenger also stated that a bow or crossbow does not need to be unstrung in your vehicle or crossbow and a firearm may also be in a gun rack and not encased. Kravenger urged Council to amend or repeal City of Whitewater Ordinances 7.72.20 and 7.72.040.

**RESOLUTION AMENDING SPECIAL ASSESSMENTS RESOLUTION.** Assistant City Manager Chris McDonell stated that at the May 5, 2015 Common Council meeting, there was discussion as to how to update the Special Assessments Policy dated April 15, 1986, further amended March 6, 1996. McDonnell stated at that Council meeting, Council recommended not assessing for steps, sidewalk, new pavement or driveway aprons and continue to assess for sanitary sewer extensions, water main extensions, sewage lift stations, force mains and new developments. Council further advised that a hardship program should be looked into which would include deferring payment for 5 years for low income households. Assistant City Manager McDonell

recommended that Council not apply a hardship program towards utility improvements because utility extensions/improvements are driven by development or a resident choice to connect into the sanitary or water system. A resident would not be assessed until hooked into the system. McDonnell further stated that the special assessment for the initial construction of curb and gutter needed to be addressed by Council. Council President Singer stated that curb and gutter is part of the street and that he would recommend striking the curb and gutter from the special assessment. It was moved by Binnie and seconded by Grady to approve the Special Assessments Resolution to remove curb and gutter and to add deferments for sanitary and water main extensions and other technical corrections as Council sees fit.

### SPECIAL ASSESSMENT RESOLUTION

Amending the Special Assessment Resolution of April 15, 1986; (further Amended March 6, 1996)

IT IS HEREBY RESOLVED BY the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that special assessments levied against property benefited by public works project shall be as follows:

Sanitary Sewer Extensions: Benefiting properties shall be assessed 100% of the city's cost, including manholes, but excepting that portion of the sewer within street intersections, provided that the long side of corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be distributed over the entire project. Provided further, that the additional cost of mains larger than eight inches shall be paid by the City and such oversizing costs may be assessed on a benefiting area-wide basis.

Watermain Extensions: Benefiting properties shall be assessed 100% of the city's cost, excepting hydrants and street intersections. Provided that the long side of the corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be paid by the utility. Provided further that the additional cost of mains larger than eight inches shall be paid by the utility.

Sewage Lift Stations and Force Mains Construction: Benefiting properties shall be assessed 50% of the city's cost. The cost to reconstruct or repair existing sewage lift stations and force mains shall not be assessed.

New Developments: For new Developments, the developer shall build, and pay for 100% of the costs of required public improvements, unless a different agreement is approved by the Common Council.

Hardships: The City shall defer the payment of special assessments for owner occupied homes in situations where the following criteria are met:

1. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the City Finance Director qualification for the deferment by presentation of a copy of their most recent federal tax return prior to the levying of the assessment. The State of Wisconsin Department of Housing and Urban Development Section 8 program income limits shall be used to determine qualification.
2. A property owner must qualify for this deferment at the time the council levies the initial assessment.
3. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.
4. Qualified low income persons shall have their assessment deferred for a period of five years from the date the first installment payment is due.

5. No interest shall accrue on assessments levied against a property during the period of deferment. Interest shall accrue on the unpaid balance of an assessment from the date upon which the property owner(s) cease being eligible for the deferment.
6. Deferment shall cease upon the expiration of the deferment period or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.
7. Hardship deferments are only applicable to special assessments relating to the construction of curb and gutter.

Estimated assessment shall be actual assessment. Any cost overruns shall be absorbed by the City. Any overestimates shall be reduced.

The City Council may, by majority vote, allow assessments for oversizing sanitary sewer on undeveloped land to be deferred until such time as use is made of the improvement.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Council member Grady.

AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.  
APPROVED: May 19, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING THE ZONING MAP TO ENACT AN ORDINANCE TO IMPOSE THE B-1 (COMMUNITY BUSINESS DISTRICT) ZONING CLASSIFICATION UNDER CHAPTER 19.27 FOR A PORTION OF THE PROPERTY LOCATED AT 896 S. JANESVILLE STREET (/WUP 00316E) FOR PROGRESSING PROPERTIES, LLC.**

FIRST READING OF AMENDING THE CITY OF WHITEWATER ZONING MAP  
AND ZONING CLASSIFICATION OF CERTAIN PROPERTY  
IN THE CITY OF WHITEWATER  
(896 SOUTH JANESVILLE STREET /WUP 00316E)

The Common Council of the city of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby amend the zoning classification of the below-described property as set forth herein.

Section 1: Pursuant to Whitewater Municipal Code 19.69, the below-described property is hereby rezoned to 19.27 (B-1 Community Business District).

<u>Address</u>	<u>Tax ID#</u>
896 South Janesville Street	/WUP 00316E

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 and seconded by Councilmember Grady, who moved its adoption. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer. FIRST READING APPROVED: May 19, 2015.

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

**APPROVAL OF AGREEMENT WITH WHITEWATER WIDEBAND, LLC RELATING TO USE OF CITY WATER TOWER SPACE SO AS TO PROVIDE WIFI IN CERTAIN LOCATIONS.**

City Manager Clapper explained that the Cravath Street water tower holds on top various antennas for various telecommunication firms and others that need that height to get their signals out throughout the community. Clapper stated that those companies pay rent monthly for that space. Clapper stated that the rents range between \$1,100 and \$3,000 per month, depending on the equipment that is put on the water tower. Clapper stated that on behalf of Downtown Whitewater, Whitewater Wideband, LLC is proposing to provide free internet access (WIFI) to portions of the downtown area which would include the Depot, Cravath Lakefront Park, and the Cravath Lakefront Center. Clapper stated that in exchange for the free WIFI service, the City of Whitewater would be providing space on the water tower at a significantly reduced rate of \$600 per month. Clapper further stated that if a competing internet service were to approach the City regarding the leasing of water tower space at a rate more consistent with previous rate levels, the City could require removal of Whitewater Wideband, LLC equipment in favor of a lease with another company at a higher monthly rate. Whitewater Wideband, LLC would have a time period to meet that rent increase or remove their equipment from the water tower. City Attorney Wally McDonnell confirmed the changes to the agreement. McDonnell also advised that the agreement with Whitewater Wideband, LLC is a test case with the hope that it could expand WIFI to the entire downtown area. Brian Madel, owner/operator of Whitewater Wideband, LLC, presented to Council information about his business and what it does. Councilmember Kidd inquired as to whether Whitewater Wideband, LLC could provide WIFI service to the Starin Park area. Madel advised that he would be able to provide WIFI service to that area if needed. It was moved by Binnie and seconded by Grady to approve the Agreement with Whitewater Wideband, LLC relating to use of City Water Tower Space so as to provide WIFI in certain locations. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer. APPROVED: May 19, 2015.

**JOHNSON BLOCK'S ANNUAL PRESENTATION TO CITY AUDIT (2014 AUDIT YEAR).**

Kevin Krynski from Johnson Block presented the City Audit Report for the 2014 audit year. It was requested by Councilmember Binnie to have City Finance Director Doug Saubert finalize the necessary paperwork for the City Manager, Assistant City Manager and City Clerk to be authorized City of Whitewater check signers.

**DONOHUE PRESENTATION REGARDING CITY RATE STUDY WITH REGARD TO THE NEW PROJECT AND REQUEST FOR APPROVAL OF METHODOLOGY RELATING TO RATE FORMULA.** Nathan Cassidy with Donohue and Associates gave an

overview as to the preliminary rate study relating to the proposed upgrades to the Wastewater Treatment facility. Cassidy stated that there are two separate categories for the calculation of the monthly service charge, one being a fixed monthly service charge and the second one being a volume charge. The Preliminary Study includes two options for the fixed monthly service charge. The first option is a fixed charge based on meter size and the second option is a single fixed charge for all users. Cassidy stated the City of Whitewater presently uses the first option. Councilmember Binnie inquired as to what other communities do. Wastewater Treatment Director Tim Reel stated that local communities were called and found that ten of those communities do it by meter size and six of those communities do it as a flat fixed rate. Cassidy further stated that the City of Whitewater has been working with the DNR on implementing a 2-year phased loan rate increase. Cassidy stated that an advantage of using this type of loan is that rate increases can be split up over multiple years as opposed to one year. Cassidy stated that a disadvantage would be that additional costs with funding application and bond counsel, and interest rates could change for the 2017 portion of the loan. City Manager Clapper said the loan would not be a 50/50 split and that it could be an 80/20 split depending on which job would be worked on in that time frame. It was moved by Binnie and seconded by Grady to approve the methodology relating to rate formula by using Option 1, a fixed charge based on meter size. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

**APPROVAL OF SPECIFICATIONS FOR DETENTION BASINS ON E. CLAY STREET, JAMES STREET AND MEADOWSWEET PARK AND AUTHORIZATION TO GO TO BID FOR SAME.** It was moved by Binnie and seconded by Kidd to approve specifications for detention basins on E. Clay Street, James Street and Meadowsweet Park and to go to bid for same. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

**APPOINTMENT OF COUNCIL REPRESENTATIVES TO OPEN BOARD AND COMMISSION SEATS (ALCOHOL LICENSING COMMITTEE AND LANDMARKS COMMISSION).** It was moved by Kidd and seconded by Binnie to appoint James Langnes as Councilmember representative to the Alcohol Licensing Committee and the Landmarks Commission. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

**APPROVAL OF CONTRACT WITH VALIA EXCAVATION LLC FOR STREAMBANK RESTORATION.** It was moved by Binnie and seconded by Langnes to approve contract with Valia Excavation LLC, in the amount of \$155,240.00 for stream bank restoration. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

**REQUEST FOR DIRECTION REGARDING PUBLIC REQUEST FOR NEW PARK AT THE INTERSECTION OF WALWORTH AND INDIAN MOUND PARKWAY.** City Attorney McDonnell advised that if you dedicate a roadway as a park, the roadway can remain closed and not be used for vehicle traffic. McDonnell stated that if the roadway is abandoned, the land could go to adjacent property owners and would no longer be a public right away. McDonnell stated that it may be in the City's best interest to turn the area into a dog-friendly and pedestrian-friendly designation without dedicating the area as a park and not lose the highway right away. It was moved by Binnie and seconded by Grady to continue research as to designating the roadway as a temporary recreation area without abandoning the roadway. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer.

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

**EXECUTIVE SESSION.** It was moved by Council President Singer and seconded by Councilmember Binnie to adjourn to closed session, ***NOT TO RECONVENE***, per Wisconsin Statutes 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 Agreement for Whitewater Aquatic Center. AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer. Being no further regular business to come before the City, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Teri Nowakowski,  
Deputy City Clerk

