

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

June 16, 2015

The regular meeting of the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, was called to order at 6:30 p.m. by Council Vice President Binnie. MEMBERS PRESENT: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Kidd and seconded by Abbott to acknowledge receipt and filing of the following: Financial Reports for May, 2015; Report of Manually-Issued Checks for May, 2015; Parks and Recreation Board Minutes of 5/12/2015; and Police Department Consolidated Monthly Report for April, 2015. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. NOES: None. ABSENT: Singer.

**APPROVAL OF PAYMENT OF CITY INVOICES.** It was moved by Kidd and seconded by Abbott to approve payment of city invoices in the total sum of \$60,550.87. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. NOES: None. ABSENT: Singer.

**STAFF REPORTS:** Rescue Squad Captain Todd Lindert gave a presentation on a “Lucas 2” device for assisting rescue patients with cardiac arrest. Funding came from the Hospital Fund money. Parks and Recreation Director Amundson gave a thorough report on Lakes management within the City. A detailed description of the report can be obtained by contacting the City Clerk.

**CITIZEN COMMENTS:** None.

**FIRST READING OF ORDINANCE RELATING TO “KEY LOCK BOX” INSTALLED  
ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSES.**

**FIRST READING OF AN ORDINANCE REQUIRING STRUCTURES TO HAVE A KEY  
LOCK BOX INSTALLED ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY  
PURPOSE**

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

SECTION 1. Whitewater Municipal Code Chapter 14.15 is hereby created to read as follows:

14.15.010	Declaration of Purpose
14.15.020	Key Lock Box System
14.15.030	Installation
14.15.040	Maintenance
14.15.050	Contents of Lock Box
14.15.060	Fire Department Responsibilities
14.15.070	Exceptions to Requirement to Install a Key Lock Box System
14.15.080	Penalties
14.15.090	Invalid Provisions

#### 14.15.010 Declaration of Purpose.

- a. The City of Whitewater, Wisconsin Common Council hereby determines that the health, safety, and welfare of the citizens of the City of Whitewater, Wisconsin are promoted and safeguarded by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the City of Whitewater, Wisconsin Fire Department to gain access to the structure when the same is not occupied or when the occupants are unable to grant ingress to the Fire Department.
- b. The key lock box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.
- c. This section will provide for effective fire protection by providing a method for rapid response entry into and throughout locked buildings in emergency situations where time may be of the essence.

#### 14.15.020 Key Lock Box System.

- d. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief.  
**Commercial and Industrial Structures.**  
**Multi-family-residential structures that have restricted access through locked doors but have a common corridor for access to the living units.**  
**Schools, whether public or private.**  
**Government structures and nursing care facilities**
- e. All new construction of structures listed above, and remodeling of structures listed above that are required to have a building permit issued, shall have a key lock box installed and operational, based on the discretion of the Fire Chief, prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section shall be encouraged to install a key lock box, but installation will not be mandatory.
- f. The type of key lock boxes to be implemented within the City of Whitewater, Wisconsin shall be subject to the approval of the Fire Chief.

#### 14.15.030 Installation.

- g. All lock boxes shall be installed on the lock side of the main business door.
- h. All lock boxes shall be flush or surface mounted between five (5) and seven (7) feet from the ground to the center of the entry if possible.
- i. In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height, the City of Whitewater Fire Chief may designate in writing a different location and installation specifications.
- j. All realty and/or property with an electronic security gate shall have the lock box installed outside of the gate.
- k. A window decal that is included when the lock box is delivered shall be placed on the exterior access door to alert the fire department that a key box is provided.
- l. The Fire Chief must approve any changes in the installation.

14.15.040 Maintenance. The operator of the building shall immediately notify the Fire Chief and provide the new keys when a lock box key is changed or rekeyed. The key to such lock box shall be secured in the lock box.

14.15.050 Contents of Lock Box. The contents of the lock box shall be as follows:

- m. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.
- n. Keys to all mechanical rooms.
- o. Keys to all locked electrical rooms.
- p. Keys to elevator and their control rooms.
- q. Keys to the Fire Alarm panels.
- r. Keys (special) to re-set pull stations or other Fire Protective devices.
- s. Keys to any other areas as requested by the Fire Chief.

#### 14.15.060 Fire Department Responsibilities.

- t. No fire department personnel shall carry a lock box key.
- u. All lock box access keys shall be installed in a lock box Key Secure system installed in the Fire Apparatus.

14.15.070 Exceptions To Requirement To Install A Key Lock Box System. The following structures are encouraged to, but are exempt from the mandate to install a key lock box system:

- v. Single family structures and multi-family structures that do not meet the definition set forth in Section 14.15.20.
- w. Structures that have 24 hour, 365 day on-site security personnel, or have other personnel on site.
- x. Businesses that are open and staffed 24 hours, 365 days per year (which may include but are not limited to, Nursing Homes, Hospitals, Police Stations. etc.).

- y. Rental storage facilities where there is a single lock on the separate storage pods provided, however, the entry security gates(s) will require a lock box if electronically controlled, or locked, with a master key issued by the landlord to all tenants.

**14.15.080 Penalties.** The penalty for any person, entity or corporation who has violated any provisions of this ordinance or who has failed to comply with any order issued by Fire Chief, or his designee, or has failed to comply with any order issued pursuant to any section thereof shall, upon conviction before the proper judicial authority, pay a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) per day for each violation, together with cost of prosecution. Each day a violation continues shall be considered a separate offense.

**15.15.090 Invalid Provisions.** If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of the same contained in this Ordinance. It is hereby declared as the intent of City of Whitewater, Wisconsin Common Council that this Ordinance would have been adopted even if such unconstitutionality, illegality or invalid sentence, clause or section or part thereof had not been included therein.

Ordinance introduced by Councilmember Kidd, who moved its adoption. Seconded by Councilmember Grady. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None. FIRST READING APPROVED: June 16, 2015.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING CHAPTER 1.21, SCHEDULE OF DEPOSITS, TO INCORPORATE KEY LOCK BOX PENALTIES INTO MUNICIPAL CODE.**

**AN ORDINANCE AMENDING SECTION 1.21.010  
SCHEDULE OF DEPOSITS**

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

SECTION 1. Whitewater Municipal Code Section 1.21.010 is hereby amended adding the following:

CHAPTER OR SECTION NUMBER	OFFENSE	DEPOSITS AND COSTS
14.15	Violation of fire lock box ordinance	1 <sup>st</sup> offense - \$100 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment  2 <sup>nd</sup> offense - \$150 plus statutory penalty assessment, jail assessment, court costs and crime lab

assessment

SECTION 2. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Kidd, who moved its adoption. Seconded by Councilmember Grady. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. NOES: None. ABSENT: Singer. FIRST READING APPROVED: June 16, 2015.

Cameron L. Clapper, City Manager

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**CLOSURE OF PORTION OF FIRST STREET ON 8/1/15.** It was moved by Kidd and seconded by Abbott to approve the annual request from the Chamber of Commerce for closure of First Street, from Center to Main Streets, on August 1, 2015 from 10:00 a.m. – 3:00 p.m. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**4<sup>TH</sup> OF JULY COMMITTEE STREET CLOSURE REQUEST.** It was moved by Kidd and seconded by Abbott to approve the 4<sup>th</sup> of July Committee's annual request for closure of streets (Whitewater and Fremont Streets) at various times commencing July 28, 2015 through July 5, 2015. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**APPROVAL OF CONTRACT WITH RR WALTON FOR BLOOMINGFIELD ACRES, CLAY STREET AND JAMES STREET DETENTION BASINS.** Bids were received for the detention basin projects located at Bloomingfield Acres and on Clay and James Street. Assistant City Manager McDonell indicated that the City has secured a DNR Urban Nonpoint Source and Stormwater grant for the projects – the grant for the Bloomingfield Acres and East Clay Street basins will cover 50% of the costs up to \$102,000, and the James Street basin grant will cover 50% of the costs up to \$93,100. It was moved by Abbott and seconded by Grady to approve a contract with RR Walton of Whitewater, Wisconsin, in the total sum of \$299,822.20 to complete the detention basin projects for Bloomingfield Acres, Clay Street and James Street. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. NOES: None. ABSENT: Singer.

**APPROVAL OF CONTRACT FOR CRAVATH LAKE BOAT LAUNCH.** Parks and Recreation Director Amundson stated that Strand Associates completed a design and probable cost of construction figure for the project. RR Walton of Whitewater, Wisconsin submitted the low bid of \$42,651. Amundson indicated that the Capital Improvement Plan includes funds for the project. It was moved by Grady and seconded by Abbott to approve the contract with RR Walton of Whitewater in the sum of \$42,561. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. NOES: None. ABSENT: Singer.

**2016 BUDGET CALENDAR UPDATE.** City Manager Clapper presented an updated 2016 budget timeline. Clapper indicated that in order to meet the goals and objectives of strategic planning sessions within each Department, Clapper has been meeting with City Departments. Clapper recommended that a workshop meeting / council retreat be set for July 21, 2015. Further information will be coming.

**CAPITAL IMPROVEMENT PLAN UPDATE.** Assistant City Manager McDonell presented the proposed Capital Improvement Plan ("CIP"). Updates to the 2015 CIP include the reduction in the price of a Scanner / Plotter for the Neighborhood Services (NS) Department, as well as

using some funds previously assigned to contracting out scanning work for the NS Department, to instead be used to fund an intern to complete some of the projects in house. The Starin Park Community building siding replacement and furnace replacement projects are underway or completed, and scheduling is underway to sand and repaint the Armory gym floor. It was noted that local historian Kori Oberle has donated her services to develop a program that is being reviewed by the Landmarks Commission and Friends of the Effigy Mounds before going to the Parks and Recreation Board. Pricing needs to be obtained for Skyway Park playground conversion, and Cravath Lakefront boat launch upgrades are scheduled for approval later in the meeting. Priorities for the Street projects were proposed as follows: 2016 - George Street; 2015 - Franklin and Ann Street; 2016 – Center St. (Franklin to Summit); 2017 - Clay Street (Dann to Esterly and Esterly to roundabout); 2017 - Esterly St. (Milwaukee to Clay); and 2020 - Milwaukee St. (Newcomb to roundabout) and Milwaukee St. (Milwaukee & Newcomb intersection).

**STRAND ASSOCIATES TASK ORDER FOR CENTER STREET PROJECT.** By consensus, it was agreed to defer action on this task order and to ask Strand to include engineering services for storm water improvements on Boone Court.

**CONTRACT WITH RIEDL & SON FOR STARIN PARK COMMUNITY BUILDING SIDING REPLACEMENT.** It was moved by Grady and seconded by Abbott to approve the estimate submitted by Riedl & Son of Fort Atkinson, Wisconsin, in the sum of \$22,306.82 for Community Building vinyl siding and gutter replacement. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**CONTRACT FOR DESIGN OF ARMORY RAMP AND STAIRS.** Parks and Recreation Director Amundson presented schematics of the armory ramp and stair project. It was moved by Abbott and seconded by Stauffer to approve the design proposed for the stairs and authorized the City to go to bid for the project. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**POLICE DEPARTMENT RADIO PURCHASE.** City Planner Munz-Pritchard requested approval of the purchase of a Kenwood mobile radio to be used in the CSO / NSO vehicle. It was moved by Stauffer and seconded by Grady to authorize the purchase of a Kenwood mobile radio at a cost of \$2,075.25, to be funded through the contingency account. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**APPROVAL OF 2015-16 ALCOHOL LICENSES.** It was moved by Kidd and seconded by Abbott to approve the following Alcohol Licenses for the 2015-16 Licensing year:

**Class “B” Beer:** Pizza Hut, Laura Coder, Agent; Rocky Roccoco, Kenneth Dahnert, Agent.

**“Class B” Beer and Liquor:** Karina’s Mexican Restaurant, Clara F. Rocha, Agent; Rocha’s Waterfront – Ramon Rocha, Agent; Second Salem Brewing Company, Christ Christon, Agent; Tokyo Restaurant, En Zheng, Agent.

**Wholesale Beer:** Randy’s Fun Hunter’s Brewery, Patricia Cruse, Agent.

AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS:** Councilmember Grady requested that a discussion on street closure for a block party for the Starin Park Historic Neighborhood be discussed.

**EXECUTIVE SESSION.** It was moved by Binnie and seconded by Abbott to Adjourn to Closed Session, **TO RECONVENE 15 MINUTES AFTER GOING INTO CLOSED SESSION,** pursuant to 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 with Whitewater Fire Department. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**RECONVENE INTO OPEN SESSION.** At 8:20 p.m., the Common Council reconvened into open session.

**WHITEWATER FIRE DEPARTMENT INTERIM AGREEMENT.** City Manager Clapper indicated that the Fire Department has been meeting with the City for several months, and that the Whitewater Fire / Rescue Task Force assisted in establishing an agreement between the City and the Fire Department. The agreement is intended to serve as an interim agreement that will expire in March, 2016, at which time a new agreement will be established. The 2016 agreement will be a more detailed, multi-year agreement. Clapper indicated that the addition of a new pay structure for all divisions of the Fire Department will include an *hourly rate of pay* for firefighters as opposed to the \$8 *per call* previously paid. A budget impact of approximately \$21,565 per year will commence in 2016. The 2015 contract, signed in mid-year, will be substantially less in cost, and will be funded through contingencies. It was moved by Kidd and seconded by Langnes to approve the Interim Agreement between the Whitewater Fire Department and the City of Whitewater. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None.

**ADJOURNMENT.** It was moved by Grady and seconded by Langnes to adjourn the meeting. AYES: Stauffer, Langnes, Grady, Binnie, Abbott, Kidd. ABSENT: Singer. NOES: None. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Michele R. Smith, Clerk