

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

February 2, 2021

The regular meeting of the Common Council was called to order at 6:40 p.m. by Council President Binnie. MEMBERS PRESENT: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Allen and seconded by Schulgit to approve the Council minutes of 12/15/20 and to acknowledge receipt and filing of the Irvin L. Young Memorial Library Board minutes of 12/21/20; the Finance Committee minutes of 12/10/20; and the Parks and Recreation Board Minutes of 12/16/20. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

**CITY MANAGER REPORT.** City Manager Clapper announced that the Neighborhood Services position recruitment process is underway. He mentioned that two applicants have been selected for interviews to be held later in February. Clapper indicated the Streets Department is busy with snow cleaning. Clapper reported that the city uses a 23.3% solution of salt brine on the Streets before a forecasted storm. Clapper reminded citizens to clear sidewalks. Clapper also stated that the Lake drawdown project has a revised timeline. There will be a community meeting later in February (virtual meeting).

**STAFF REPORTS:** WHITEWATER ARTS ALLIANCE – Kristin Burton and Megan Matthews reported on activities of the Arts Alliance, including the creation of special hours and You Tube videos to allow the organization to stay open in a safe manner.

**CITIZEN COMMENTS:** None.

**RESOLUTION AUTHORIZING THE REDEMPTION OF THE CITY'S TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS (BUILD AMERICA BONDS – DIRECT PAYMENT) DATED FEBRUARY 8, 2010.** Finance Director Hatton indicated that the City has the opportunity to call the bond issued by TID 4 in 2010. Hatton explained that there will be adequate fund balance and revenue to retire the debt in the distressed TID eight years earlier than scheduled. Hatton indicated that the amortization runs through 2029, but that a call option can be exercised, allowing the City to pay the borrowing off early. This will result in a \$60,000 interest savings this year, and will allow other changes with the districts. The districts can be either retired or new district(s) can be created. Hatton explained that adoption of the Resolution is the initial step to enable another action. Hatton explained that extending the TIF would create an opportunity to assist with construction of affordable housing. Hatton indicated that a discussion about options will take place at the February 18<sup>th</sup> council meeting. The Council will be asked on March 16 to take action to extend the TIF, thereby assisting with construction of affordable housing in Whitewater. Plans are for a Joint Review Board meeting to be held on April 29, 2021, where a plan for new TIF districts will be presented. Concerns about having adequate time to complete all of this on the schedule presented were raised, but city staff felt confident they could meet the deadlines.

RESOLUTION AUTHORIZING THE REDEMPTION OF  
THE CITY'S TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT

BONDS (BUILD AMERICA BONDS - DIRECT PAYMENT),  
DATED FEBRUARY 9, 2010

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") has issued its Taxable General Obligation Community Development Bonds (Build America Bonds - Direct Payment), dated February 9, 2010 (the "2010 Bonds"); and

WHEREAS, the outstanding 2010 Bonds are currently callable; and

WHEREAS, the City Council has determined that it is necessary and desirable to apply funds on hand from Tax Incremental District No. 4 and funds on hand (to the extent necessary) to redeem the 2010 Bonds on March 8, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that:

Section 1. Call of the 2010 Bonds. The 2010 Bonds shall be called for redemption on March 8, 2021, at the price of par plus accrued interest to the date of redemption. The City shall provide sufficient funds for such redemption to Associated Trust Company, National Association, the fiscal agent of the City with respect to the 2010 Bonds (the "Fiscal Agent") prior to March 8, 2021.

Section 2. Call Notice to Depository. The City Clerk, in conjunction with Ehlers & Associates, Inc. ("Ehlers"), shall direct the Fiscal Agent to cause timely notice of the call of the 2010 Bonds to be given by providing a notice thereof, in substantially the form attached hereto as Exhibit A, by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the registered owner at least thirty days nor more than sixty days prior to March 8, 2021.

Section 3. Additional Notice. In addition to the official notice of redemption provided for in Section 2, the City Clerk, in conjunction with Ehlers and the Fiscal Agent, shall cause further notice of the redemption of the 2010 Bonds to be provided to the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access System. Further notices of redemption shall contain the information set forth in the Notice of Call provided on Exhibit A.

Adopted and recorded this 2nd day of February, 2021.

Cameron L. Clapper, City Manager

ATTEST: Michele Smith, City Clerk

EXHIBIT A

NOTICE OF FULL CALL\*

CITY OF WHITEWATER  
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN

TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS  
(BUILD AMERICA BONDS - DIRECT PAYMENT)  
DATED FEBRUARY 9, 2010

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called for prior payment on March 8, 2021 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
12/01/2021	\$195,000	5.00%	966204KB4
12/01/2022	205,000	5.10	966204KC2
12/01/2023	210,000	5.25	966204KD0
12/01/2024	220,000	5.40	966204KE8
12/01/2025	230,000	5.55	966204KF5
12/01/2026	235,000	5.70	966204KG3
12/01/2027	245,000	5.80	966204KH1
12/01/2028	255,000	6.00	966204KJ7
12/01/2029	265,000	6.05	966204KK4

Upon presentation and surrender of said Bonds to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Bonds, the registered owners thereof will be paid the principal amount of the Bonds plus accrued interest to the date of prepayment.

Said Bonds will cease to bear interest on March 8, 2021.

By Order of the  
City Council  
City of Whitewater  
City Clerk

**RESOLUTION ADOPTING 2020 BUDGET AMENDMENT 2.** Finance Director Hatton explained that at year end (2020), the City anticipates a balance of around \$205,000. Approximately \$120,000 of those funds are proposed to be reallocated among several special purpose sinking funds designated for specific purposes. The remaining approximately \$94,000 would remain in the general fund as unassigned fund balance, which will improve liquidity and the City's credit profile.

2020  
BUDGET AMENDMENT RESOLUTION NO 2

WHEREAS, the Common Council of the City of Whitewater adopted a Budget Resolution for 2020 on November 19, 2019, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, it is anticipated that the 2020 General Fund Budget year will result in a surplus of revenues over expenditures, additional transfers to special revenue funds are beneficial to the City's financial planning;

AND WHEREAS, several items have been identified that require correction;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

Account	Description	Original Budget Value	Amended Budget Value	Change (\$)	Comment
100-59220-926	TRANS TO FD 216 PD VEHICLE REV	45,000.00	95,000.00	50,000.00	To enable replacement of one squad car in 2021
216-43355-52	GENERAL FUND TRANSFER	45,000.00)	(95,000.00)	(50,000.00)	To reflect increased transfer from General Fund
100-59220-918	TRANS TO FD 230 RECYCLING	397,890.00	407,890.00	10,000.00	To adjust for recycling rate increase in 2020 and improve Fund Balance
230-43355-53	GENERAL FUND TRANSFER	(397,890.00)	(407,890.00)	(10,000.00)	To reflect increased transfer from General Fund
100-59220-913	TRANS IN/OUT-OTHER FUNDS	-	8,500.00	8,500.00	To improve Fund 248 Fund Balance
248-43355-53	GENERAL FUND TRANSFER	-	(8,500.00)	(8,500.00)	To reflect transfer from General Fund
100-59230-990	TRANS TO FD 300 DEBT SERVICE	29,607.12	970,286.75	40,679.63	To improve Fund 300 Fund Balnce
300-49290-00	TRANSFER FROM GENERAL FUND	-	(40,679.63)	(40,679.63)	To reflect transfer from General Fund
100-59240-945	TRANS TO FD 452 BIRGE FOUNTAIN	1,000.00	2,500.00	1,500.00	To improve Fund 452 Fund Balnce
452-43355-57	GENERAL FUND TRANSFER	(1,000.00)	(2,500.00)	(1,500.00)	To reflect increased transfer from General Fund
200-43355-55	TRANSFER FROM OTHER FUNDS	-	23,000.00	23,000.00	To correct omitted receipt of Fund 900 transfer
440-41320-57	PILOT/DEVELOPER'S AGREEMENTS	32,171.00	18,751.00	(13,420.00)	To correct transposed values in 2020 Amendment #1
		<u>61,778.12</u>	<u>971,358.12</u>	<u>9,580.00</u>	

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember Allen who moved its adoption. Seconded by: Singer.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: February 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF AN ORDINANCE PROHIBITING SMOKING AND VAPING IN CITY PARKS.** Councilmember Schulgit introduced the proposed ordinance, indicating benefits of adoption. Schulgit indicated that adoption of the ordinance will assist those with weakened lungs and other respiratory issues. Councilmember Allen agreed that people should not smoke, but believes the proposed ordinance is unenforceable. Allen noted that dogs are not allowed in Cravath Lakefront Park, and yet they are there. Councilmember McCormick indicated that the proposed ordinance had come up

previously and the Parks and Recreation Board overwhelmingly wanted this passed. McCormick does have concerns, however, that at this point in time, adoption of this ordinance could be viewed as another government overreach. McCormick indicated that maybe this proposal would be better received in the future. Mentioned were the opportunities to prohibit smoking in only specific areas, such as the children's playground. Councilmember Brown does not believe things have changed since the ordinance was brought forth two years ago. She suggested that signage be erected encouraging adults to refrain from smoking in the Park. Schulgit responded that residue from smoke can persist for days and this is an area of concern to public health. Councilmember Singer agreed the ordinance is not enforceable. Councilmember Binnie mentioned that smoking is prohibited in the Treyton's Field area of Starin Park. Binnie indicated that the City has nineteen parks, and if signage was erected in all parks, it could detract from the welcoming atmosphere the City desires. Councilmember Brown would be willing to revisit the ordinance if it was more specific. Whitewater Student Government President Will Hinz indicated that a similar proposal was reviewed on campus. Will indicated that veterans sometimes use smoking to cope, and they wanted to be inclusive of their experience. Schulgit confirmed that his intent was merely for health reasons. City Manager Clapper indicated that his view revolves around public health concerns, and he would be supportive of the elimination of cigarette smoking in the parks. He believes there is nothing good in cigarettes and even though for some it is a coping mechanism, it is self-destructive. He mentioned the possibility of signage next to bleachers or dug outs to discourage people from smoking in those spaces. Parks and Recreation Director Boettcher acknowledged that this proposal was discussed previously, and the Parks and Recreation Board was supportive of adopting the ordinance. Boettcher noted that there is no smoking on school property. Boettcher understands both sides of the issue. Boettcher indicated that a POLCO survey was completed the last time this ordinance was brought forth, and the respondents were overwhelmingly not in support of the ordinance.

**SECOND READING OF ORDINANCE AMENDING SECTION 2.52.030 REGARDING TERM LIMITS ON THE PARKS AND RECREATION BOARD.**

ORDINANCE No. 2017A  
SECOND READING OF AN ORDINANCE AMENDING SECTION 2.52.030 -  
REGARDING TERM LIMITS ON THE PARKS AND  
RECREATION BOARD

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

SECTION 1. Whitewater Municipal Code Chapter 2.52, Section 2.52.030 is hereby amended by deleting the following language:

Citizen members shall be limited to three consecutive terms and cannot be reappointed as a board member until one three-year term has elapsed.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Schulgit. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: February 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**SECOND READING OF ORDINANCE AMENDING SECTION 2.12.011 REGARDING TERM LIMITS.**

ORDINANCE No. 2018A  
SECOND READING OF AN ORDINANCE AMENDING SECTION 2.12.011 -  
REGARDING TERM LIMITS

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

SECTION 1. Whitewater Municipal Code Chapter 2.12, Section 2.12.011 is hereby amended to read as follows:

**Chapter 2.12.011 – Appointment of boards, commission and committee members.**

- (c) Unless otherwise specified by city ordinance or state statutes, no member of a board, committee or commission shall serve more than two consecutive 5-year terms or two consecutive 4-year terms or three consecutive 3-year terms as applicable for that board, committee or commission. An incumbent may continue to serve beyond this period, until their replacement has been duly appointed. An appointment to fill a partial term shall not count in the limits specified above.

Unless otherwise specified by city ordinance or state statutes, an individual who has been replaced as a result of the maximum service limits shall be eligible for reappointment after they have been off the board, committee or commission for a minimum of one year. This subsection shall not apply to the City Council.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Schulgit. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: February 2, 2021.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**HOLDING CITY COUNCIL MEETINGS VIRTUALLY VS. IN PERSON.** Councilmember Binnie expressed concern about the new virus variants beginning to spread and he believes it would be wise to continue meeting virtually, especially since the variants have reached Wisconsin. Councilmember Allen believes spacing would be adequate if the group met at the Innovation Center. Majkrzak indicated that the virus numbers are improving, but does not believe it is time to “let off the gas” yet. Council agreed that all city meetings should continue to be virtual.

**BIRD RIDES, INC. ELECTRIC SCOOTER RENTALS WITHIN CITY.** City Manager Clapper requested removal of the item from the Agenda. Clapper is entertaining a proposal from the company, but wants to be sure all concerns are resolved internally prior to discussing at the Council level. No further action or discussion took place.

**FUTURE REQUESTS:** Councilmember McCormick suggested that a POLCO question regarding virtual meetings be presented to the public, and to include a hybrid option in the question. Councilmember Allen reminded staff that he had previously asked for discussion of a Library staff pay increase, but he would now like to include discussion of the addition of a paid holiday for the Library staff. McCormick – would it be worth using POLCO to see whether the public would like us to go hybrid. Councilmember Allen also requested discussion regarding the work at home policy for city employees. Councilmember Schulgit requested that POLCO questions relating to smoking prohibitions on playgrounds be pursued, as well as a question relating to installation of signage discouraging smoking in parks.

**EXECUTIVE SESSION.** It was moved by Binnie and seconded by Allen to adjourn to Closed Session, NOT TO RECONVENE, 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.” Item to be Discussed: Annual City Manager Performance Evaluation. The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Michele R. Smith, Clerk