

**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 7, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Smith. MEMBERS PRESENT: McCormick, Allen, Smith, Majkrzak, Gerber, Brown, Schreiber. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Majkrzak and seconded by McCormick to approve the Council Minutes of 1/17/23 and to acknowledge receipt and filing of the CDA Minutes of 12/15/22; Finance Committee Minutes of 10/11/22, 10/13/22 and 11/22/22; Library Board Minutes of 12/19/22; Park and Recreation Board Minutes of 11/16/22; and Police and Fire Commission Minutes of 11/16/22. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

**CITY MANAGER REPORT.** City Manager Weidl highlighted events in the City including a proclamation honoring Kathy Meyer for 40+ years of service to the City. During those years, her responsibilities included serving as Deputy Clerk and handling absentee voting. Public Works projects, employment hirings and openings, library programs, yard signs, parks and recreation programs, and police lunch at Lakeview Elementary School were also mentioned.

**STAFF REPORTS.** **Update on Water Rate Case** – Finance Director Steve Hatton stated that the City submitted a rate case to the Public Service Commission last year. The public hearing occurred on January 26, 2023, and a ruling on the request should be coming soon. The PSC determines what the final rate will be, but it is anticipated there will be a 30 % increase in water rates. For the average customer that uses 3000 gallons per month, the increase would be \$7.27 per month. Councilmember Gerber asked if the information about the rate increase was included in the information sheets that were included with the real estate tax bills. Hatton indicated that the information was posted on the website, published in the newspaper, and included on the water bills, but not included on the tax bill flyers.

**HEARING OF CITIZEN COMMENTS.** Resident Jeff Knight of 405 Panther Court indicated that he is a member of the Whitewater Aquatic and Fitness Center (WAFC). He has heard talk amongst school employees about “shutting down” or “repurposing” the aquatic and fitness center (“WAFC”), and he expressed concern that this was being done without public knowledge. Knight encouraged open dialogue instead of private discussions. He believes lack of transparency hurts morale and membership. He would like to see the Council reach out to citizens and members regarding the WAFC. Knight thinks that if the School District and City had met the annual inflationary increases in their payments, much of the deferred maintenance would have been completed, and there wouldn’t be such a funding problem. He stated that he heard that the operating agreement between the City and School District has been lapsed for two years and his opinion is that this is responsible management. Knight would like to know how much ARPA money from the City went to the WAFC. He would like to see the Council speed up and prioritize a resolution to the issues at the WAFC.

**RESCINDING REAL ESTATE TAXES ERRONEOUSLY CHARGED TO ANCHOR BIBLE CHURCH ON PUTNAM STREET.**

**RESOLUTION RESCINDING PROPERTY TAX CONCERNING ANCHOR BIBLE CHURCH TAX ID NUMBER /HA 00008**

**WHEREAS**, the property of Anchor Bible Church was inadvertently assessed a real estate tax for the 2022 tax year on Tax Parcel ID Number /HA 00008, and

**WHEREAS**, the assessment was made in error because the property is exempt from taxation, and

**WHEREAS**, it is appropriate to correct said error under the procedures set forth in Wisconsin Statute 74.33(1)(c).

Now, therefore, **BE IT RESOLVED** that the City of Whitewater hereby rescinds the real estate tax assessed to Anchor Bible Church Tax Parcel ID Number /HA 00008.

Resolution introduced by Councilmember Majkrzak, who moved its adoption. Seconded by Councilmember McCormick. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Gerber, Allen. NOES: None. ABSENT: None.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

**REQUEST FOR ADOPTION OF 2022 BUDGET AMENDMENT NO. 2.** Finance Director Hatton stated that there are year-end entries that are completed annually, and any anticipated surplus may be apportioned to help pay for future needs. Councilmember Smith stated that \$180,000 of interest income was more than was forecasted due to the rising interest rates. Smith asked Hatton to elaborate on the blanket amount in Fund 450, Project Funds. Finance Director Hatton stated that \$25,000 is slated for the Effigy Mounds Park maintenance; \$10,000 is planned for strategic planning ; and the balance is for planned for cybersecurity.

2022  
BUDGET AMENDMENT RESOLUTION NO 2

**WHEREAS**, the Common Council of the City of Whitewater adopted a Budget Resolution for 2022 on November 16, 2021, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

**AND WHEREAS**, anticipated revenues and expenditures are anticipated to result in a surplus for the 2022 fiscal year;

**AND WHEREAS**, assigning a portion of the anticipated surplus for future needs is consistent with sound financial planning;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following changes to budgeted revenues and expenditures are authorized:

Targeted Transfers of 2022 Surplus	Targeted Transfer 2023	Budgeted Transfer 2023A	Est. 2023 Fund Balance 2023A	Proposed 2022 Transfer 2023A	Comment
260 - Sick Leave Severance Fund	55,000	55,000	(18,888)	18,888	Correct projected 2023 deficit fund balance
216 - PD Vehicle Fund	60,000	38,270	13,923	21,730	Achieve target 2023 funding
217 - Building Repair Fund	25,000	15,000	34,419	10,000	Achieve target 2023 funding
280 - Street Maintenance Fund	185,000	8,035	137,819	176,965	Achieve target 2023 funding
214 - Elections Fund	25,000	25,000	(5,926)	5,926	Correct deficit fund balance
220 - Library Fund	485,000	470,000	427,117	15,000	Achieve target 2023 funding
450 - Projects Fund	50,000	-	53,887	46,491	Effigy Mounds, Strategic Planning, Cyber Security
295 - PD Trust	-	-	101,673	5,000	Immigration Legal support
	1,512,000	1,418,180		300,000	

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 Councilmember Schreiber. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Dawsey Smith. NOES: None. ABSENT: None. ADOPTED; February 7, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

**RESOLUTION ENDING THE USE OF THE CITY OF WHITEWATER EMPLOYEE MANUAL IN CITY OF WHITEWATER GOVERNMENT.** City Attorney McDonell stated that adoption of the Resolution would end the use of the manual as a city document, in conjunction with adoption of the ordinance repealing the employee manual. Councilmember Gerber stated that in the manual it states that Council is the authority to approve any policy changes. Gerber continued by stating that if the manual were rescinded, the Council would no longer have to approve any policy changes in the to-be-adopted policies, which are in an electronic format. Attorney Wallace McDonell stated that it is up to the Council as to what level of involvement they want to have in policy adoption. He stated he believes that City Manager Weidl is attempting to get control over the policies and each one will need to be looked at to see how the Council will be involved in creating it or approving it. McDonell said that City Manager Weidl will need to speak to what the expectation is in managing policies from the time of the employee manual being repealed.

Councilmember Gerber stated that the communications policy was added to the existing proposed policies (electronic version), but was never included or approved for inclusion in the Employee Handbook (paper version). Gerber indicated it was her understanding that the new policies would be active effective tomorrow if this were approved, even though the Council didn't actually approve it.

City Attorney McDonell responded that the implementation would depend on whether Weidl implemented the policy in his administrative capacity. McDonell did confirm that the Council can weigh in and decide how deep they want to get involved with the policies. McDonell said that he can't speak to what policies are in effect and which aren't.

**Gerber moved to postpone this item indefinitely, until the Council decides they want to bring it back. Allen seconded the motion.** Allen stated that he has asked on numerous occasions if everything in

the Employee Handbook (paper copy) is in the Policies (electronic copy). Allen indicated he has not received a clear answer. Councilmember Allen said that Council has given some specific direction on policy, and repealing the Employee manual could allow the City Manager to change policy that the Council may not agree should be changed. Councilmember Allen would like this matter to slow down so that there is an understanding of both sides of the rules. Allen indicated he would be receptive to having some of this work done by a subcommittee.

City Manager Weidl stated that he would like this and the accompanying ordinance to be adopted, and to subsequently move on to the discussion and adoption of the governance policy. Weidl did indicate, however, that he will administer whatever the Council directs him to do.

Councilmember Brown opined that the Council is micromanaging. She indicated that policies are being followed. Brown said Weidl could go through the policies and see what works for him, and if something isn't working it can be brought to Council to talk about. Brown doesn't think this is Council's job. Councilmember Majkrzak agreed with Brown. He stated that the City Manager was hired to do a job and they should let him do it.

Councilmember Smith said that the presence of a printed or electronic copy is immaterial. The ordinance created a physical copy and to remove, there is a three-step process: ordinance, resolution, and policy governance document. Smith does not think a print or online manual removes the statutory authority of Council as the policy setting body. Smith indicated that it can be directed that every policy needs to be brought to Council for advance review. Smith continued that the Council has hired an executive to execute the policy that they set. If, for example, they set a policy that says no telecommuting, the execution falls to the City Manager. Smith indicated that Council still has legislative control of policy setting.

Councilmember Allen said that the attorney says they would not have control. Councilmember Smith said the Council can require that policies be brought back to council for review. Councilmember Allen confirmed that no one is interested in micromanaging. Councilmember Smith said that if the concern is if policies exist, and are a directive of the Council, they have the right to review the policies. Allen said that they need to classify which sort of policies the Council wants to set and which ones they want to give to the City Manager, so that it is clear. Smith said that they first need to repeal what's in the ordinance, which would be the resolution and the second reading. Allen suggested that they wait and do it at that time. A vote was taken on the motion, **to postpone this item indefinitely, until the Council decides they want to bring it back.** AYES: Gerber, Allen, McCormick, Schreiber. NOES: Brown, Majkrzak, Smith. ABSENT: None. Resolution fails.

**ORDINANCE REPEALING SECTION 2.70.010, CITY EMPLOYEE MANUAL.** Attorney McDonell said that some action should take place on this item, to have in the record, even though the resolution to repeal the employee manual was tabled indefinitely. **Allen moved to table this item until such time as the Council brings back the resolution repealing the employee handbook.** McCormick seconded the motion. AYES: Gerber, Allen, McCormick, Schreiber. NOES: Brown, Majkrzak, Smith. ABSENT: None. Ordinance fails.

**PRESENTATION REGARDING UTV AND ATV ORDINANCE.** Public Works Director Brad Marquardt stated that the Public Works Committee was asked to look at the Jefferson County UTV/ATV ordinance, and report back to Council. The Jefferson County Highway Commission recommended that no changes be made to the County ordinance. The Public Works Committee talked about opening UTV/ATV usage up to all streets in the City, but had some questions and concerns, and asked Marquardt

to reach out to the Department of Natural Resources (“DNR”) to have a representative come to a Council meeting to answer questions and concerns.

The DNR representative stated that it is up to municipalities as to whether they allow UTV/ATVs on streets. Historically, they were allowed on streets to connect trail systems in rural areas of the state. The DNR representative stated that according to state statute, tickets for drunk or reckless driving on a UTV/ATV are handled through the DNR system; not law enforcement. The statutes have not caught up with the way the vehicles are being used.

Councilmember Gerber asked for clarification regarding ticketing for a DUI on a UTV/ATV. The DNR representative stated that one issue is that a driver’s license is not required to be able to use a UTV/ATV. The driver must have completed a safety certification course. Some municipalities require a driver’s license as part of the ordinance. Ticketing for a DUI would be handled through the DNR system. Gerber asked if a local law enforcement officer could write the citation. The DNR rep said they could. The DNR OWI tickets have no effect on your driver’s license or insurance rates, no matter how many offenses a person has.

Councilmember Majkrzak asked what sort of safety issues the DNR has seen when all streets have been opened for use. The DNR rep said that most municipalities that allow this are rural and low traffic. Jefferson County and Whitewater are different and he is not sure what the issues will be in a more populated area. The DNR stated that the City may want to include language in the ordinance that has age restrictions for street usage. Majkrzak stated that the City ordinance does include a driver’s license requirement.

Councilmember McCormick said that the Jefferson County ordinance requires headlights and taillights. If this is opened up for the entire City, language to that effect may need to be added to the City ordinance, because Walworth County doesn’t have a UTV/ATV ordinance.

Resident Neil Hicks, 1254 Tower Hill Pass, stated that he and his family love to use their UTV on trails and roads in Jefferson County. Hicks said that the DNR report is mostly trail or private land based. Hicks states that the City could specify operating hours. He doesn’t feel that they present more safety concerns than golf carts or Bird scooters. Hicks said he saw UTVs with plows on the City streets, but he can’t drive his to the gas station. Hicks stated that most students could not afford a UTV and we shouldn’t let the University dictate all of the city ordinances. Hicks wondered if anyone had reached out to city business leaders to obtain their opinion. Hicks believes that not allowing them on Walworth County city streets discourages tourism. He asked if the Council had reached out to similar cities such as Platteville, which does allow UTVs on city streets, or Stevens Point, which is bringing this item to Council soon. Hicks asked that this be allowed on Walworth County city streets and re-evaluated in a year.

Cold Spring resident, Mark Hoffmann, N1655 Findlay Road, is a member of the Cold Spring Riders Club. He stated that the City doesn’t have to wait for Walworth County to allow UTV/ATVs on roads. He noted that the Town of Richmond allows it. The City can specify where they can park if that is of concern. He indicated that the City of Jefferson has opened up all of their streets with speed limits at or below 35 miles per hour. Hoffmann sees this as a great opportunity for the City and said that it would be nice to be able to come into town for gas or food. He doesn’t believe the community will be inundated with UTVs. He suggested that the Council allow it for a year and reevaluate it.

Steve Fay, 1180 Bloomingfield Dr., #203, indicated that he is the President of the Cold Spring Riders. He indicated that the interest in UTVs took off during Covid when social distancing was encouraged. Fay said that UTV drivers use them to run errands, use on trails, buy gas, and go out to eat. He stated that other communities are benefitting from UTV usage on city streets and Whitewater should as well.

Councilmember Gerber thanked those who made comments. She stated that Whitewater is unique with the increased pedestrian, bike, and vehicle traffic when the University is in session. Gerber stated that the burden for enforcement falls on the police department and she does not want to go against their advice or against their concerns. She said that Whitewater has had a three-fold increase in citations for operating after revocation or suspension. Gerber said these vehicles are manufactured to be used off highway. It was noted that Wisconsin is sixth in the country for ATV fatalities in year 2021, with 66% occurring on roads and resulting from speed and/or alcohol. Majkrzak said that the City's ordinance requires helmets and seatbelts for anyone under the age of 16. He stated that he has not gotten any feedback of incidents or complaints about this ordinance. It was moved by Majkrzak and seconded by McCormick, to open the Walworth County City streets to UTV/ATVs, and bring an ordinance back to Council for action. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Allen. NOES: Gerber. ABSENT: None.

**GOVERNANCE POLICY.** Councilmember Gerber referred to page 2 of the policy (section 3, letter c), where it is indicated that the policy section requires Council approval. Gerber believes this is broad in nature and provides guiding concepts to define expectations of the Council. She said that it seems Council is more interested in approving the guidelines and procedures section, which is given to the policy holder, and not even the City Manager, who has the guidelines.

For example, in reviewing the telecommuting policy, the Council decided on 30 days, but if the governance policy were adopted, going forward, Council would have no say in the matter. The policy section seems vague and she feels like, as a Council, that the things being brought forward are from the guidelines section.

City Manager Weidl responded that this is moot. He indicated that the Council tabled all of this indefinitely. Attorney McDonell confirmed that it is acceptable to discuss the subject.

City Manager Weidl said that he will begin enforcing the Employee Manual and go from there. Councilmember Allen asked the City Attorney whether the Council can make a policy on telecommuting. City Attorney McDonell confirmed that they can. McDonell stated that the governance policy is a model for how policy making may be done in the City, and that it's up to the Council to decide and give direction on the proposed Governance Policy.

Councilmember Smith said that the Employee Manual has a date of May, 2010 but the Governance Policy has an issue date of 2011. She wondered if it has been in effect for over a decade. City Manager Weidl said he didn't know.

Councilmember Smith made a motion that Council be provided a list of the policies that were issued in 2010, as well as those that were completed later, and provide those policies to Council for review. City Manager Weidl said that CVMIC will look at all of the policies and give their opinion on which are out of date, which need changes and if there are any gaps. City Manager Weidl indicated that policy review is a service the City receives from CVMIC as a benefit of the City's insurance coverage.

City Attorney McDonell asked whether the police department and fire department policies are included. Smith said they are not. In response to a request for Smith to re-state her motion, Smith moved to request city staff to provide the policies approved in 2010, which were done after that date, determine whether they were acted on by Council, and have the policies provided to the Council for review, as well as to CVMIC for their review. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None. City Manager Weidl said that if during this process he finds anything odd, he will call the Council President and bring it to Council for guidance.

**DISPOSITION OF THE MRAP VEHICLE.** Police Chief Meyer stated that the City of Cudahy City Council has approved the acquisition of Whitewater's MRAP vehicle. The vehicle will be transferred at no cost to the City. Meyer is requesting approval to invoice the City of Cudahy \$969.94 for items installed by the Whitewater Police Department to make the MRAP serviceable. These items include LED lights, rifle rack, shotgun rack, and siren box. If approved, action to transfer the vehicle should begin in a couple of weeks. It was moved by Brown to approve the disposition of the vehicle to the City of Cudahy and invoicing the City of Cudahy for \$969.94. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**GRANT FOR PURCHASE OF BODY CAMERA EQUIPMENT.** Chief Meyer stated that the police department currently has a five-year contract with Axon and Evidence.com for body camera equipment and online storage of footage. This contract ends on December 31, 2023. Meyer plans to have a Capital Improvement Plan request in the next budget for body camera equipment. Captain Vander Steeg has located a grant opportunity for body camera equipment through the Bureau of Justice Assistance and Justice and Security Strategies. This grant requires a one to one match for anyone receiving the fund. Meyer indicated that the police department has applied for \$30,000 through this grant. Meyer acknowledged that this should have come before Council prior to application being made, and stated that if the Council does not give its approval, the application can be withdrawn. The money would be used for body camera equipment associated with any new contract they enter into. Weidl asked if it was necessary to enter into a contract. Meyer stated that in today's world, it is basically mandatory to have body cameras. Majkrzak said that in the application it lists three criteria that need to fit in order to apply. He asked if it is only necessary to fit one criterion; not all three. Meyer confirmed that was correct. Majkrzak moved approval of the grant submission to purchase body camera equipment. Schreiber seconded the motion. Allen asked if it was still necessary to use Axon for storage with our new IT employee and the consultant that is being used. Meyer stated that as part of the contract, cloud storage is required with Axon. That is the only way the contract is offered. Meyer indicated that Watchguard, another company that offers body cameras, offers on-site server storage as well as cloud storage. He said it would depend on cost and how retention integrates. Allen stated that he was comfortable that Meyer is watching costs and making comparisons. AYES: Majkrzak, Allen, Schreiber, McCormick, Brown, Smith, Gerber. NOES: None. ABSENT: None.

**COMMUNITY SUSTAINABILITY SURVEY.** Neighborhood Services Director, Chris Bennett, stated that a Community Sustainability Survey was completed through the Office for Land Use, in conjunction with UW-Stevens Point and the UW-Madison Extension. This survey requires no action on the part of the Council and there is no cost involved. This is strictly for information. Smith stated that if a strategic plan is pursued, she would like to see any issues brought forward in this survey to be addressed in the strategic plan.

**EXTINGUISHING STREET LIGHTS IN THE BUSINESS PARK.** Director of Public Works, Brad Marquardt, stated that extinguishing the street lights was included in the budget, but WE Energies has told the City that they won't allow the lights to be turned off. The only lights that may be extinguished are the ones that are owned by the City. These are in the Business Park. This matter has gone before the CDA and they are not in favor of turning off the lights in the Business Park. The savings would be \$5,000 as opposed to the estimated saving of \$50,000 included in the budget. Staff does not support turning off the lights. Marquardt stated that he is looking for approval to not follow this directive. Majkrzak said that the savings is still \$5,000. What is the thought for not doing it? Councilmember Smith stated that safety is one concern brought up at the CDA meeting, for people walking to and from work in the dark. Smith said that there have been concerns raised by citizens as well. Allen stated that it is also unwelcoming to the businesses. McCormick moved to *not* extinguish the lights in the Business Park. Allen seconded the

motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**AGREEMENT BETWEEN STATE OF WISCONSIN AND CITY RELATING TO WALWORTH AVENUE STREET REPAIRS, FROM JANESVILLE STREET TO ROCK COUNTY.**

Director of Public Works Marquardt stated that last summer application was made for federal infrastructure money. The City has been awarded funds for Walworth Avenue. The project would consist of pulverization, repaving with asphalt, making pedestrian ramps ADA compliant, and spot replacement of curb, gutter and sidewalks. The agreement is an 80/20 split. The federal government pays 80% of the cost and the City pays the other 20%. This project is for repaving Walworth Avenue from Janesville Street to the Rock County Line. The cost of the project is estimated to be \$2.7 million. \$2.1 million would be federal funds, and just over \$580,000 would be paid for by the City. The construction timeline is in 2025, so this will be put in the 2025 budget. Approval is needed now to sign the agreement. Majkrzak asked if these figures were just for construction or if they included design. Marquardt stated that they were for only construction; the design would be the City's responsibility. Marquardt added that if approval is granted, he would reach out to have a task order completed for the design and then bring that to Council. Councilmember Brown asked if this included repainting crosswalks, to make it safer for children going to school. Marquardt said that all the lines would be painted, as it will be new asphalt, and he could talk to the DOT about additional painting or signage. Smith asked that, in the future, Marquardt communicate to the public what the grant is saving the taxpayers. Allen moved approval of the agreement. Schreiber seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

**AGREEMENT BETWEEN STATE OF WISCONSIN AND CITY RELATING TO ASPHALT REPLACEMENT ON INNOVATION DRIVE.**

Director of Public Works Marquardt stated that this is part of the same program as the Walworth Avenue project. This would consist of pulverization and repaving with asphalt, and spot replacement of curb and gutter. There are no sidewalks in this area. The total cost is estimated at \$470,000. The State portion is \$360,000, the City's is \$92,000. This does not include the design. Allen moved to approve the agreement. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**ACKNOWLEDGEMENT OF AGREEMENT BETWEEN STATE OF WISCONSIN AND TOWN OF WHITEWATER AS IT RELATES TO ASPHALT REPLACEMENT ON HOWARD ROAD.**

Director of Public Works Marquardt indicated that this is the same program as Walworth Avenue and Innovation Drive. The difference is that the Town of Cold Spring took the lead on this application, as the road is in both the City and the Town. The total cost of the project is \$775,000. The State portion is \$608,000, and the City and Town would split the remaining \$167,000 equally. The Town is concerned that the design and construction costs will be significantly higher for the 2025 construction timeline. The DOT has money available and would like to move the project up and do it this year. Town Chairman Hoffmann will recommend to the Town Board to not accept the award. Marquardt is looking for a vote to approve going along with the Town, whichever direction they choose. Smith asked how the design costs would be split. Marquardt said that they would be split equally with Town of Cold Spring. Weidl asked if there was any other option. Marquardt stated that he is alright with either way the Town would choose. Allen asked if the City could go ahead even if the Town said no. Marquardt said no. It was moved by Allen and seconded by Marquardt to go along with the Township with regard to replacement of asphalt on Howard Road. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

**EXTENSION OF PROPERTY X LLC DEVELOPMENT AGREEMENT CONSTRUCTION DEADLINE.**

City Manager Weidl stated that the Development Agreement with Property X has

construction deadline of March 29, 2023 that states if the developer hasn't completed their building by that date, the City has the option to repurchase the property. Weidl said that the best option would be to extend the deadline. The developer is in the process of building, and if the deadline is not extended, and they don't finish building and the City opted not to repurchase the property, the City loses its leverage. Weidl said that he has spoken to all participants and was told that they did not hit their target date for getting permits and plan to finish construction. The CDA is in favor of extending the deadline. Allen moved to extend the deadline. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**APPOINTMENT OF COUNCILMEMBER REPRESENTATIVE TO FINANCE COMMITTEE, DUE TO LUKE SCHREIBER'S RESIGNATION FROM THE COMMITTEE.** City Manager Weidl asked that the Council accept the resignation of Councilmember Schreiber from the Finance Committee and nominate a replacement. Majkrzak moved to approve Schreiber's resignation and nominated Gerber as a replacement to the Finance Committee. Allen seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**APPOINTMENT OF COUNCILMEMBER TO SERVE ON CITY OF WHITEWATER/ WHITEWATER UNIFIED SCHOOL DISTRICT JOINT BOARD, RELATING TO AQUATIC CENTER MANAGEMENT.** City Manager Weidl said that Councilmember Allen has volunteered for this position and Weidl asked that there be a motion to approve Allen for the position. Weidl said that there are three school representatives and there should be three city representatives. McCormick moved to appoint Councilmember Allen to serve on the Joint Board relating to the Aquatic Center Management. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Brown. NOES: None. ABSENT: None. ABSTAIN: Allen.

**ACCEPTANCE OF STORM WATER DRAINAGE EASEMENT ACROSS PROPERTY OWNED BY RODERICK AND MARY DALEE. PROPERTY IS LOCATED WEST OF PRINCE STREET AND SOUTH OF WALWORTH AVENUE.** Director of Public Works Marquardt said that the proposed easement runs from Walworth Avenue south across three properties. Easements have been obtained from the northern two property owners, and Marquardt has been working since 2019 with the Dalees to find an amiable solution that would not have the pipe go through the middle of their property. Marquardt stated that he believes they have come to a verbal agreement through attorneys and have given an agreement to Mr. Dalee to sign. Marquardt anticipates him signing the agreement. Marquardt would like the Council to approve the easement contingent on Mr. Dalee providing a signed agreement. Allen moved to approve the easement contingent on Mr. Dalee signing the agreement. Schreiber seconded the motion. Majkrzak asked if it was normal that the City pay for easements and asked about attorney fees. Attorney McDonell stated that he wasn't sure what the attorney fees were going to be. An eminent domain specialist needed to be brought in for this. McDonell said that sometimes easements are given to cities, but in this case, the Dalees are planning to sell or develop this property, and the easement affected how the property could be developed. Majkrzak asked if the attorney fees would be less than \$15,000. McDonell confirmed that they would. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**REMOVAL OF CDA BOARD MEMBER, JAKE GILDEMEISTER, FROM THE COMMUNITY DEVELOPMENT AUTHORITY BOARD.** This item was removed from the agenda, due to a resignation being received after the agenda was posted.

**STRATEGIC PLANNING OPTIONS, AND REQUEST FOR DIRECTION REGARDING THE SAME.** City Manager Weidl stated that he contacted UW Extension and CVMIC, and CVMIC provided some correspondence regarding the differences in what they provide versus what UW Extension can. Weidl asked UW Extension to remove the communications training, as was requested by Council. He has

provided the Council with the revised proposal with two samples from UW Extension to illustrate their research. Weidl is asking Council to support and participate in a strategic planning process. The funding has already been approved. Brown moved to approve strategic planning with UW Extension, at a cost not to exceed \$8000. Majkrzak seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**FUTURE AGENDA ITEMS AND/OR FUTURE POLCO QUESTIONS.** Allen would like to see the telecommuting policy on a future agenda.

**EXECUTIVE SESSION.** It was moved by Smith and seconded by Allen to adjourn to closed session ***TO RECONVENE***, pursuant to Wisconsin State Statutes 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”. And (c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” **Items to be Discussed: 1) Negotiation of Legal Services Agreement with Harrison, Williams and McDonell; and 2) City Manager Evaluation.** AYES: Majkrzak, Allen, McCormick, Schreiber, Brown, Gerber, Smith. NOES: None. ABSENT: None. The meeting adjourned into closed session at

**RECONVENE INTO OPEN SESSION.** The meeting reconvened, upon unanimous voice vote motion, made by McCormick and seconded by Allen.

**AGREEMENT FOR LEGAL SERVICES WITH HARRISON, WILLIAMS AND MCDONELL.** Allen moved to retain the firm of Harrison, Williams, and McDonell with the lead attorney to be Jonathan McDonell. McCormick seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**ADJOURNMENT.** Schreiber moved to adjourn the meeting. Allen seconded the motion. Motion passed on a unanimous voice vote. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk