

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

April 6, 2023

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

Request for authorization to waive the 72-hour notice required by the City of Whitewater Transparency Ordinance to consider Memorandum of Understanding regarding Whitewater Technology Park management and addition of open session item relating to Whitewater Aquatic and Fitness Center. It was moved by Majkrzak and seconded by Brown. AYES: Dawsey-Smith, McCormick, Schreiber, Gerber, Brown, Majkrzak, Allen. NOES: None. ABSENT: None.

It was moved by Majkrzak and seconded by Brown to approve the Council Minutes of April 13, 2023; and to acknowledge receipt and filing of the following: Council Minutes of 3/21/23; Irvin L. Young Memorial Library Minutes of 2/15/2023; Parks and Recreation Board Minutes of 01/18/2023; and Urban Forestry Commission Minutes of February, 2023; and Expedited Approval of the following item, per City Staff Recommendation: Item O-1: First Reading: Amending Whitewater Ordinance Section 1.21.010 regarding bond amounts for violations of Chapter 11.45, the ATV/UTV ordinance. AYES: Schreiber, Brown, Gerber, Majkrzak, Dawsey-Smith, Allen, McCormick; NOES: None. ABSENT: None. McCormick requested that the Ordinance be cleaned up a bit so everyone can see exactly where the lines are going to be.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS TO PROVIDE FOR A BOND AMOUNT FOR VIOLATIONS OF CHAPTER 11.45 OPERATION OF ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV)**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended by deleting the stated Deposits and Costs amounts for Chapter 11.45 and changing the Deposits and Costs to the below:

<u>CHARTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSITS AND COSTS</u>
CHAPTER 11.45	Violation of Operation of ATV and UTV Ordinance	The State of Wisconsin Revised Uniform State Traffic Deposit Schedule as amended from time to time shall apply.

**SECTION 2:** This ordinance shall take effect upon passage and publication as provided by law. Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES

NOES:

ABSENT:

ADOPTED:

\_\_\_\_\_  
John Weidl, City Manager

\_\_\_\_\_  
\_\_\_\_\_, City clerk

**CITY MANAGER REPORT.** City Manager Weidl highlighted events in the City including the Spring Election, Public Works Department updates, Water Department updates, Wastewater Department updates, Fire & EMS updates, Irvin L. Young Memorial Library Updates, Neighborhood Services Updates, Parks & Recreation Department updates, Aquatic & Fitness Center updates, Police Department Updates, City Staff Updates. Weidl acknowledged retiring City Attorney Wally McDonell for his contributions to the City of Whitewater over the past 37 years. Weidl concluded by stating that the Municipal Building will be closed on Friday, April 7 for the Spring holiday and Good Friday. The Police Department will remain open.

**HEARING OF CITIZEN COMMENTS:** Jeff Knight, 405 Panther Court. Knight summarized a meeting held with regard to “save the pool” efforts which was attended by approximately 25-30 community members, including City Manager Weidl and District Administrator Pate-Hefty, at which there were we tough questions, tough concerns and a lot of very solid history and comments were offered. Knight went on to address the issue of proper notice of open meetings. A five-member committee was appointed by City Council to meet, and he found no notice or minutes for the meeting. Knight wanted to know if the meeting took place and, if it did, requested a copy of the minutes. Knight referred to the Park & Rec agenda that referenced the same five-member committee. Knight requested that someone get back to him to clarify why the meeting was not published, what was on the agenda, and what was the take-away from the meeting. Knight encouraged the Council to engage everybody in the community and give them an opportunity to speak and have a voice.

Neil Hicks, 1254 Tower Hill Pass: Hicks requested that the Council look into the recent extreme weather conditions and the timeline between when the National Emergency Service notified the City and when the emergency alert system sent a text message tornado alert to cell phones (1 minute) and when the sirens were sirens (8 minutes) in the City. Hicks asked where was the delay and inform the City about what happened.

**GRANTING “CLASS A” BEER AND LIQUOR LICENSES FOR THE FOLLOWING APPLICANTS:** **(Allows applicants to sell packaged beer and liquor for off-premises consumption)** **Whitewater Petroleum Co. – Lisa Long, Agent. Business Location: Five Points Mobil, 804 Walworth Ave.; Campus Quick Shop, Inc. – Jason McCardle, Agent, Business Location: 1134 W. Main Street; Casey’s Eastsider - Anthony Wayne Hawks, Agent, 650 E. Milwaukee Street; and Wish Enterprises, LLC – Mohan Singh, Agent. 1138 W. Main Street.** McDonell stated that these licenses are available because the Council had increased the number of these Class A licenses available. Class A licenses allows, as an example, Casey’s on the West Side has a license that allows for the sale of packaged liquor, beer and wine. Both Kwik Trips received one. The Police Department report reflected no objection, and the Alcohol Licensing Committee recommended to the council that each of these be granted. Moved by Majkrzak and seconded by McCormick to approved all four applications. AYES: Majkrzak, Gerber, McCormick, Brown, Dawsey-Smith, Allen, Schreiber. NOES: None. ABSENT: None. Motion passed.

**RECONSIDERATION OF COUNCIL ACTION ON FLEXIBLE WORK POLICY.** Gerber summarized the updates to the policy included in the packet and stated that she brought this item back to share concerns that have been expressed to her by employees and concerns that she has. She further stated that she was not against to flexible work or working remotely. In her point of view, she was opposed to the way that the policy was written and approved at the last meeting, and was asking for the Council to consider the proposed changes. She stated that the policies are meant to provide guidance for management to implement the flexible work arrangement and are not there to hinder our City Manager or any Managers, but support them from in their decision making and protect the City from any potential personnel issues. Gerber followed with a summary of her concerns and the changes she proposes.

Moved by Gerber to reconsider and seconded by Allen. Allen stated his concern with work-from-home is that we are a service industry and we should be here. He further stated his concern that work-from-home would not be available to all employees. AYES: McCormick, Allen, Schreiber, Gerber. NOES: Majkrzak, Dawsey-Smith, Brown. ABSENT: None. Motion passed.

Moved by Gerber to approve the Flexible Work Arrangements Policy with proposed redlined changes. Seconded by Allen. Attorney McDonnell confirmed that this would replace the previous draft policy. Brown expressed concern for the delay and stated that we are not putting trust in our new City Manager. City Manager Weidl stated that there was nothing that he could not work with. AYES: Dawsey-Smith, McCormick, Gerber, Brown, Allen. NOES: Majkrzak. ABSENT: None. Motion passed.

**REQUEST FOR AUTHORIZATION TO PURCHASE POLICE DEPARTMENT EQUIPMENT (TO BE REIMBURSED THROUGH LAW ENFORCEMENT AGENCY GRANT).** Chief Meyer stated that this request is for an Air Science Ductless Fume Hood, including companion units, which is used to test drugs and powder substances in a safe manner. With the increase in use of fentanyl, this will increase officer safety. The unit will be installed in the police department evidence lab at a cost of \$2,425.46 and will be reimbursed through the Wisconsin Law Enforcement Agency (LEA) Grant. Moved by McCormick and seconded by Schreiber to approve the purchase. Dawsey-Smith requested information as to life-span on HEPA filter and the value in purchasing a seconded one. Chief Meyer confirmed that they will be ordering two. AYES: Schreiber, Brown, Gerber, Majkrzak, Dawsey-Smith, Allen, McCormick. NOES: None. ABSENT: None. Motion passed.

**UPDATE ON CABLE TELEVISION PEG CHANNEL/SPECTRUM.** City Manager Weidl stated summarized the results of the meeting that was held recently with Spectrum and confirmed that the process is moving forward. Weidl further stated that they have good content ideas by partnering with local business.

**CONSIDERATION OF AGREEMENT TO EXTEND THE MEMORANDUM OF UNDERSTANDING FOR THE MANAGEMENT AND OPERATION OF THE WHITEWATER INNOVATION CENTER AND WHITEWATER UNIVERSITY TECHNOLOGY PARK.** City Manager Weidl stated that with the incoming new Chancellor at UW-Whitewater, an extension of the Agreement was granted to allow time through October 31, 2023 for his team to review the agreement. Weidl further stated that the City has no major concerns, and stated that the Chancellor is looking for ways to make what is largely a transactional arrangement transformational and would like some time to work with his team. Moved by Majkrzak and seconded by Brown to approve. AYES: Majkrzak, Gerber, McCormick, Brown, Dawsey-Smith, Allen, Schreiber. NOES: None. ABSENT: None. Motion passed.

**FUTURE AGENDA ITEMS.** Gerber asked that when the Flexible Work Policy is reviewed at the one-year mark, she would like to see data regarding what positions used remote work and how much time each position used. Allen requested a report on the tornado siren response.

**EXECUTIVE SESSION.** It was moved by Dawsey-Smith and seconded by Allen to adjourn to closed session *To Reconvene*, per Chapter 19.85(1)(c) “Considering employment, promotion, compensation or performance evaluation date of any public employee over which the governmental body has jurisdiction or exercises responsibility” 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.” Items to be discussed: 1) Negotiation of Aquatic and Fitness Center Agreement with School District; and 2) Contract Negotiation with Whitewater Professional Police Association. For Item 1, we would retain the City Manager, Clerk, Park & Rec Director and City Attorney; for Item 2 we would retain our Clerk, City Manager, City Attorney, HR Manager, Labor Attorney and Police Chief. YES: McCormick, Majkrzak, Allen, Schreiber, Dawsey-Smith, Brown, Gerber. NOES: None. ABSENT: None.

**RECONVENE INTO OPEN SESSION.** Moved by Allen and seconded by Gerber to reconvene into open session. AYES: All by voice vote (7). NOES: None. ABSENT: None.

**POSSIBLE ACTION ON AQUATIC AND FITNESS CENTER AGREEMENT WITH SCHOOL DISTRICT.**

Allen moved to approve the City position on the Whitewater Aquatic and Fitness Center. The City position is that (1) We believe in the importance of the facility as it exists to the City, the School District and the community, including the fitness center, lap pool and leisure pool; (2) The facility is a value to the school, city and surrounding region as a joint venture that is supported by the financial contributions by the City and School District resources, along with financial support from membership, program revenues and community contributions; (3) We acknowledge opportunities for continuous improvement for facility and operational needs and are committed to these improvements, including membership growth, facility updates and visibility within the region; (4) We are committed to communicating and partnering with the School District to provide for operational and capital financing that allows both entities to provide excellent service; (5) It is the goal of this body to continue our partnership and accomplish our shared goals without having to go to referendum; (6) both the City and SD have contractual obligations under previous and ongoing agreements that must be honored to resolve the accumulated deficit. The motion was seconded by Schreiber. AYES: Schreiber, Brown, Gerber, Majkrzak, Dawsey-Smith, Allen, McCormick. NOES: None. ABSENT: None. Motion passed.

Moved by Allen and seconded by Schreiber to adjourn. AYES: Majkrzak, Gerber, McCormick, Brown, Dawsey-Smith, Allen, Schreiber. NOES: None. ABSENT: None.

Dawsey-Smith adjourned the meeting at 8:15 p.m.

Respectfully submitted,  
Bonnie Miller, Recorder