

**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 18, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by City Manager John Weidl. MEMBERS PRESENT: Gerber, Brown, Dawsey-Smith, Schreiber, Allen, Stone, Hicks MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Jonathan McDonell.

Swearing in of Newley-Elected Councilmembers. Newly-elected councilmembers David Stone, Aldermanic District 1, Brienne Diebolt-Brown, Aldermanic District 3, Neil Hicks, Aldermanic District 5, Lisa Dawsey-Smith, Councilmember at Large were sworn in by Interim City Clerk Jeremiah Thomas.

Election of Council President. Councilmember Stone nominated Jim Allen to serve as Council President, councilmember Brown nominated Lisa Dawsey-Smith to serve as Council President. There were no other nominations. Moved by Stone and seconded by Schreiber to close nominations. AYES: Allen, Stone, Brown, Gerber, Schreiber, Hicks, Dawsey-Smith' NOES; None; ABSENT: None. Motion to close was adopted unanimously. At the direction of City Manager Weidl, ballots were distributed by Recorder Bonnie Miller. Miller accepted return of ballots and tallied results. Per Recorder Miller, Councilmember Dawsey-Smith received two votes and Councilmember Allen received five votes. Councilmember Allen was declared Council President and the gavel was passed to Allen.

Election of Council President Pro Tem. Councilmember Stone nominated Councilmember Dawsey-Smith to serve as Pro Tem and Dawsey-Smith accepted the nomination. Councilmember Gerber nominated Councilmember Schreiber to serve as Pro Tem and Schreiber accepted the nomination. There were no other nominations. Moved by Dawsey-Smith and seconded by Schreiber to close nominations. Motion to close nominations was adopted unanimously. Ballots were collected and tallied by Recorder Miller. Councilmember Dawsey-Smith received four votes and Councilmember Schreiber received three votes. Councilmember Dawsey-Smith was declared Council President Pro Tem.

City Manager Weidl requested a brief break in the proceedings to serve cake and refreshments to recognize outgoing Councilmembers McCormick and Majkrzak. Council President Allen declared a five-minute break.

APPOINTMENT OF COUNCIL REPRESENTATIVES TO BOARD AND COMMISSION POSITIONS. After discussion regarding council preferences, it was moved by Dawsey-Smith and seconded by Schreiber to appoint the following Councilmembers to serve as representaives to the following Boards and Commissions: **Alcohol Licensing Committee** – Allen, Dawsey-Smith, Hicks; **Assessment-Board of Review** – Brown; **Community Development Authority** – Allen, Schreiber; **Community Involvement Commission and Cable Television Commission** – Brown; **Finance Committee** – Dawsey-Smith, Gerber, Stone; **Landmarks Commission** – Schreiber; **Library Board** – Brown; **Parks & Recreation Board** – Stone; **Plan & Architectural Review Commission** – Hicks (regular), Brown (alternate); **Public Works Committee** – Gerber, Stone, Allen; **Technology Park Board** – Dawsey-Smith; **Equal Opportunities Commission** – Schreiber, Brown. Moved by Dawsey-Smith to approve slate of appointees of Council representatives to board and commissions and seconded by Schreiber. AYES: Stone, Gerber, Hicks, Brown, Dawsey-Smith, Allen, Schreiber' NOES: None; ABSENT: None. Motion adopted by unanimous vote.

CONSENT AGENDA. It was moved by Councilmember Dawsey-Smith and seconded by Councilmember Schreiber to approve Council Minutes of 04/04/2023; and to acknowledge receipt and filling of the following: Public Works Committee Minutes of 03/14/2023, Plan and Architectural Review Commission Minutes of

04/10/2023, and Financial Reports of March 2023 Combined. AYES: Hicks, Stone, Allen, Schreiber, Dawsey-Smith, Brown, Gerber.

CITY MANAGER REPORT. City Manager Weidl presented his update of City events and accomplishments, including attendance at Whitewater Community Foundation’s Civic Summit addressing community concerns such as residential development, fostering community engagement and marketing Whitewater. Weidl went on to provide updates from Public Works Department, Wastewater Department, Fire Department, Library, Neighborhood Services, Parks & Recreation, including an update on the Whitewater Aquatic & Fitness Center membership, and the Whitewater Policy Department. Weidl acknowledged outgoing Councilmembers Carol McCormick and Greg Majkrzak for their service on the Common Council. Weidl closed his report by acknowledging the resignation of Finance Director Steve Hatton who will assume the position of Finance Director for Sheboygan County and thank Steve for his contributions to the City of Whitewater.

HEARING OF CITIZEN COMMENTS. Brian Schanen, 441 south Buckingham Boulevard. Mr. Schanen expressed concern regarding the stoplight at the intersection of Prairie and Main Streets, especially during the time period from 4:30-4:45 p.m., backing up traffic sometimes all the way to Hyde Hall creating a hazard for both vehicular and pedestrian traffic navigating the intersection.

RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES.

RESOLUTION AUTHORIZING OFFICIAL DEPOSITORIES

WHEREAS, it is deemed necessary and expedient to designate official depositories for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, it is hereby resolved by the Common Council of the City of Whitewater that PremierBank, First Citizens State Bank, Associated Bank, American Deposit Management, LLC, be and the same hereby are, designated the official depositories for the City, as well as the State of Wisconsin – Local Government Investment Pool, and Fort Community Credit Union.

Resolution introduced by Councilmember Dawsey-Smith who moved its adoption. Seconded by Councilmember Schreiber.

AYES: Schreiber, Brown, Gerber, Stone, Dawsey-Smith, Allen, Hicks.

NOES: None.

ABSENT: None.

ADOPTED: April 18, 2023

John S. Weidl, City Manager

Jeremiah Thomas, Interim City Clerk

RESOLUTION AUTHORIZING OFFICIAL NEWSPAPER.

RESOLUTION ADOPTING OFFICIAL NEWSPAPER

WHEREAS, it is deemed necessary and expedient to designate an official newspaper for the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Wisconsin, Walworth and Jefferson Counties, that THE WHITEWATER REGISTER be, and the same hereby is, designated the official newspaper of said City.

Resolution introduced by Councilmember Schreiber, who moved its adoption. Seconded by Councilmember Hicks.

AYES: Dawsey-Smith, Hicks, Schreiber, Gerber, Brown, Stone, Allen.

NOES: None.

ABSENT: None.

ADOPTED: April 18, 2023

John S. Weidl, City Manager

Jeremiah Thomas, Interim City Clerk

RESOLUTION OF ADOPTING THE WALWORTH COUNTY HAZARD MITIGATION PLAN.

Resolution read into the record by City Manager Weidl. Moved approval by Councilmember Dawsey-Smith. Seconded by Councilmember Brown. Brown requested clarification whether or not we have a “flood plain management ordinance”. Dawsey-Smith stated that a complex ordinance did come before the Council last year that included designation about designation, rebuilding and having flood insurance, etc. that did come through. Dawsey-Smith reported that Chief Meyer reached out to the County for answers to the following questions prior to the meeting: **Q:** Whether or not this had been approved by the County? **A:** It was approved in April 2023; **Q:** Whether or not this report was available publicly through the County? **A:** It was not, but should be in the near future; **Q:** Whether the City had approved in 2009 – 2013 of this plan? **A:** 2013 was approved; no evidence of 2009. **Q:** The report specifically mentions that there should be a revision to the County Emergency Plan in 2021? **A:** That was not been presented to us yet. **Q:** The report outlines for an annual revision and review at the County level which would address that there are a number of discrepancies that reference inaccurate or missing information for our Community. **A:** Dawsey-Smith has shared that list with the County Representative. There is a Jefferson County plan that addresses the northern half of our City and there are a number of deliverables that the community of Whitewater is responsible for. Dawsey-Smith stated that she would be interested in the future in hearing some of those and how they progress as time passes. Chief Meyer expressed appreciation for those that read through this document “with a fine-tooth comb”. Chief Meyer confirmed that any discrepancies will not be addressed at this time since the current plan has already been approved at the County. In order for the City to be eligible for Federal funding for mitigation purposes, it has to be passed. Meyer further stated that although not perfect, he recommended approval.

**RESOLUTION ADOPTING THE WALWORTH COUNTY NATURAL HAZARDS
MITIGATION PLAN: 2022-2026**

WHEREAS, the City of Whitewater recognized the threat that natural hazards pose to people and property within the City of Whitewater; and

WHEREAS, the County of Walworth has prepared a multi-hazard mitigation plan, hereby known as the Walworth County Natural Hazards Mitigation Plan: 2022-2026 in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the Walworth County Natural Hazards Mitigation Plan: 2022-2026 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Whitewater from the impacts of future hazards and disaster; and

WHEREAS, adoption by the City of Whitewater demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Walworth County Natural Hazards Mitigation Plan: 2022-2026.

NOW, THEREFORE, BE IT RESOLVED that the City of Whitewater adopts the Walworth County Natural Hazards Mitigation Plan: 2022-2026. While content related to the City of Whitewater may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Whitewater to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separation adoption resolutions.

Resolution introduced by Council Member Dawsey-Smith who moved its adoption.

Seconded by Council Member Brown.

AYES: Stone, Gerber, Hicks, Brown, Dawsey-Smith, Allen, Schreiber.

NOES: None.

ABSENT: None.

ADOPTED: April 18, 2023

John S. Weidl, City Manager

Jeremiah Thomas, Interim City Clerk

SECOND READING OF 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).

City Attorney McDonell clarified that rather than stating specific bond amounts, he recommended adopting State Statues rather than having to update those bond amounts on an annual basis. Councilmember Stone asked for clarification on minimum and maximum amounts.

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>CHAPTER 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 Dawsey-Smith who moved its adoption. Seconded by Councilmember Schreiber.

AYES: Hicks, Stone, Allen, Schreiber, Dawsey-Smith, Brown, Gerber

NOES: None.

ABSENT: None.

ADOPTED: April 18, 2023

John Weidl, City Manager

Jeremiah Thomas, Interim City Clerk

REQUEST TO NOMINATE JAMES ALLEN AS WAFC SUB-COMMITTEE CHAIR. Moved by Councilmember Stone to nominate James Allen to serve as WAFC Sub-committee Chair; seconded by

Councilmember Schreiber. AYES: Dawsey-Smith, Hicks, Schreiber, Gerber, Brown, Stone. NOES: None. ABSTAIN: Allen ABSENT: None.

REQUEST FOR AUTHORIZATION TO PURCHASE POLICE DEPARTMENT EQUIPMENT (TO BE REIMBURSED THROUGH LAW ENFORCEMENT AGENCY GRANT). Chief Meyer demonstrated the function of the piece of equipment proposed for purchase and summarized that this is a safety concern and would make our officers more visible from a drone. Total cost of \$2,492.49 to outfit all of our officers minus the command staff. It was moved by Dawsey-Smith to approve. Seconded by Schreiber. Stone confirmed his support of the purchase. Allen stated that the price was reasonable. Hicks requested clarification as to visibility of officers. AYES: Schreiber, Brown, Gerber, Dawsey-Smith, Allen, Hicks, Stone. NOES: None. ABSENT: None. Motion passed.

OUTDOOR WARNING SIREN UPDATE. Chief Meyer provided a report regarding the activation of the outdoor warning siren as follows: Unable to locate a national standard in what kind of delay could or should be. Timeline: At 7:40pm dispatch Center received teletype which is printed out requesting emergency alert system activation; Dispatcher reviews teletype to assess to what extent the alert would be applied to Whitewater if at all; at 7:52 p.m., Dispatcher determined that it did apply to Whitewater and provided emergency services page alerting working first responders to the tornado warning; there is no record of exact time when sirens were attempted to be set off due to software limitations; Dispatcher could not set that off through the software, and had to set the sirens off manually; at 7:58 p.m. there was audible confirmation that the sirens were sounding. Chief Meyer stated that our current procedure is not user-friendly. Chief Meyer summarized the following policy changes that will be made: Adding the ability of the Dispatcher to set off the sirens; emphasize tuning in to weather reports on television in the Com Center as another mode for obtaining tornado information; simplifying the procedure for notifications by Dispatcher; review skills assessment training; ensure that timing of the process is documented by recording calls that determine the activation of the sirens.; use of weather radios in dispatch would result in conflicting radio interference. Hicks suggested updates to the radio receiver connection. Gerber acknowledged the complexity of the process required of Dispatchers. Chief Meyer will follow up with the City Manager, and the change in policy will be shared with the Council.

CITIZEN COMMITTEE APPOINTMENTS. City Manager Weidl announced the following recommendations for appointments to City Boards and Commissions: Jim Disrude to Community Involvement & Cable TV Commission; Steve Ryan to Parks & Recreation Board; Brian Schanen to Plan & Architectural Review Commission; and Ryan Tevis to Urban Forestry Commission. Move approval by Councilmember Dawsey-Smith; seconded by Councilmember Schreiber. AYES: Hicks, Stone, Allen, Schreiber, Dawsey-Smith, Brown, Gerber. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS. City Manager confirmed that a report regarding options to address the concerns at the stoplight at the intersection of Prairie and Main Streets and tapping the Dispatch Center into the outside antennae will be sent to the Council. Dawsey-Smith requested that the City consider recognizing May as Mental Awareness Month.

CLOSED SESSION. It was moved by Allen and seconded by Schreiber to adjourn to Closed Session *TO RECONVENE* pursuant to Chapter 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) **Negotiating Vacant Land Offer to Purchase with Becker & Bolton, LLC regarding parcel of land located at 501 N. Prospect Dr. in the Business Park Tax Parcel No. 292 0515 3434 001;** 2) **Deliberate Development Agreement with Becker & Bolton, LLC regarding proposed project to be located at 501 N. Prospect Dr. Tax Parcel No. 292 0515 3434 001;** 3) **Lease and option agreement with ClearPath Energy LLC for a solar energy project to be constructed on the City of Whitewater closed landfill site located at the end of the north terminus of Jefferson Street, Parcel Number: 292-0515-3343-000 and 292-0515-3342-000;** 4) **Lease Agreement with Cellco Partnership**

for tower and ground space to erect, operate and maintain communication facilities at the Southwest Water Tower located at 797 Indian Mound Parkway, Parcel Number: /A277200001; 5) Fire Chief Employment Agreement 6) Negotiation of Aquatic and Fitness Center Agreement with School District. AYES: Dawsey-Smith, Hicks, Schreiber, Gerber, Brown, Stone, Allen. The meeting adjourned into closed session.

RECONVENE INTO OPEN SESSION. The meeting reconvened upon unanimous voice vote motion made by Dawsey-Smith and seconded by Schreiber.

RESOLUTION APPROVING LEASE AND OPTION AGREEMENT WITH CLEARPATH ENERGY LLC FOR A SOLAR ENERGY PROJECT TO BE CONSTRUCTED ON THE CITY OF WHIETWATER CLOSED LANDFILL SITE LOCATED AT THE END OF THE NORTH TERMINUS OF JEFFERSON STREET, PARCEL NUMBER: 292-0515-3343-000. Moved by Dawsey-Smith to direct Staff to continue preparing an agreement as directed in anticipation that this item would return at one of our May meetings. AYES: Gerber, Stone, Schreiber, Brown, Dawsey-Smith, Hicks, Allen. NOES: None. ABSENT: None. Motion passed.

ADJOURN. Dawsey-Smith moved to adjourn the meeting. Schreiber seconded the motion. Motion passed on a unanimous vote. Allen adjourned the meeting at 8:25 p.m.

Respectfully submitted,
Bonnie Miller, Recorder