

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

May 16, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by President Jim Allen. MEMBERS PRESENT: Neil Hicks, David Stone, Jim Allen, Lukas Schreiber, Lisa Dawsey-Smith, Brienne Brown, Jill Gerber. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Jonathan McDonell, City Attorney, Wally McDonell, Assistant City Attorney, John Weidl (City Manager), Brad Marquardt (Director of Public Works), Chris Bennett (Neighborhood Services Director).

Upon agreement of the parties involved, and upon unanimous approval of all Councilmembers, President Allen rescheduled Closed Session Agenda Item C.8(1) to Open Session following Agenda Item C-6.

CONSENT AGENDA: It was moved by Councilmember Schreiber and seconded by Councilmember Hicks to acknowledge receipt and filing of the following: Council Minutes 4/18/2023, Council Minutes 05/02/2023, Landmarks Committee Minutes 03/02/2023, Public Works Committee Minutes 4/12/2023, Plan & Architectural Review Commission Minutes 04/10/2023, April 2023 Combined Financial Statements. AYES: Dawsey-Smith, Hicks, Schreiber, Gerber, Brown, Stone, Allen. NOES: None. ABSENT: None.

CITY MANAGER REPORT. City Manager Weidl gave his bi-monthly update of City events and accomplishments, including Department of Public Works, Streets Department, Wastewater Department, Whitewater Fire & EMS Department, Irvin L. Young Memorial Library, Parks & Recreation Department, Whitewater Police Department, and Human Resources Department.

STAFF REPORTS: **Indian Mound Parkway Gate.** Public Works Director Marquardt reported that the Water Department is assembling a new gate to replace the concrete barriers. The gate will be similar to the one that exists on the East side of Indian Mound Parkway, south of Walworth Avenue. **Tratt Street Repaving.** Marquardt reported that the City budget for street repair is limited to approximately one-quarter to one-third of a mile per year with a budget limit of \$150,000 - \$200,000 per year, including sidewalk replacements and other repairs. Streets are scheduled to be rated and a new five-year plan will be created. The water main break last winter was patched last week and is scheduled to be replaced as part of the Vanderlip Lift Station Project which will begin in 2024. Marquardt reported that the pavement on Tratt Street is currently in relatively fair condition. **Biennial vs. Annual Budget.** Jeremiah Thomas (Finance Department) reported that based on his research, there are advantages and disadvantages for a biennial and annual budget process. There is no clear-cut advantage for either budgeting, but it comes down to the perceived time saving of the biennial budget process which allows for staff to focus on other projects during the non-budget year. **TV Station Update Status.** City Manager Weidl reported that Spectrum estimated that we will be up and running in August. **Code Enforcement Report – Northern Illinois University.** Neighborhood Services Director Bennett provided a summary of the Code Enforcement Report conducted by graduate students from Northern Illinois University. The conclusion from the report is that the City does not have an established way of measuring the effectiveness of code enforcement. Neighborhood Services staff currently tracks the number of citations issued and will be working to establish a better way of measuring the effectiveness of what they do.

HEARING OF CITIZEN COMMENTS: Citizen Kevin Green, 365 West Ann Street: Mr. Green addressed the Council regarding his concerns regarding the status of the Lakes Drawdown Project, specifically the loss of shoreline due to the growth of cattails.

DRONE PURCHASE REQUEST UTILIZING PD CRIME PREVENTION FUNDS. Police Chief Meyer summarized the need to purchase a drone for the Department that would be available in-house rather than

relying on assistance from outside law enforcement agencies which creates a delay in response time which hampers investigations. Chief Meyer recommended purchasing an Adorama Model DJI-M30T. If approved, staff will select a team of five or six officers who will be trained as drone operators. It was moved by Councilmember Hicks and seconded by Councilmember Schreiber to approve the purchase of the drone from the Crime Prevention Fund for the Police Department. AYES: Stone, Gerber, Hicks, Brown, Dawsey-Smith, Allen, Schreiber. NOES: None. ABSENT: None. Motion passed.

Class A License for Ravi Petro, Inc. “The Station”, 844 E. Milwaukee St., Agent: Sanjeev Sharma.

Approval was recommended by the Alcohol License Committee on May 8, 2023. Councilmember expressed concern regarding the lack of transparency of portions of the windows of the premises and the placement of the outside ice machine. Chief Meyer confirmed that premises inspections will be conducted on Class A and Class B establishments. Councilmember Dawsey-Smith requested that staff have discussions with the owners of all establishments regarding this issue. Moved by Councilmember Dawsey-Smith to approve, providing staff enforces the 48-inch limit regarding shelving in the windows. Seconded by Stone. AYES: Stone, Gerber, Hicks, Brown, Dawsey-Smith, Allen, Schreiber. NOES: None. ABSENT: None. Motion passed.

Approval of Junk Dealers License – Kienbaum Iron and Metal.

Interim City Clerk Thomas confirmed that this request is for an annual renewal of the Junk Dealers License for Kienbaum Metal. Moved to approve by Councilmember Dawsey-Smith and seconded by Schreiber. AYES: Dawsey-Smith, Hicks, Schreiber, Gerber, Brown, Stone, Allen. NOES: None. ABSENT: None. Motion passed.

Pre-approval of Police Department Squad Purchase Request.

Chief Meyer described the purchase as an early 2024 CIP request due to the way the manufacturers have changed the post-COVID pricing process and the need for pre-ordering the purchase in order to secure getting the car and estimated a turn-around time of one year. Two (2) squads are requested and Chief Meyer stated that the squads being replaced will be repurposed as detective cars. Hicks asked if the new squad replacing the squad that is currently equipped for K-9 use will be equipped for future K-9 use. Chief Meyer confirmed that the new unit will not be equipped for K-9 use. City Manager Weidl clarified that if a squad is ultimately not secured, the City would only be responsible for the \$500 holding fee. Chief Meyer confirmed that it is possible that assuming we order two cars, we could potentially only get one or none. Moved by Councilmember Hicks and second by Schreiber to approve. AYES: Schreiber, Brown, Gerber, Stone, Dawsey-Smith, Allen, Hicks. NOES: None. ABSENT: None.

Citizen Committee Appointments.

President Allen announced the following recommendations for appointments to City Boards and Commissions: Maryann Zimmerman – Board of Zoning Appeals; Lee Loveall - Board of Zoning Appeals and Community Involvement & Cable TV Commission; Thayer Coburn - Community Development Authority; Jeffery Knight – Community Development Authority; Jeff Weigel – Plan & Architectural Review commission Alternate; Michael Smith – Plan & Architectural Review Commission Alternate; Christ Christon – Whitewater University Technology Park Board. Councilmember Gerber noted that applications from Zimmerman and Smith were missing from the agenda packet and would like to see them before approval. Gerber also stressed the need to appoint people who will can be relied upon to actually attend the meetings. Moved to approve the slate as presented, with the exception of Maryann Zimmerman and Michael Smith pending Council review of their applications; seconded by Councilmember Gerber. Councilmember Dawsey-Smith requested confirmation that any applicant who was not selected for the specific board that they had applied for was aware of the specific board or commission they had actually been selected for. City Manager Weidl ensured that there will be follow-up to confirm consent to serve.

Approval of the Fire Chief Employment Agreement.

City Manager Weidl confirmed that the agreement had been discussed in Closed Session at the April 18, 2023 Council meeting and merely needs to be approved in open session. Move approval by Councilmember Dawsey-Smith and seconded by Schreiber. AYES: Hicks, Stone, Allen, Schreiber, Dawsey-Smith, Brown, Gerber. NOES: None. ABSENT: None. Motion passed.

Consideration of Agreement Between the City of Whitewater and Mad Boar Pub LLC. Assistant City Attorney Wally McDonell provided a summary regarding the background of the matter involving alleged underage alcohol violations over a two-year period. Attorney Chris Rodgers appeared representing the City. Attorney Tom Gardner appeared representing the Mad Boar Pub LLC. Nicolas Marietta, Proprietor of the Mad Board Pub, LLC appeared on behalf of himself. The Alcohol Licensing Committee (ALC) recommended approval of the Class B Beer & Liquor license subject to a 1-month suspension from August 15, 2023 to September 15, 2023, camera monitoring and an agreement to scan IDs with an identification verification machine and make that information available to the Police Department. Assistant City Attorney McDonell recommended approval. Councilmember Gerber expressed concern that the penalty to be imposed was not long enough considering the multiple violations involved. Councilmember Hicks expressed concern regarding a history of fights and use of controlled substances at the Mad Board. Gerber suggested that this license be referred back to the ALC for further consideration. Following lengthy discussion of the matter, it was moved by Councilmember Dawsey-Smith and seconded by Schreiber to approve the agreement as written. President Allen called for a roll call vote. AYES: Stone, Brown, Dawsey-Smith, Allen, Schreiber. NOES: Gerber, Hicks. ABSENT: None. Motion passed.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. Dawsey-Smith: Interested in an opinion by the PD regarding opportunities for training with respect to identifying false IDs. Stone: Would like to see an estimate regarding aquatic weeds, cutting the cattails, and mechanical harvesting in the larger area. Hicks: Would like to see a walk-through with the Parks & Rec Board, the Common Council and Management regarding the lakes and what can be done. Weidl will set up as a future public meeting.

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: Negotiation of Aquatic and Fitness Center Agreement with School District.** Upon unanimous roll call vote, the meeting adjourned to closed session.

RECONVENE INTO OPEN SESSION. The meeting reconvened upon unanimous voice vote motion made by Councilmember Gerber and seconded by Councilmember Schreiber.

Possible Action on Aquatic and Fitness Center Agreement with School District. It was moved by Councilmember Dawsey-Smith to direct the City Manager to deliver a draft proposal for a four-year operating agreement with split operations and capital and removing future deficit responsibility for the School District. AYES: Hicks, Stone, Allen, Schreiber, Dawsey-Smith, Brown, Gerber. NOES: None. ABSENT: None.

ADJOURN. Councilmember Schreiber moved to adjourn the meeting. Councilmember Hicks seconded the motion. Motion passed on unanimous voice vote. The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Bonnie Miller, Recorder