



## Common Council Meeting

Whitewater Municipal Building Community Room,  
312 West Whitewater St., Whitewater, WI 53190  
\*In Person and Virtual

**Tuesday, November 07, 2023 - 6:30 PM**

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### MINUTE

#### CALL TO ORDER

The meeting was called to order at 6:30 pm by Council President Jim Allen

#### ROLL CALL

##### PRESENT

Council President Jim Allen  
Councilmember Brienne Brown  
Councilmember Lisa Dawsey Smith  
Councilmember Jill Gerber  
Councilmember Neil Hicks  
Councilmember Lukas Schreiber  
Councilmember David Stone  
City Attorney Jonathan McDonell  
City Manager John Weidl  
Public Works Director Brad Marquardt  
City Clerk Karri Anderberg

#### APPROVAL OF AGENDA

A Councilmember can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the council to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Brown to pull item number 12 Ordinance 2073 a second reading amending chapter 5.36 to address a conflict with item number 11 and move item 25 up to be heard first.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

#### CONSENT AGENDA

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber to approve consent agenda.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

1. Approval of Common Council Meeting minutes from September 19, 2023

2. Approval of Common Council Meeting Minutes from October 3, 2023
3. Urban Forestry Meeting Minutes from September 25, 2023
4. Planning and Zoning Meeting Minutes from August 14, 2023
5. Library Board Meeting Minutes from September 18, 2023
6. Community Development Authority Board of Directors Meeting (CDA) Minutes from September 21, 2023

## **STAFF REPORTS**

### **7. Memo for Conflict of Interest Inquiry - City Manager**

City Manager Weidl explained what it means if Councilmembers donate to the library.

### **8. Update on R0 Zoning District - Neighborhood Services**

Allison Schwark from Municipal Code Enforcement explained the R0 Zoning District in the City of Whitewater.

### **9. Planning Grant Agreement for Stormwater Quality Management Plan Update - Public Works**

Public Works Director Brad Marquardt gave an update on the City's planning grant agreement with the DNR.

## **HEARING OF CITIZEN COMMENTS**

Allen Stanek (415 Douglas Court)- Mr. Stanek stated he does not want the Council to waste taxpayer dollars on more lawyer fees.

Bill Chandler (369 Lakeview Drive)- Mr. Chandler stated that he does not want to see the Council fire the City Manager.

Paul Jhona (259 Freemont Street) - Mr. Jhona stated that there are rentals and Airbnb in R0 zoning and would like the City to enforce the R0 zoning.

John Sharkus (507 Clark Street Apt 2)- Mr. Sharkus stated that he has mold issues in his home and can not get any help from the City.

## **ORDINANCES**

### **First Reading**

### **10. Ordinance 2075 An ordinance repealing Chapter 2.51 Pedestrian and Bicycle Advisory Committee (PBAC) - Park and Rec**

Park and Rec Director Kevin Boehm stated that back in May, Council discussed the Bicycle and Pedestrian Advisory Committee being adsorbed into the Parks and Recreation Board. There was a motion at the May meeting to draft a repeal.

Councilmember Brown would like to see a smaller advisory committee with a Councilmember attached to the advisory committee.

Motion made by Councilmember Stone, Seconded by Councilmember Schreiber to repeal Chapter 2.51 Pedestrian and Bicycle Advisory Committee as the ordinance is written in the packet with the understanding that there will be a committee under the Park Board.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**11. Ordinance 2076 an ordinance amending Chapter 5.36 Mobile Homes and Mobile Home Parks - Neighborhood Services**

Allison Schwark with Municipal Code Enforcement went over the ordinance changes. Allison stated the current ordinance was vague in some sections and staff wanted to add more detail.

Councilmember Dawsey Smith would like to remove letter O from section 5.36.080 as it will be addressed in Ordinance 2073.

Councilmember Hicks - would like the following changes: under 5.36.040 to include scale drawings to show the turning radius of the fire trucks. 5.36.050 Licenses- have it refer to the new ordinance we just passed Ordinance 2067 the right of inspection. 5.36.170 bus stops - They should create a bus stop and work with the School District.

Motion made by Councilmember Hicks, Seconded by Councilmember Schreiber to approve the first reading with staff making changes that Council suggested.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**Second Reading**

**12. Ordinance 2073 an ordinance amending Chapter 5.36 Mobile Homes and Mobile Home Parks - City Manager**

Moved to November 21, 2023

**13. Ordinance 2074 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) - Police**

No changes from the first reading

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber to approve Ordinance 2074

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**CONSIDERATIONS**

**14. Discussion and possible action regarding the motion to reconsider RFP for legal services to retain an outside law firm to advise the Common Council on employee discipline and personnel matters not to exceed \$10,000 - Hicks/Dawsey Smith**

**15. Discussion and possible action regarding approval of the amended agreement for legal services from von Briesen and Roper SC - Hicks/HR**

Items 14 and 15 were taken as one agenda item as requested by Councilmember Hicks.

Motion made by Councilmember Hicks, Seconded by Councilmember Gerber to retain von Briesen and Roper SC, the City's current labor employment and other specialized legal matter firm for the purposes of advising the Common Council on employee discipline and personnel matters and authorizing the payment up to \$10,000 for said services. Any additional payment for said purpose shall require additional Council approval. Request that the firm of Von Briesen and Roper SC provide resumes to the Council of three attorneys in the labor and employment specialty.

Voting Yes: Council President Allen, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone Voting Nay: Councilmember Brown, Councilmember Dawsey Smith

**16. Discussion and possible action regarding Leads Appointment - City Manager**

Larry Katchel (457 South Buckingham) Co-President of Whitewater Leads stated the group was formed back in 2015 with the intent that we have membership on the board with city representation, school district representation, university representation, and community representation.

Motion made by Councilmember Schreiber, Seconded by Councilmember Stone to appoint City Manager Weidl.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**17. Discussion and possible action regarding Ethics Committee Appointment - City Manager**

City Manager Weidl brought 2 nominees to the Council, 5 applied, and 4 were interviewed.

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Brown to approve all Ethics Committee Appointments.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**18. Discussion and possible action regarding MOU/MSP with University of Wisconsin - Whitewater for the Innovation Center to extend the contract date to June 30, 2024- City Manager**

City Manager Weidl asked that the contract date be extended to June 30, 2024, so the tech park board can come up with a new agreement that works for all involved.

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber to approve the contract extension.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**19. Discussion and possible action regarding the Whitewater Aquatic Fitness Center Lease Agreement between the City of Whitewater and the Whitewater Unified School District - City Manager/Park and Rec**

No action was taken. Item was discussed in closed session

**20. Discussion and possible action regarding the Digicorp Contract - IT**

Tim Newbeck, IT Administrator. This \$15,000 contract is on top of the \$50,000 that we had asked for for 2023. Some projects had caused us to go over due to their unexpected nature. This \$15,000 is to get us through the end of the year into 2024 for when we approve the next block

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber to approve the \$15,000 contract with Digicorp.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**21. Discussion and possible action regarding Beverage Operator License appeal for Marissa Aranda - City Clerk/PD**

**22. Discussion and possible action regarding the Beverage Operator License appeal for Liam Wrench - City Clerk/PD**

**23. Discussion and possible action regarding the Beverage Operator License appeal for Elyse Hansen - City Clerk/Pd**

**24. Discussion and possible action regarding the Beverage Operator License appeal for Natalie Brown - City Clerk/PD**

items 21, 22, 23, and 24 were taken as one agenda item.

Alcohol License Review Board is asking that the Council approve the first one and deny the last three. That's the recommendation from the Alcohol License Committee. Yes to Aranda no to Wrench, Hansen, and Brown.

Motion made by Councilmember Stone, Seconded by Councilmember Dawsey Smith to reinstate Mrs. Aranda's beverage operator's license and deny the other three as recommended by the alcohol licensing committee.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**25. Presentation of the 2024-2025 Budget - Finance**

Finance Director Blitch went over the 2024-2025 Budget. Director Blitch stated that this is not the final budget and that pages will get replaced over the coming days.

Councilmember Stone stated that he has gotten many phone calls from residents in support of the library expansion

Council President Allen thanked Library Director Stacey Lunsford for her many years of service and for getting this project off the ground and to the finish line.

Councilmember Gerber read the following statement-

I wish to express my gratitude to all the citizens who have contacted me regarding the Library Renovation project. Your engagement and dedication to our community are greatly appreciated.

I would like to clarify that my call for an open discussion on the Library Renovation project is not a stance against it. Instead, it aims to ensure our community has a comprehensive understanding of how

the project has evolved since the initial commitment of \$3 million. We need to consider both capital and operating aspects, as in either scenario, the burden remains on the taxpayers.

Since the Common Council's initial pledge, several developments have occurred. The impact of COVID-19 has altered the way in which people choose to convene with an increased shift towards virtual options by clubs, organizations, groups, and workplaces. The WAFC contract is nearly finalized, which escalates the city's contribution to capital expenses and holds the city responsible for all operating costs exceeding the budget. The Gravath Trip Lake project is still in progress with an undefined plan and costs for ongoing improvements and maintenance. Starn Water Park will be subject to a non-binding referendum presenting the community with a choice between demolition at the cost of around \$300,000 or restoration for \$1.5 million. A new \$10 million street garage project is proposed and in the pipeline. Our police department requires at least three new officers including equipment, training, payroll and benefits. Negotiations between the Innovation Center and UWW regarding their contract are ongoing and might potentially result in adjustments to the city's contributions. and the taxpayers have approved an ongoing 1.2 referendum for fire and EMS services.

Given these considerations, I want the public to be aware that the City has a full agenda ahead of costly projects to prioritize. Nevertheless, our community has shown support for the library renovation project and has raised the necessary contributions to move forward with the renovation. While I retain some reservations about the design and ability to fund all of the City's needs, I will be voting in favor of the project as I have yet, to receive any communication against the project.

Councilmember Stone asked if the Lakes improvement was still part of the CIP. Finance Director Blitch stated yes it was.

Jim Winship (184 Franklin Street)- Mr. Winship stated he is the Chairperson for the capital campaign for the Library. Mr. Winship gave a history of the project. Mr. Winship stated that the City needs a 21st-century library.

John Kachel (1690 Mound View Place) - Mr. Kachel gave a brief history of the different committees that helped with the project.

Gail Corcoran (Steller 327 West Ann Street)- stated that a seed campaign that had 100 women all came forward with \$1000.00 gifts each. Ms. Corcoran Settler thanked everyone who has given to the campaign.

Kristine Zaballos (1143 West Walworth) - Ms. Zaballos stated her grandmother was on the library board many years ago and the library has always been near and dear to her heart. Ms. Zaballos hopes that the library continues to grow.

Councilmember Brown- would like to thank everyone who came out tonight to support the library.

## **26. Discussion and possible action regarding the Vanderlip Pumping Station easement - Public Works**

Public Works Director Brad Marquardt stated the Council approved the contract for the Vanderlip construction project last month. This is just paperwork that needs to be finalized here. The City is looking for a new easement.

Larry Kachel - Vice President of the DLK Enterprises would like to see the old trees saved or moved if possible.

Motion made by Councilmember Schreiber, Seconded by Councilmember Brown to approve the Vanderlip Pumping Station Easement.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**27. Discussion and possible action regarding the release of an existing easement with DLK Enterprises for the Vanderlip Pumping Station. - Public Works**

Motion made by Councilmember Stone, Seconded by Councilmember Dawsey Smith to approve the release of the Vanderlip Pumping Station.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

**28. Discussion and possible action regarding the compensation survey - Gerber/HR**

HR Director Sara Marquardt stated in August, the Council had a discussion about salary surveys and compensation where the City would like to be, and how the City would like to get there and had discussed utilizing a resource that CIVMEC had to put together some numbers. The City did not pay for this information. HR did ask for a cross-section of positions, trying to cover several different divisions and departments, HR is looking for direction. Staff is working our way through this process. What does the Council want Staff to do, and what direction would the Council like Staff to go in the future?

Councilmember Dawsey Smith stated two things are happening simultaneously in what was asked for in the document, and ongoing conversations that have been happening at the Finance Committee. Councilmember Dawsey Smith would like more of a comprehensive look at how those two different pieces of the puzzle fit together.

Councilmember Gerber stated she had a list of communities that she asked for in August between 7,000 and 14,000 population that included Fort Atkinson, Jefferson, East Troy, Elkhorn, Stoughton, Baraboo, Platteville, River Falls, Plover, which include another college community. Councilmember Gerber stated that she called Fort Atkinson, Watertown, Hartford, and Weston, trying to understand these numbers and where they came from. Fort Atkinson showed an Economic Development position in the information with a salary of \$116,371 and after talking with Fort Atkinson they confirmed they have never had an Economic Development position. Their City Manager covers the position.

Discussion item only. No action was taken.

**29. Discussion and possible action regarding the City Manager Performance Review Tool - HR**

HR Director Sara Marquardt stated that per the City policy, no later than November 1st, HR was to provide the Council with a draft of a proposed evaluation tool, survey, and questionnaire component to be used for employees and officials.

Councilmember Gerber - stated regarding the City Manager's goals that she would like to see percentage that the City Manager needs to achieve.

Discussion Only. No action taken.

**30. Councilmember Requests for Future Agenda Items or Committee items. Questions**

Councilmember Gerber- update on the Lakes project

## CLOSED SESSION

**41. Adjourn to closed session, to reconvene in open session, Chapter 19.85(1)(f) "Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations." Item to be discussed: 1) Discussion regarding complaints received by the Human Resources Department and 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." Item to be discussed: 2) Negotiation of Aquatic and Fitness Center Agreement with School District.**

Motion made by Council President Allen, Seconded by Councilmember Schreiber to go into closed session.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

The council went into closed session at 8:17 pm

The council came back into open session at 10:40 pm

## CONSIDERATIONS

**42. Discussion and possible action regarding matters addressed in closed session involving complaints received by the Human Resources Department. - HR/Employment Attorney**

Council Member Dawsey Smith read the following statement into the record on behalf of the whole Council- At this time the Council wishes to make the following statement. The Council is respectful that each individual Council member has distinct, competing, and divergent viewpoints designed to promote the best interests of the City and representation of the community. The Council intends to work on a plan to enhance the effectiveness of the Council as a body and as that body works with the employees of the City. The Council will explore and conduct training as to governance, conduct of meetings, and open meeting compliance and encourage appointed officeholders to participate in such opportunities. The Council will explore standards of decorum and civility for its meetings. The Council will work with the City Manager for the development of an onboarding process for newly elected and appointed officeholders. The Council will set expectations for self accountability, and individual commitment to one another. The Council will consider whether the use of outside resources is of benefit to this process, including resources from CIVMEC, the executive branch of the city, facilitators, or other resources. The Council's commitment to this plan is ongoing, which the Council will address at subsequent meetings.

**43. Discussion and possible action regarding the Whitewater Aquatic Fitness Center lease agreement between the City of Whitewater and the Whitewater Unified School District - City Manager/Park and Rec**

Motion made by Councilmember Brown, Seconded by Councilmember Schreiber to direct the City Manager to work with legal counsel to address the Aquatic Center Agreement with the guidance provided by the council in closed session.



Voting Yes: Council President Allen, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber, Councilmember Stone

## **ADJOURNMENT**

Motion made by Councilmember Schreiber, Seconded by Councilmember Hicks to adjourn. Motion passed by voice vote.

Meeting adjourned at 10:43pm