



Common Council Meeting

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

Tuesday, February 20, 2024 - 6:30 PM

**Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.
Citizen participation is welcome during topic discussion periods.**

Please click the link below to join the
webinar:<https://us06web.zoom.us/j/81424094861?pwd=LGRzIYy6fqnlXD7F0dXIKfrOEbqv9g.6H62QjUP9dfbPsiz>

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Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.

MINUTES

CALL TO ORDER

The meeting was called to order at 6:30 pm by Council President Hicks.

ROLL CALL

Present

Council President Neil Hicks

Councilmembers Lukas Schreiber

Councilmember Lisa Dawsey Smith

Councilmember Jill Gerber

Councilmember Patrick Singer

Councilmember Carol McCormick

City Attorney Jonathan McDonell

City Manager John Weidl

Public Works Director Brad Marquardt

Chief of Staff Taylor Zeinert

Absent

Councilmember Brienne Brown

City Clerk Heather Boehm

PLEDGE OF ALLEGIANCE

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 to approve the Agenda with amendment to move public comments before Closed Session by Councilmember Singer, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

CLOSED SESSION Adjourn to closed session, to **Reconvene in Open Session**, Adjourn to closed session, to reconvene in open session, 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."

- CS-1. Item to be discussed: Negotiation of Aquatic and Fitness Center Agreement with School District.

Motion made to enter Closed Session at 6:36 pm by Council President Hicks, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

CONSIDERATIONS

2. 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 Taken.

Motion made to come back to open session by Councilmember Dawsey Smith, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

CONSENT AGENDA

Items on the Consent Agenda will be approved together unless any council members requests that an item be removed for individual consideration.

Motion made to approve the Consent Agenda by Councilmember Dawsey Smith, Seconded by Councilmember McCormick.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

3. Approval of Common Council Meeting Minutes from January 16, 2024.
4. Plan Commission January 8, 2024.
5. Landmark Commission Minutes from January 4, 2024.
6. Public Works Committee Minutes from December 12, 2023.
7. Library Board of Trustees Meeting Minutes from December 18, 2023.

CITY MANAGER REPORT

City Manager Weidl gave his bi-monthly update of City events and accomplishments, including reports from the following departments: Public Works, IT, Neighborhood Services, Library, Parks and Recreation, Police, and Human Resources.

STAFF REPORTS

8. Annual Report-**FD**
Assistant Fire Chief Dion provided a detailed overview of the operations and staffing of the fire department. Overall, the presentation highlights the department's efforts to improve service delivery and adapt to changing needs within the community.
9. 2024 Spring Election Presidential Preference Vote and the April 2, 2024 Common Council - **City Clerk**
Chief of Staff Zeinert informed the Council that the April 2, 2024 Common Council Meeting will be moved to Thursday April 4, 2024 due to the 2024 Spring Election Presidential Preference Vote.

HEARING OF CITIZEN COMMENTS

No formal Council action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

Estee Scholtz (N4236 County Rd NN, Elkhorn) Candidate for Walworth County Circuit Court Judge wanted to introduce herself.

CONSIDERATIONS

10. Discussion and possible action regarding Beverage Operator License appeal for Viktor Venta- **City Clerk/PD**

Viktor Venta thanked the Council for considering reinstating his Beverage Operators License.

Motion made to approve Viktor Venta's Beverage Operator License by Councilmember Dawsey Smith, Seconded by Councilmember Singer.
Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer
11. Discussion and possible action regarding Beverage Operator License appeal for Nicholas Perkins- **City Clerk/PD**

Nicholas Perkins did not appear at the Alcohol Licensing Committee's appeal's meeting, they did not recommend reinstating his Beverage Operator's License.

Motion made to deny Nicholas Perkins' Beverage Operator's License by Councilmember Dawsey Smith, Seconded by Council President Hicks.
Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer
12. Set date for Special Meeting to discuss changes to Governance Manual- **City Clerk**

Motion made set May 28th the date for the Special Meeting to discuss the Good Governance Manuel by Councilmember Dawsey Smith, Seconded by Councilmember Singer.
Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer
Voting Abstaining: Councilmember Gerber
13. Discussion and possible action regarding appointment of vacant seats for CDA, Public Works, Finance, Parks and Rec, Urban Forestry and ALC- **City Manager**

Councilmembers decided between them, who would serve on Committees with vacant seats.

Motion made to remove Councilmember Gerber from CDA and appoint Councilmember Singer to CDA, remove Councilmember Dawsey Smith from PWC and appoint Councilmember McCormick to PWC by Councilmember Dawsey Smith, Seconded by

Councilmember Schreiber.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

14. Discussion and possible action regarding Mike Smith going to a regular board member on the Planning and Review Commission.-**City Manager**

Motion made to approve Mike Smith to go from an alternate board member to a regular board member on the Planning and Review Commission by Councilmember Dawsey Smith, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

15. Discussion and possible action to appoint Christ Christon to CDA through April-**City Manager**

Motion made to appoint Christ Christon to CDA through April by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

16. Discussion and possible action regarding staffing study proposals received by Police Dept for RFP. -**PD**

Police Chief Meyer briefed the Council on the three proposals that were received from Fitch and Associates, McMahon Associates, and Public Administration Associates. These proposals were evaluated by an independent panel based on various criteria such as qualifications, experience, technical competence, proposed approach, understanding of law enforcement service delivery, project organization, personnel, cost, and references. Fitch and Associates emerged as the highest-ranked firm. Although the proposals weren't included in the packet due to proprietary reasons, summaries were provided. The staff's recommendation is to proceed with Fitch and Associates based on their evaluation. The estimated cost of Fitch and Associates' proposal is \$48,000, within the allocated budget of \$50,000. The council's approval is sought to move forward with this recommendation.

Motion made to approve the Fitch and Associates proposal received by the the Police Department for RFP, but would like to see all three proposals as a Staff Update at the next Council meeting, by Councilmember Singer, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

17. Discussion and possible action to go out to RFP for building inspection services.-**HR/Neighborhood Services**

Interim Economic Development Director Zeinert explained that we have a RFP going out for Building Inspection Services.

Motion made to approve the RFP for the Building Inspector Services by Council President Hicks, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

18. Discussion and possible action regarding awarding Contract 1-2024, Ann Street and Fremont Street Reconstruction-**Public Works**

Public Works Director Marquardt explained that February 6th, bids were opened for a project, yielding three submissions. The base bid amounted to \$1,195,335.51, with an additional bid of \$33,654.94 for cleaning the James Street detention pond. Following discussions at the Public Works Committee, they recommended awarding the contract to Rock Road Companies, the lowest bidder. The total project cost, including the pond cleaning, sums up to \$1,228,987.45. With this contract, along with two others totaling just under \$3.2 million, the budget of \$3.3 million remains intact. Both staff and the Public Works Committee advise awarding the contract to Rock Road Companies.

Motion made to approve Contract 1-2024 to Rock Road Companies for the Ann St/Fremont St reconstruction by Councilmember Dawsey Smith, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

19. Discussion and possible action regarding awarding Contract 2-2024, Forest Avenue Reconstruction- **Public Works**

Public Works Director Marquardt explained that the Forest Avenue reconstruction project, spanning from 4th Street to Church Street, received three bids. The lowest bid, amounting to \$427,900, was submitted by BKS Excavating, based in Edgerton, Wisconsin. Like the previous projects, this bid falls within budget. The Public Works Committee also recommends approving the contract award to BKS Excavating.

Motion made to approve Contract 2-2024 Forest Ave Reconstructions to BKS Excavating by Councilmember Dawsey Smith, Seconded by Councilmember McCormick.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

20. Discussion and possible action regarding awarding Contract 3-2024, North Fremont Street Reconstruction- **Public Works**

Public Works Director Marquardt explained that the project involves the reconstruction of Fremont from Stern Road to Lauderdale Drive, along with pulverization and repaving from Lauderdale Drive to Whitewater Creek. Bids for this project were opened on February 8th, with three submissions from various companies. RR Walton and Company, a local firm from Whitewater, submitted the winning bid. This project, like the others, remains within the total budget. Both Public Works and staff recommend approving the contract award to RR Walton and Company.

Motion made to approve Contract 3-2024 to RR Walton and Company for the North Fremont St Reconstruction by Councilmember Dawsey Smith, Seconded by Councilmember McCormick.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

21. Discussion and possible action regarding Strand Task Order 24-03, Vanderlip Pumping Station and Force Main Construction- **Public Works**

Public Works Director Marquardt explained that in March 2021, a task order was signed to initiate the design phase of a project. Bids were initially opened in May 2022, but were significantly higher than the cost estimate, leading to their rejection. Subsequently, revisions were made to the plans by Strand, and an application for clean water funding was successful, with approximately half of it granted as principal forgiveness. The involvement of Strand is expected to continue until the spring for follow-up work. The task order encompasses inspections, staking, construction administration, funding assistance, and startup with the pumping station. The total amount for the task order is \$400,000, with a breakdown of \$21,000 provided in the memo. Although it appears as a substantial expense, the awarded contract for the construction project exceeds \$4.5 million, making this expense proportionate. The Public Works Committee reviewed the matter and recommended approval.

Motion made to approve Strand Task Order 24-03 for the Vanderlip Pumping Station and Force Main Constructions by Councilmember Singer, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

22. Discussion and possible action regarding WE Energies easement at Cravath Lakefront Park- **Public Works**

Public Works Director Marquardt explained that as part of the Ann Street and Fremont Street reconstruction project, We Energies requires an easement from the city to upgrade and relocate a gas main located in Cravath Lakefront Park. The Public Works Committee reviewed the request and recommended approval. A temporary exhibit A has been provided, with the understanding that it will be updated once construction is completed to accurately reflect the gas main's location.

Motion made to approve the WE Energies easement at Cravath Lakefront Park by Councilmember Dawsey Smith, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

23. Discussion and possible action regarding water main easement across City owned property.- **Public Works**

Public Works Director Marquardt explained that the certified survey map, which delineates the remaining lots from the approved right-of-way plan, was also endorsed at the plan board meeting. These lots contain an existing water main, though the reasoning for its placement is unclear. To safeguard both the city and potential buyers of these lots, it's essential to establish an easement over the water main. Public Works reviewed this matter and recommended its approval.

Motion made to approve the water main easement across City owned property by Councilmember Dawsey Smith, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

24. Discussion and possible action regarding the Starin Road Right of Way Plat and Certified Survey Map-**Public Works**

Public Works Director Marquardt explained that the Starin Road right-of-way plat extension spans from Fremont Street to Newcomb Street. The property acquired for this extension has remained designated as right-of-way. Efforts are underway to collaborate with a developer for potential development in the hospital hill area. The aim is to clarify the right-of-way boundaries and create a true road right-of-way for Starin Road, typically about 80 to 90 feet wide, encompassing terrace trees and a multi-use path. This adjustment would delineate private property from the right-of-way. The plan was reviewed and approved by the plan board and now requires final adoption by the city council.

Motion made to approve the Starin Rd Right of Way Plat and CSM by Council President Hicks, Seconded by Councilmember Dawsey Smith.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

25. Discussion and possible action on Items G) Transparency in Decision Making and H) General Recommendations.- **HR**

Humans Resources Director Marquardt discussed items G) Transparency in Decision Making and H) General Recommendations on the Council Action Plan. No Action was taken but will look into getting the Community Involvement and the Cable Television Commission to meet to discuss engaging the community better and have representation from a variety of stakeholders. It was suggested that a future agenda item be added to host two community conversations a year.

26. Councilmember Requests for Future Agenda Items or Committee Items. Questions.

Councilmember Gerber would like to have a review of the record retention and the record destruction ordinance to make sure they match and also either include the surveillance policy within the record retention or a separate surveillance policy for retention of the videos.

Councilmember Dawsey Smith would like the Fitch and Associates Contract be put into future council packet for it be publicly noticed.

FUTURE AGENDA ITEMS

27. Brown Cab update-**Finance**
28. Staff update on Procurement Policy. - **Finance**
29. Special Assessments for Mobile Home Parks. - **City Manager/Hicks - Q2**
30. **Ordinance 2063** Ordinance amending Chapter 11.16.15, adding No Stopping, Standing or Parking on east side of Elizabeth Street at Court Street and Laurel Street. - **Public works**
31. Salary Compensation Survey. - **Gerber/Hicks Q2 2024**
32. **Ordinance 2079** an ordinance regarding revisions to Chapter 12.22 Construction Standards Adopted. - **Public Works March 2024**
33. Update on 2024 Gala.-**Chief of Staff Q2**
34. Set Date to hold Common Council meeting at UWW Campus-**City Manager/Hicks Q3**

CLOSED SESSION Adjourn to closed session, to **Reconvene in Open Session**, 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. Chapter 19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

- CS-35. Review and discuss Update on Transmission Facilities Agreement with Whitewater Solar, LLC for an easement across the Wastewater Facility property.

Motion made to go into Closed Session by Council President Hicks, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

Motion made to come back into Open Session at 8:28 pm by Councilmember Singer, Seconded by Council President Hicks.

Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

- CS-36. 2.City Manager's Performance Evaluation.

CONSIDERATIONS

37. Discuss and possible action regarding Transmission Facilities Agreement with Whitewater Solar, LLC for an easement across the Wastewater Facility property.
No Action Taken
38. Discuss and possible action regarding City Manager's Performance Evaluation. -HR
No Action Taken

ADJOURNMENT

Motion made to Adjourn by Councilmember Dawsey Smith, Seconded by Councilmember Gerber.
Voting Yes: Council President Hicks, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.

2023-2025 City of Whitewater's 5 strategic goals: Build single-family homes, Communicate with the community without the newspaper, Support a thriving business community, Recruitment and retention efforts with a focus on diversity, and Prioritization of expenditures with available resources.