



## Common Council Meeting

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

**Tuesday, January 16, 2024 - 6:30 PM**

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### MINUTES

#### CALL TO ORDER

The meeting was called to order by pro tem Council President Lisa Dawsey Smith at 6:30 pm.

#### ROLL CALL

Present

Councilmember Brienne Brown

Councilmember Jill Gerber

Councilmember Neil Hicks

Councilmember Lisa Dawsey Smith

Councilmember Lukas Schreiber late at 6:36 pm

City Attorney Jonathan McDonell

City Manager John Weidl

Public Works Director Brad Marquardt

City Clerk Heather Boehm

Chief of Staff Taylor Zeinert

#### PLEDGE OF ALLEGIANCE

1. Moment of Silence for the Late Council President James (Jim) Allen
2. Proclamation recognizing the Contributions of James "Jim" Allen to the City- **Hicks**
3. Public remarks about the Late Common Council President James "Jim" Allen.

Public remarks about the Late Common Council President James "Jim" Allen.

Councilmember Gerber read the following statement regarding the Late Council President Jim Allen.

“On Friday, December 23rd, when I bid farewell to Jim over the phone, little did I know it might be the last time I would see him, hear his voice, hear his laughter, or see his smile.

Since that moment not a day has passed without thoughts of Jim lingering in my mind, I find myself wishing to have spoken more, to have expressed the gratitude and emotions that now weigh heavily on my heart. And so in remembrance of my dear friend, let me share the sentiments I wish I had conveyed to Jim. Jim, you were the first to reach out and thank me for taking on the role of council member. Your words resonated deeply as you spoke of the rewards and challenges inherent in serving the community. You foresaw the trials that lay ahead, urging me to stand tall when faced with adversity. Your wisdom proved true, guiding me through numerous challenges just as you faced each obstacle with unwavering determination until the very end. Your strength was a beacon, and you fought tirelessly to ensure the well-being of Whitewater. While some may recall your assertiveness, rashness, or distinctive demeanor, those qualities only serve to make you stand out in the most remarkable way. You were a tenacious fighter, unyielding and unbossed until your last breath. Your love for Whitewater was palpable, a passion that fueled your desire to see your community thrive as the best place to live, work, and play. Your absence leaves a void that cannot be filled, and I will deeply miss the camaraderie we shared.

In your honor, I pledge to continue the fight for the better Whitewater, inspired by the abdominal spirit you exemplified throughout your life. Rest in peace, dear friend."

Councilmember Hicks shared the following "I only had the pleasure of knowing Jim Allen for about a year. His presence in the city was well known and obvious to most citizens. You could typically find him at almost every city event. Although I do not know many details, I know Jim has been here in the city for most of his life, graduated here and lived here. He was truly one of Whitewater's biggest supporters and he wanted nothing less than to see the city prosper. He did not always agree with everyone on everything, but that's to be praised. He was a man who had stern beliefs and he was not afraid to state them and defend them. But above all, he was a gentleman. He was always willing to listen to you. He was always ready with a joke to lighten up the situation. He always ended every conversation with a smile. I don't have the stories and years of fond memories as most others do, but in the short time I knew Jim, he made an impact on myself, on the city, and all of our hearts. I will miss the talks and the smiles and the hat. Rest in peace, Jim."

Councilmember Schreiber shared the following "I am the youngest member of the council. As many know, I was in college when I was appointed and he was one of the members that was on the council that appointed me two years ago, two and a half years ago. him as he was a mentor and he was a great man to look up to, to get comfortable in that role as a 20-year-old joining the City Council of Whitewater who grew up in the area for years and he was, he had a lot of history, a lot of wisdom that I could lean on for that first year and get me comfortable in the role that I am now. I will forever be grateful to him for that and for this opportunity to even be serving with him for those years. Obviously, it was devastating to hear during the Christmas season just him passing. My thoughts and prayers do go out to his family as he was a great man that I looked up to. I pray that he's in a better spot and they can have peace during this time and they can find comfort in the morning. Thank you, Jim."

Jeff Knight (405 Panther Ct) Stated "Jim Allen will be missed. He was an incredible civil servant that always put the citizens of Whitewater ahead of himself. Both Sharon and I viewed his friendship with a high regard. He loved Whitewater and knew a huge number of people in and around town. I know from seeing him at Kiwanis Breakfast, and the Firehouse advance of the Fourth of July celebrations, how many people knew and loved him. He was a real person who was caring and had common sense. More importantly, he was a friend when one needed one most. Maybe not as polished as some thought he should be, but no one can question his desire to always do the right thing for the people that live here and pay taxes here. His engagement in Whitewater successes is extensive. A simple example was a time at the Kiwanis breakfast when Jerry went and approached him about allowing golf carts to be used in city streets in certain areas of the city for seniors. Jim didn't say he'd handle it. He told Jerry he would investigate it and see what he could do. Well, lo and behold, Jim followed up in the rest of his history. Only a small example of why Jim was so qualified to serve as Common Council President and, At Large, Common Council Representative. Whether it was developing the Indian Mountain Subdivision, saving the Birch Fountain, bringing a grocer to Whitewater, or something smaller, plus a long list of other accomplishments, and just his plain common-sense leadership, Jim will be missed. Sharon and I are proud to attend tonight and pay tribute to a friend and amazing leader. The city will miss this amazing guidance. I'm sure he's already, as he's passed on, trying to set the record straight and make sure his voice is heard where he is today. Please everybody say a kind prayer tonight for Jim and his family. He was a dear friend."

Stephanie Goettl stated the following, "Council Members, Mr. Weidl, City Staff, and most importantly, the people Jim loved most of all, Whitewater citizens, thank you for allowing me to speak here today. I spent seven years of my much younger life in these chambers making the decisions I felt were right. And still my service does not even begin to measure against the countless hours Jim gave in this same room. I could tell you of the endless interactions we shared, but I'll spare you from what could be a too-long Netflix special of hilarious moments, shared tears, teamwork, and coworkers who became friends who eventually became family. If there is anything I learned by serving so young on this council, it is that Whitewater is a community of service. From those of you seated at that table, to the education majors volunteering to help your children learn to read in our elementary schools, the spirit of service is alive and well throughout this city. I was grateful to see those examples and do my best to replicate them, but to do so required mentorship. I was fortunate to be mentored by many, but one stood out in that group of mentors and examples. There were ways Jim mentored me as a council member, showing me ways to best reflect on issues prior to a vote or best express myself. Although I perhaps could have refrained better from rolling my eyes in this room, but we all know it gave him a good laugh, and I will miss his laugh nearly as much as I miss his love. More than council mentorship, though, he mentored me in life. He showed me how to be a better friend and a better human. He made connections with people younger than him, laughing with my college-age staff who miss him now, and going so far as to attend their commencement ceremonies after cheering them on through late-night tutoring sessions and homework. He made connections with people older than him, caring for someone we both loved through their final days in hospice, something he never expected recognition

or gratitude for. These demonstrations of genuine human connection helped me learn to make them. He recognized his imperfections though too. Perhaps we both got a bit too passionate a bit too quickly. But in working to improve those imperfections, he reminded me we can forgive ourselves and still try to be better. Now the part that's most difficult for me to talk about. Something only those closest to me know, but something I think Jim deserves recognition for. The city recently shared resources regarding it, actually. It is my sincere hope we learn to approach it without judgment and instead encourage others to utilize those resources. There was a time in my life I did not want to continue living. Mental health is a struggle for many and I am an example of one of the extremes in that struggle. During this time, I was open with very, very few people in my life and Jim was one of them. Instead of treating me with stigma, judgment, or embarrassment, he reminded me of reasons every single day to stay alive. He stood by my side in private and in public. He checked on me when I thought I didn't need someone to. He made sure I took care of myself. Ultimately, he was part of why I decided to stay. I'm standing in this room in no small part thanks to Jim and he never expected anything in return. If you are ever in the position I was I not only hope you know there are resources available to you but I hope you have a friend like Jim so that you can be somewhere five years after that thanking them although I hope they're in that room to hear you say thank you, unlike me tonight. As I wrote before, Jim was more than your council president. He was hilarious, he was giving. He gave gifts and smiles and birthday wishes and nicknames, if you were lucky. My nickname was Slayer. He gave all those things freely. My dogs are basically my children, and he understood the way I love them, always asking after them in each call. When I decided I wanted to go back to graduate school this semester, not only did he write me a recommendation letter, he believed in me even more than I did. And when I start classes next week, he'll be looking over my shoulder cheering me on. If you know about me, you know going back to Whitewater is a huge dream and I will be forever grateful for the support he gave me and I know I'll be looking to the sky as I cross the stage in 2025. He impacted our university and his work. He impacted this city in his service. He impacted his family with his love and his friends just the same. I wrote that Jim was the quintessential Whitewater cheerleader, always lifting up the things that make us great while working to make us better. He was. More than that, he was the greatest cheerleader for everyone in his life. I had perhaps the last conversation of Jim's life on the phone with him on that Friday. In that conversation, one of the last things he said to me was that he loved me and he was grateful for me. So, in closing, the way that I am now carrying through my own life, I want to tell you what Jim would tell you if he were here. He loved you and he was grateful for you."

Lee Loveall (515 E Milwaukee St) stated "I only had the privilege of knowing him for a couple of years, but Jim became a very good friend and he was somebody that I knew I could talk to about pretty much anything. And he is the reason that I started coming to these meetings and getting involved because honestly, I despise politics. I appreciate all of you for everything that you do, but it was not something that I ever wanted to get involved in. He was the person who encouraged me and pushed me to start coming to meetings. So, this community is going to be a lot worse off without Jim being a part of it. Thank you."

Larry Kachel ( 457 S Buckingham Blvd) Stated "I first met Jim when I was in high school dating his next-door neighbor. He was just this little junior high kid and he'd see me leaving there and he'd kind of come over and up and he'd kind of smirk at me like, what are you doing? And I dated her for a couple years and that's how I first knew Jim. And as he went through his time here in the community, he spent a lot of years running Randy's, food and beverage manager. From that, when Randy's sold the business to his daughter and son-in-law, Jim then went over to the university and worked many, many years for Chartwells and always actively involved in committees and community events and many, many boards, including 15 years at city council. You could never question Jim's heart. He always put Whitewater first. And starting about seven or eight years ago, while Jim and I both were serving on the CDA, we started our grocery store tours. Jim had the background, food service background. We went and kicked tires, we knocked on doors in grocery stores from the Milwaukee area to Madison to Palmyra to Burlington to Muskego to Milton looking for the right type of store that we thought might have an interest in coming to Whitewater. Whitewater's kind of limited because of the way its population works. Students here are part of the year, part of the year they're not. And Jim did more involvement in helping to bring that grocery store here. We met with all these many years ago, not with the current group that ended up buying the spot. But back then, they said, you don't have a traffic of 20,000 people going by there daily, we're not even going to talk to you. That obviously changed. Jim didn't give up, we didn't give up. And the only negative thing I would like to say is the last few months of Jim's life. He was not in great health. He did not get the best treatment from some of the members in his body. And I just want to let you know that the fight for Jim's cause has just begun. Thank you.

#### **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 reach meeting even if no changes are being made at that meeting.*

Motion made to approve the agenda by Councilmember Brown, Seconded by Councilmember Schreiber. Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

#### **SWEARING IN**

4. Swearing in of City Clerk Heather Boehm

Taylor Zeinert swore in the new City Clerk, Heather Boehm.

#### **CLOSED SESSION**

Motion made to enter into Closed Session at 6:52 pm by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

- CS-5. 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." Item to be discussed: Negotiation of Aquatic and Fitness Center Agreement with School District.

## CONSIDERATIONS

6. 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**

Council came back into closed session at 7:00 pm. Motion made to com back into Open Session at 7:00 pm by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

No Action taken in Closed Session. Council directed Attorney Chris Smith to act on their behalf.

## 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 Consent Agenda with amendment to remove items 7 and 9 by Councilmember Schreiber, Seconded by Councilmember Brown.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

7. Approval of Common Council Meeting Minutes from November 21, 2023
8. Approval of Library Board Minutes from November 20, 2023
9. Finance Committee Meeting Minutes from October 12, 2023, October 16, 2023, October 24, 2024 and November 28, 2023.
10. Ethics Committee Meeting Minutes from December 21, 2023
11. CDA minutes from October 19, 2023 and November 16, 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

### 12. Update on Core Services-**HR**

HR Director Marquardt updated council on the Core Services categories to be reported on, driven by requests, budget goals, and strategic plan objectives. While the categories reported on are still being refined, adjustments can be expected. Some information may be delayed due to necessity. The categories include open positions, completed positions and reclasses, family leave requests, workers' comp claims, grievances, recruitment and selection, new hires, transfers, promotions, separations, active recruitments, recruitment misses, job offer declines, flexible work arrangements, and potentially, employee handbook modifications. Council agreed that twice a year reporting on Core Services was sufficient.

## 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.***

Jeff Knight (405 Panther Ct.) spoke about a previous suggestion made to the city council during Cameron's tenure as city manager, emphasizing the need for training staff on municipal code related to developers' agreements. He recounted an incident where he requested information from Lisa, who provided a transcript highlighting the importance of accurate record-keeping. He expressed concern over potential breaches in record retention laws, citing state law requirements and municipal code obligations to save records for one year. He opposes shortening this duration, especially concerning finance committee discussions on the annual budget. He advocates for maintaining the one-year policy and stressed the importance of training all staff, particularly new members, on municipal code requirements, including records retention and public transparency. He urged the council to prioritize this issue and enforce compliance.

Brad Ceranske (Town of Whitewater) Read a statement on behalf of Whitewater Rental Association President Jim Hekendorf- He says, as president of the Whitewater Rental Association I feel it was important to meet with the new city manager John Weidl. On September 6th, we met at Cozumel's for an informal lunch meeting. The WRA landlord sent me several miscellaneous topics to address. Here are

a few of the follow-up concerns that the WRA had after reviewing my meeting with them. The first point I would like to make is that John Weidl admittedly has a very direct and somewhat aggressive personality. I worked past that and covered our topics. Two main landlord concerns resulting from this meeting. The city manager allegedly bad-mouthing landlords. From reliable sources, it was brought to my attention that the new city manager was bad-mouthing landlords to his staff. John openly admitted to trashing landlords to his staff, John went on to inform me that he does not need to run his agenda past landlords and that he reports to the taxpayers, not the landlords in this town. With landlords comprising approximately 66% of all residential property tax base, I inquired why he wouldn't want to show more support for landlords. As a side note, I was under the impression that the city manager actually reports directly to the city council and not to the taxpayers. Item 2, low income housing plans. John stated that he was gathering quotes for building 400 low income or affordable houses. His plan invokes acquiring expensive land versus developing on land already owned by the city would use taxpayer money to subsidize low-income housing versus middle-income houses. I expressed my thoughts that Whitewater should attract solid businesses here first, then contractors would build middle-income houses versus low-income housing. Also, plans to build more low-income properties in Whitewater would negatively impact both the reputation of the city as well as for the university. Plus, require more taxpayers' resources from the community. John felt we needed to build the houses first, and then the business would come. Item three, drugs, crime, and safety. These are areas he said would require more resources. Thank you for listening and for my efforts using taxpayer resources to improve our community.

And that was written by Jim Hekendorf, president of the Whitewater Rental Association.

## RESOLUTIONS

13. Resolution requesting approval of Final Plat for Meadow View Subdivision. Parcel number /MM00001 to MM00021.

Building and Zoning Administrator Allison Schwark went over the final plat for Meadow View Subdivision.

Motion made to approve final plat for Meadowview Subdivision by Councilmember Hicks, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber

## ORDINANCES

### Second Reading

14. **Ordinance 2081** an ordinance amendment of Chapter 5.20.030 Alcohol Beverages Licensee - Conditions - **Police/City Clerk**

Captain Vander Steeg He stated that this is just the second reading to the language to the window visibility ordinance for the class A and B liquor law license. This is just looking to



more clearly define what the clear vision zone is and then what would be considered an obstruction.

Motion made to approve Ordinance 2081 by Councilmember Hicks, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

**15. Ordinance 2080** an ordinance amending 19.51.180 Truck, Trailer, Mobile Home and Equipment Parking Restrictions - **Neighborhood Services**

Ron Slapinski (1694 Turtle Mound Ln) Read over the second reading of ordinance 2080 and finds it very reasonable and encouraged Council to approve the ordinance as it is written.

Building and Zoning Administrator Allison Schwark went over the amendments that included adding a five-foot setback requirement exemption and expanding the scope of letter D in the code to include all recreational vehicles, camper trailers, watercrafts, boats, and boat trailers for permit considerations related to disability. Additionally, she stated that she included a definition of improved surface to align with Title 20 regulations.

Motion made to approve Ordinance 2080 by Councilmember Brown, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

**16. Ordinance 2082** an ordinance amending Title 20 Property Maintenance - **Neighborhood Services**

Building and Zoning Administrator Allison Schwark ensured that the definition of an improved surface matches and added a five-foot exemption to the setback requirement. They clarified the language regarding trailer wheels and improved surfaces to ensure that the entire area where the recreational vehicle or trailer is parked is covered by the improved surface, preventing gaps between driveways and pads. They also tidied up formatting to align with Title 19.

Motion made to approve Ordinance 2082 by Councilmember Brown, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

## CONSIDERATIONS

**17. Discussion and possible action regarding appointment of Council President - City Manager**

Councilmember Brown Motioned to appoint Councilmember Lisa Dawsey Smith as Council President and Councilmember Neil Hicks as pro tem, Seconded by Councilmember Schreiber.

Voting Yes: Councilmember Brown, Councilmember Schreiber.

Voting Nay: Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks.

Motion did not pass.

Councilmember Gerber motioned to appoint Councilmember Neil Hicks Council President and Councilmember Lisa Dawsey Smith as pro tem. Seconded by Councilmember Dawsey Smith.

Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember Hicks, Councilmember Schreiber.

Councilmember Neil Hicks was appointed Council President.

18. Discussion and possible action regarding the vacancy of the At Large/Even Council position-**City Manager**

Councilmembers discussed with City Attorney McDonell how to fill the Common Council At Large vacancy. Council President Hicks suggested appointing someone to fill the vacant seat.

Keith Staebler (542 E Clay St) Stated he is currently running for the vacant At Large seat, and would apply as soon as the application was published. He also stated he thought the 12 day was more than enough time to take applications.

Motion made to take applications until 1/30/24 and post online, Whitewater Register, all Social Medias including Facebook and interview applicants and appoint a citizen to the open seat, at the February 6, 2024 meeting by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

19. Discussion and possible action regarding the vacancy of the District 1 Council position-**City Manager**

Motion made that the staff post the vacancy for District 1 immediately and publish in the Whitewater Register on January 25th with applications due January 30th to be interviewed on February 6th by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

20. Discussion and possible action regarding appointment of vacant seats for CDA, Public Works (2), Finance, Parks and Rec, Urban Forestry, and ALC - **City Manager**

Motion made to appoint the following Council members to the vacancies on boards and commissions. Councilmember Schreiber to Alcohol Licensing Committee, Councilmember Gerber to CDA, Council President Hicks to Finance Committee, Councilmember Brown to Parks and Rec Board and Urban Forestry, Councilmember Dawsey Smith and Council President Hicks to Public Works by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

21. Discussion and possible action regarding Board of Zoning Appeals appointment - **City Manager**

Motion made to approve the application of Justin Wesolek by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

22. Set date for Special Meeting to discuss changes to Governance Manual- **City Clerk**

Motion made to postpone setting a date for the Special Meeting to discuss changes to the Governance Manual until there was a full Council by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

23. Discussion and Possible Action regarding Strand Task Order 24-02, Stormwater Quality Management Plan Update- **Public Works**

Public Works Director Marquardt explained that this task order is for municipal's separate storm sewer system otherwise called MS4 permit that we have from our DNR. We are required to, as one of the requirements of the permit, required to update the stormwater quality management plan, which updates where we stand with our compliance for phosphorus and total suspended solids that we need to remove from the stormwater. The plan was last updated in 2017. The cost to do this plan is \$85,000, which we have received a \$42,500 grant from the DNR that has already been approved by the Council. So with that, the staff is recommending that we approve Task Order 2402.

Councilmember Dawsey Smith questioned where the balance would come from and Director Marquardt explained that it is coming from the storm sewer account, storm utility.

Motion made to approve Strand Task Order 24-02 by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

24. Discussion and Possible Action regarding Amendment No. 1 to Task Order No. 23-02, New Vehicle Storage Garage at Whitewater Water Department-**Public Works**

Public Works Director Marquardt stated that the original task order was approved in 2023. That was for the design of the building. It is currently under construction, and the amendment would be to add \$20,000 to the original fee to cover items such as contract administration, shop drawing reviews, pay request reviews, site visits for inspections, and respond to questions that come up during the project. Staff would recommend approval. Move for approval. Second. Any comment? I just make one comment that typically these would go to Public Works for vetting, but because we don't have a committee, that's why we are coming directly to you.

Councilmember Dawsey Smith asked where the money would come from. Director Marquardt said out water utility account.

Motion made to approve Strand Task Order 23-02 by Councilmember Schreiber, Seconded by Councilmember Brown.

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

25. Discussion and Possible Action regarding 1st Revision to State Municipal Agreement for Walworth Avenue.-**Public Works**

Public Works Director stated in 2022, we received a surface transportation project grant from the DOT for Walworth Avenue. It's for the repaving from Janesville west to the city limits, which is just west of Highway 12. This award is where the federal government pays 80% and the city pays 20% towards the project. During the design, the soil borings came back showing sub-adequate base course under the existing pavement and pavement that wasn't as thick as we had anticipated. So to do a proper construction and design out there, we decided to ask the state for additional funds and we were made aware that funding was available and that's why we received this first revision of the State Municipal Agreement. The cost of the project is increasing by just over \$515,000. The city cost on this is going up from just over \$581,000 to just over \$700,000. And this construction will take place in 2025, and that's when the borrowing will occur also.

Motion made to approve 1st Revision to State Municipal Agreement for Walworth Ave by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

26. Discussion and Possible Action regarding Cash Allowances for the Water Utility Vehicle Storage Garage Project awarded to RR Walton & Company, LTD-**Public Works**

Public Works Director Marquardt stated this is for the vehicle storage garage, which had bids opened on August 21st of last year. The project was awarded to RR Walton. We had two bids. RR Walton was low. During the pre-con, it was mentioned by Mr. Walton that in submitting their original bid, they forgot to include provisions for cash allowances that were supposed to be included with the lump sum. They had filled out the cash allowances

in the bid. Those cash allowances came to \$32,001.20. They are asking for consideration that these allowances would be added into their original lump sum bid, which was \$824,500. Adding these cash allowances would still put them as a low bid as the next bid was at \$948,700. Staff believes this was an honest mistake and would look for approval to add these in.

Motion made to approve the cash allowances for the Water Utility Vehicle Storage Garage project awarded to RR Walton & Co, LTD by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

27. Discussion and Possible Action regarding a Change Order for Unsuitable Material related to the Water Utility Vehicle Storage Garage Project-**Public Works**

Public Works Director Marquardt stated this is part of the cash allowance that was just approved. There was an item for unsuitable material. We had an estimated quantity in there of 430 cubic yards, and there was a bid price of \$40 for that. We did soil borings to come up with an estimate, however, the unsuitable material was much more extensive once Walton started to do the excavation for the building. additional cost of \$48,880 because this is over \$10,000 as a change order it's coming through council for approval.

Motion made to approve the Change Order for Unsuitable Materials related to the Water Utility Vehicle Storage Garage project by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

28. Discussion and Possible Action regarding Transmission Facilities Agreement with Whitewater Solar, LLC for an easement across the Wastewater Facility property.-**Public Works**

Public Works Director Marquardt stated that he received a request from Ranger Power on behalf of Whitewater Solar for a 100-foot easement across the northern portion of the wastewater facility, near John's disposal. This request was discussed at the Public Works meeting in December, where the committee recommended approval with two stipulations: allowing only an underground easement and including a termination clause if no activity occurred within a specified period. The agreement was subsequently edited to incorporate these stipulations. Whitewater Solar would pay the city \$1,000 for executing the agreement, \$1,500 for granting easements, and an annual sum of \$1 per lineal foot of the transmission line, amounting to approximately \$1,325 per year for the next 47 years. The council is invited to ask questions to Whitewater Solar representatives, or else, the city attorney and relevant personnel will continue negotiations on the agreement, with the final version to be brought back for council approval.

Drew Veilbig from Ranger Power stated his company is developing the Whitewater Solar Project just east of the city. We are proposing a 100-foot wide transmission easement to connect back to the university substation located just along Highway 59. The cables that

we're proposing to install would be medium voltage, 34.5 kV cables. We'd recommend a future closed session conversation. It's very similar in nature to kind of like the cell tower lease agreements. It's something that the council should probably talk about with their legal counsel.

Motion made to direct staff to continue negotiations with Whitewater Solar to finalize an agreement to bring back to the Council, including a closed session negotiation for the body by Councilmember Dawsey Smith, Seconded by Council President Hicks.

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

29. Discussion and Possible Action regarding 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-**Public Works**

Public Works Director Marquardt explained that Verizon and the city have been negotiating a tower and ground space lease agreement since 2023. Last year, the city approved its version of the agreement. After some delay, Verizon is ready to proceed but requests two changes. Firstly, they propose adjusting the section concerning costs incurred by the landlord for review expenses. The initial amount was \$5,000, then the city countered with \$10,000, and now Verizon suggests \$7,500, which the staff finds acceptable. Secondly, the city requires a \$20,000 performance bond as per municipal ordinance, but Verizon asks for this to be reduced to \$10,000.

Motion made to approve the lease agreement with Cellco, changing the review cost to \$7500 with the \$20,000 bond to remain as it is, by Councilmember Hicks, Seconded by Councilmember Dawsey Smith.

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

30. Discussion and possible action on Items C- Code Conduct and D- Enforcement, of the Council Action Plan - **HR**

HR Director Marquardt went over items C and D of the Action Plan. Councilmember Dawsey Smith would like to see Council President removed from the progressive discipline policy. Councilmember Gerber would like to add repercussions for false or misleading complaints.

Motion made to postpone this section of Action Plan to when there was a full Council by Councilmember Dawsey Smith, Seconded by Council President Hicks.

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

31. Councilmember Requests for Future Agenda Items or Committee items. Questions  
Councilmember Dawsey Smith would like to see the meeting record ordinance and or policy.

Councilmember Gerber would like to see any ordinance or policy regarding to how long surveillance video is kept.

## FUTURE AGENDA ITEMS

32. Staff update on Procurement Policy - **Finance**
33. Special Assessments for Mobile Home Parks - **City Manager/Hicks - Q2**
34. **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**
35. Salary Compensation Survey - **Gerber/Hicks Q2 2024**
36. **Ordinance 2079** an ordinance regarding revisions to Chapter 12.22 Construction Standards Adopted - **Public Works March 2024**
37. Immigration Letter from Common Council- **City Manager February 6, 2024**
38. Update on 2024 Gala-**Chief of Staff Q2**

## CLOSED SESSION

### CLOSED SESSION

Motion made to go into closed session at 8:25 pm by Council President Hicks, Seconded by Councilmember Dawsey Smith.

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

CS-39. Adjourn to closed session, to **reconvene in open 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. Item to be discussed: 1) City Manager's Performance Evaluation.

2) Deliberation regarding the engagement of legal counsel from the VonBriesen law office to provide guidance to the city council on personnel-related issues.

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: 3) Review and discuss possible options for resolution of the Walton excessive real estate tax assessment claim.

4) Review and discuss Development Agreement for Meadowview Subdivision. Parcel number /MM00001 to /MM00021.

5) Review and discuss Development Agreement for US Shelter Homes. Parcel number /MM00001 to /MM00021.

## CONSIDERATIONS

Motion made to come out of closed session at 9:24 pm by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

40. Discuss and possible action regarding City Manager's Performance Evaluation- **HR**  
No Action was taken.
41. Discussion and possible action regarding engagement of legal counsel from the VonBriesen law office to provide guidance to the city council on personnel-related issues.- **HR**  
No Action was taken.
42. Discussion and possible action regarding Walton assessment review - **Finance**  
Motion made to approve proposed settlement agreement with RR Walton & Co in the amount of \$51,646.00 to paid from fund balance, by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.  
Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Council President Hicks, Councilmember Schreiber.
43. Discuss and possible action regarding the Development Agreement for Meadowview Subdivision. Parcel number /MM00001 to /MM00021-**CDA/Economic Development**  
Motion made to approve development agreement pending City Attorney review by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.  
Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Council President Hicks, Councilmember Schreiber.
44. Discussion and possible action regarding Development Agreement for US Shelter Homes. Parcel number /MM0001 to /MM0021- **CDA/Economic Development**  
Motion made approve development agreement pending City Attorney review by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.  
Voting Yes: Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Council President Hicks, Councilmember Schreiber

## ADJOURNMENT

Motion made to adjourn at 9:27 pm by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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



**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.**