



Common Council Meeting

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

Tuesday, March 05, 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/83198282604?pwd=cDdLWjUvTTRqRUQ4UVcwQWcW1BUT09>

Telephone: +1 (312) 626-6799 US (Chicago) (Houston)**Webinar
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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

Councilmember Lukas Schreiber

Councilmember Lisa Dawsey Smith

Councilmember Jill Gerber

Councilmember Patrick Singer

Councilmember Carol McCormick

Councilmember Breanne Brown

City Attorney Jonathan McDonell

City Manager John Weidl

Public Works Director Brad Marquardt

City Clerk Heather Boehm

Deputy City Clerk Tiffany Albright

PLEDGE OF ALLEGIANCE

1. Representative Ellen Schutt recognizes Chief Kelly Freeman as a First Responder of the Year for the 31st Assembly District. **-Rep. Schutt's Office**

Representative Ellen Schutt and Senator Steve Nass recognized Fire Chief Kelley Freeman as the First Responder of the Year for the 31st Assembly District for his selfless service and thanked him for his many years of dedication as a first responder for the Whitewater community.

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 by Councilmember Singer, Seconded by Councilmember Schreiber.

Voting Yes: Council President Hicks, Councilmember Brown, 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."

Motion made to go into Closed session at 6:41 pm by Council President Hicks, Seconded by Councilmember Singer.

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

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

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 come back into Open session at 6:50 pm by Councilmember Singer, Seconded by Councilmember Schreiber.

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

Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

3. 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.

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 Singer, Seconded by Councilmember Schreiber.

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

4. Approval of Common Council Meeting Minutes from February 6, 2024.
5. Park and Rec Board minutes from January 17, 2024.
6. Library Board Minutes from January 17, 2024.
7. Urban Forestry Committee Minutes from January 22, 2024.
8. Finance Committee Meeting Minutes from January 23, 2024.

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

9. Presentation of staffing study proposals received by Police Dept for RFP. -**PD**
Police Chief Meyer presented the Council with the signed copy of the Fitch and Associates agreement in the packet, along with the other two proposals that were received. He is working to get a date set up for a kickoff meeting with Fitch.
10. Building Code Enforcement Update- **Neighborhood Services**
Code and Zoning Administrator Allison Schwark provided an update on the city's current services, programs, and enforcement process during a recent presentation. She emphasized proactive monitoring of code violations across the entire city, including property maintenance, unsightly debris, and zoning regulations. The enforcement process involves issuing notices of violation, reinspection, and final notices prior to citation, with the aim of achieving compliance and improving the city's appearance and safety.
Schwark highlighted the significant increase in violation notices issued in 2024 compared to previous years, indicating a proactive approach to addressing issues in the community.

She also emphasized the importance of education and community engagement in promoting compliance with city regulations, including the development of educational materials and outreach efforts.

Schwark expressed her commitment to building positive relationships with city residents, landlords, and other stakeholders, with a focus on providing support and assistance to address complaints and improve the overall quality of life in Whitewater. She showcased progress photos demonstrating efforts to address code violations and improve the city's appearance.

11. Surveillance Camera Recording Retention Policy- IT

IT Director Neubeck explained that he was tasked by City Manager Weidl to develop a policy for the retention of surveillance security camera footage, as there was previously no policy governing their use. The policy outlines that each department within the city manages its own cameras, with responsibilities for monitoring falling on the respective departments. The retention period for records ranges from 30 to 90 days, determined by individual departments and hardware limitations.

Certain cameras, such as those at intersections, are always operational, while others activate only upon detecting movement in low-traffic areas. The policy considers storage capacity and costs, with DVR devices typically capable of storing around 20 terabytes of data. Schwark highlights the potential financial burden of exceeding storage capacity, necessitating the purchase of new devices and battery backups.

Although the city has an ordinance regarding public records, it does not specifically address surveillance camera footage. Therefore, the development of this policy fills a gap in the city's governance structure regarding security camera use and data retention.

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.

There were no citizen comments.

ORDINANCES

First Reading

12. **Ordinance 2024-001** an ordinance regarding Mobile Home Community Special Assessments- **City Manager/Attorney Manthe**

Attorney Rick Manthe provided an overview of the proposed ordinance, which aims to allow the city to impose a special assessment on mobile home communities to cover municipal service costs. The ordinance calculates the cost of services provided to the community based on emergency service budgets and call volumes, subtracting taxes and fees already paid. There was mention of potential legal risks and considerations, as well as the possibility of involving the school district in the assessment process. Finance Director Rachel discussed the financial implications, indicating a substantial increase in potential costs for the mobile home community. Questions were raised about the distribution of charges and the impact on residents. However, further details about how charges would be passed on to residents were not provided, as staff's investigation focused on legal and economic viability rather than implementation specifics.

Motion made to postpone the first reading of Ordinance 2024-001 to the March 19, 2024 Council meeting to allow all residents affected by this ordinance a chance to appear and comment by Council President Hicks, Seconded by Councilmember Dawsey Smith. Voting Yes: Council President Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

CONSIDERATIONS

13. Discuss and possible action regarding Audio Recording Retention- **City Clerk**

Motion made to postpone the Audio Recording Retention policy due to ongoing legal proceedings by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber. Voting Yes: Council President Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Gerber, Councilmember McCormick, Councilmember Schreiber, Councilmember Singer

14. Discussion and possible action regarding revisions to the Down Payment Assistance component of the Affordable Housing Fund Policy-**CDA**

City Manager Weidl explained that the Community Development Authority (CDA) proposed revisions to the down payment assistance program in collaboration with banks. The suggested changes aim to broaden eligibility by increasing the income threshold to 150% of HUD income limits, removing the HUD county property value limit to accommodate housing in the low to mid 300s, and clarifying that maximum mortgage payments should not exceed 30% of household gross income at application and loan closing, in line with state statute. The CDA reviewed and recommended these revisions for approval, and now seeks approval from the relevant governing body.

Motion made to approve the revisions to the Down Payment Assistance component of the Affordable Housing Fund Policy by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

Councilmember Singer

15. Discussion and possible action regarding GenComm Solacom Maintenance & Support Quote.- **PD**

Police Department Support Services Manager Ojibwe presented a proposal to extend the maintenance contract with GenCom for years six, seven, and eight. Extending the contract for multiple years reduces costs compared to a year-to-year basis. The integration of the city's 911 system with Walworth County's phone system aligns them on a three-year cycle for maintenance. This request is solely for the 911 system and does not pertain to the upcoming P25 radio upgrade. The approval sought is for obtaining and submitting the quote for payment.

Motion made to approve the GenComm Solacom Maintenance & Support Quote by Councilmember Singer, Seconded by Councilmember Gerber.

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

16. Discussion and possible action on renaming East Gate Park to Walton's East Gate Park.- **Parks and Recreation**

Parks Director Boehm explained that at the January 17 Park Board meeting they recommended renaming Eastgate Park to Walton Eastgate Park to recognize the Walton family's donation of four park properties to the citizens of Whitewater and their contributions to the city. The motion passed with the condition that the Walton family would cover the cost of the new signage, estimated to be around \$1,200 to \$1,500. The recommendation is for approval of the renaming, with the understanding that future park renaming's will follow the City of Whitewater Park naming policy.

Motion made to rename Eastgate Park to Walton's Eastgate Park by Councilmember McCormick, Seconded by Councilmember Singer.

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

17. Discussion and Possible Action awarding Contract 6-2024 Walworth Avenue Storm Sewer and Drainageway-**Public Works**

Public Works Director Marquardt explained The pipes have collapsed due to being hit by farmers, leading to flooding on Walworth Avenue. The storm sewer pipe and drainage way will be replaced, with a tight deadline of June 1st. McGuire Incorporated, offering the lowest bid of just under \$217,000, has been recommended for the contract. Although there are concerns about repaving Walworth Avenue this year and potentially ripping it out again next year, it's necessary for the project's improvement.

Motion made to award Contract 6-2024 to McGuire Incorporated for the Walworth Ave Storm Sewer and Drainageway by Councilmember Brown, Seconded by Councilmember

Schreiber.

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

18. 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 explained that Whitewater Solar seeks an easement across wastewater property. In January of this year, the council decided to proceed with the easement and negotiate payment terms. Staff presented two options to Whitewater Solar: one involving paying half the total cost upfront with the rest spread over 47 years with an escalator clause, and the other requiring full payment after construction within 45 days. Whitewater Solar chose to pay in full after construction. Staff now recommends approving the transmission facility agreement with Whitewater Solar. The money for this will come from the Wastewater Utility.

Motion made to approve the Transmission Facilities Agreement with Whitewater Solar, LLC by Councilmember Dawsey Smith, Seconded by Councilmember Brown.

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

19. Councilmember Requests for Future Agenda Items or Committee items. Questions

Council President Hicks would like to discuss the City of Whitewater Fee on the TDS billing statements on a future agenda.

FUTURE AGENDA ITEMS

20. Brown Cab update-**Finance Q2**
21. Staff update on Procurement Policy. - **Finance Q2**
22. **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**
23. Salary Compensation Survey. - **Gerber/Hicks Q2 2024**
24. **Ordinance 2079** an ordinance regarding revisions to Chapter 12.22 Construction Standards Adopted. - **Public Works March 2024**
25. Update on 2024 Gala.-**Chief of Staff Q2**
26. Set Date to hold Common Council meeting at UWW Campus-**City Manager/Hicks Q3**
27. Video Surveillance Retention Policy- **IT Q2**

ADJOURNMENT

Meeting Adjourned at 8:10 pm.

Motion made by Council President Hicks, Seconded by Councilmember Singer.

Voting Yes: Council President Hicks, Councilmember Brown, 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.