



## Common Council Meeting

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

**Tuesday, December 19, 2023 - 6:30 PM**

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**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/88588059829?pwd=TMJLmvo-goL1KGC-l-pDIQUOG1ZlBA.-M7-Z7lf69r0H-\\_L](https://us06web.zoom.us/j/88588059829?pwd=TMJLmvo-goL1KGC-l-pDIQUOG1ZlBA.-M7-Z7lf69r0H-_L)

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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.**

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### Minutes

#### CALL TO ORDER

The meeting was called to order at 6:29 by Council President Allen.

#### ROLL CALL

Present

Council President Jim Allen

Councilmember Brienne Brown

Councilmember Jill Gerber

Councilmember Neil Hicks

Councilmember David Stone

City Attorney Jonathan McDonell

City Manager John Weidl

Public Works Director Brad Marquardt

City Clerk Karri Anderberg

City Clerk Heather Boehm

Absent

Councilmember Lisa Dawsey Smith

Councilmember Lukas Schreiber

## **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 by Councilmember Hicks, Seconded by Councilmember Brown.  
Voting Yes: Council President Allen, Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone.

## **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 Brown, Seconded by Councilmember Hicks.

Voting Yes: Council President Allen, Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone.

1. Expedited Approval of the Following Items, per City Staff Recommendation:
2. Approval of Common Council Meeting Minutes from November 7, 2023.
3. Public Works Committee Meeting Minutes from November 14, 2023.
4. Police and Fire Commission Meeting Minutes from May 10, 2023.
5. Police and Fire Commission Meeting Minutes from August 22, 2023.

6. Financial Report for November 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**

7. Loss of MSP payments and MOU with UW Whitewater for reimbursement of dispatch services. - **City Manager**  
City Manager Weidl gave overview regarding the cancelled Memoranda of Understanding (MOUs) between the City of Whitewater and the University of Wisconsin-Whitewater (UWW), particularly focusing on the effects on Municipal Services Payments (MSP).
8. Update on Mill Rates - **Finance**  
Director of Finance, Rachele Blich, gave an update on Mill Rates and how they are established by local government entities, contingent upon their fiscal requirements.
9. Code enforcement update - **Neighborhood Services**  
Allison Schwark from Municipal Code Enforcement, LLC gave a presentation about what her company, Municipal Code Enforcement, LLC, was contracted to do for the City of Whitewater and what that looks like going in 2024.  
Council President Allen asked about anonymous complaints and the box to check is quite small. Allison stated that she can take care of that. She also stated that she is not giving complainant information out unless an open records request is made, but if check anonymous, the name will stay anonymous.  
Councilmember Gerber asked if Allison will be keeping regular office hours here in the City of Whitewater and she stated that is something she would be happy to do so that the general public could come in and talk to her.

## **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.***

Lynn Binnie (1315 Satinwood Lane) Stated our Cable Channel 990 was not live streaming. Media staff were working on getting that back online.

Chuck Mills (336 Whitney) Stated he wanted to thank the council for everything they have done and he thinks you should be proud of what you've done this year and with the election coming up he wanted to let the council know he was voting for them.

## RESOLUTIONS

### 10. Amendment of the 2024 Salary Resolution - **Finance**

Finance Director Rachelle Blich went over the 2024 Salary Resolution amendment that would raise the bottom of salaries by 8.2% and the top of the salary range by only 3.2% instead of the top being 8.2% as stated in the original resolution.

Motion to approve the 2024 Salary Resolution amendment was made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

## ORDINANCES

### First Reading

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

Building and Zoning Administrator Allison Schwark went over the current ordinance 19.51.180. This new ordinance would make it permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property on the side or rear yard on hard surface.

Sharon Reigstad (1694 Turtle Mound Lane) read the following letter written by her and her husband, Ron Slapinski:

To Whitewater Common Council:

We moved here about four and a half years ago. I received a master's degree here 25 years ago, and I thought this would be a good place to retire as I enjoyed the city. That was a mistake. We are extremely disappointed and look forward to moving to another city sometime soon.

Three years ago we bought an RV and parked it in the driveway, nine months had passed without incident. Then we got a notice from the city that it could not be parked on the driveway.

To meet city requirements, I parked the RV alongside my garage, thinking that there were no further objections and that the issue had been resolved. Again, three years have passed.

On October 30, 2023, we got a notice from Ben Jacobs, the CVSO, that we were not to park on the lawn area and that we were to move it away 5 feet from the property line next door.

We were then ordered to correct the violation by December 1, 2023. We called Mr. Jacobs asking for further explanation. We also checked with my neighbor next door, and he had no objection to the RV being close to his property. Ben Jacobs came by and checked to see if there was any fire hazard and confirmed with the neighbor that it was "OK" with him to leave the RV where it was. Again, we had assumed and confirmed with Ben Jacobs that this matter was now resolved.

On Friday, November 24, I picked up my mail around 4 PM and received a letter dated November 21 from Allison Schwark, code enforcement officer. In the letter, she stated that the property was inspected on November 19 and we had until December 1st to correct the violation. That notice gave us only six days to move the RV which we had parked there for over three years. I again checked with my next-door neighbor, and he had no objection to my RV being next to his property, where it is. Ben Jacobs also checked to see if the neighbor objected, and he said "No". A signed statement to this is available upon request.

We are aware of the current proposal of Ordinance 2070. We are asking the city for an exception to the ruling as we have been there for three years with no issue. It is not an eyesore, there is no fire or safety hazard and my neighbors are not objecting to the RV near his property.

We have driven around the city and found multiple vehicles and trailers that need to comply. Pictures are available upon request.

To move the RV especially this time of the year is highly inconvenient. We have no place to put it!

Furthermore, the letter from Alison Schwark was abusive. She gave us only one week to move the RV. Furthermore, she threatened me with fines of up to \$400.

Why has this become a problem after three years?

We need to keep the RV plugged in for the batteries. We also need access to the RV as we go in and out throughout the year packing and preparing for long trips. So why should we be so inconvenienced because someone did not like to look at the RV? As of now, I have no place else to park the RV, I am unsure of moving it on icy roads.

The RV and the towing truck have two different independent braking systems. This requires driving skills and expertise that I do not have. Finding a commercial place to store it at this time of year, will be challenging. Furthermore, it will cost about \$100 a month for storage. All this inconvenience and expense just to pacify some people who don't want to look at it? It's not an ugly RV. It is new and well-maintained.

Our backyard is inaccessible for the RV making it impossible to move to that location. The same scenario applies to many other residents of Whitewater.

We also object to the hard surface requirement. Again, why? How? We maintain our property and keep the grass trimmed with a weed-whacker. What exactly is a hard surface? How is it going to be enforced? Does the hard surface have to be permanent? What is hard enough? Is the hard surface just for the wheels; or the entire trailer surface? Does the hard surface have to be under the tongue as well?  
We, or future owners may wish to plant grass

there, but it would then be scarred permanently with a hard surface. Again, we maintain our property. If the Council is concerned about appearances, why not cite the people who don't trim or mow their grass?

Who is serving whom? Is the government the serving people or are the people serving the government? This is an example of why some people object to too much government. Attack the ugly areas, not the RV out of a clean, well-maintained yard and a taxpaying retired public servant!

We have discussed this issue with 5 other RV owners. Three residents are reluctant to come to this meeting as they are afraid of retribution or repercussions from the city! We have discussed this issue with 5 other RV owners. How shameful that people are afraid of their local government. I have heard quite a few stories of abuse and harassment from city enforcement.

We understand the council's intentions of beautifying the city. That is all well and good. But, "beauty" or "ugliness" is in the eye of the beholder. We feel the RV is quite beautiful as it is and where it is. You cannot legislate "beauty" or ugliness; just as you cannot legislate morality.

Are you going to legislate how high or low hedges should be? How many Christmas decorations should be or should not be? What about pruning trees? What if there are dead branches? What about people who don't mow their lawns? How often do they have to mow? Snow shoveling? What about unpainted houses? What colors must they be? Where does the city control stop?

The many Whitewater citizens that I have talked to all consider this ruling ridiculous and abusive including a member of law enforcement. Ultimately, we may hire an attorney to see if there is a way to prevent this.

Please grandfather us in, it is the only fair thing to do.

Councilmember Stone would like Ordinance 2080 to match 19.51-180 (e) to match regarding boat parking in front of house for person with disabilities. Allison suggested making that to include all truck, trailer, mobile home, equipment parking April through November.

John Cook ( 517 S Elizabeth) Stated he was concerned that parking in the back yard would rut up the side yard getting he RV, Boat etc back to the back yard pad. Side yard would be easiest to park his RV

Carl Stoll (445 Pleasant St) Stated that the side yard was voted on back in September/October to remove it from the ordinance, so he believes the motion should be add back in. The other thing he is concerned about it that the way he sees it, this is written is with the mindset of a cookie cutter house/property. A lot of homes including his, do not face the street. He is concerned the council will have their hands full with complaints. In certain situations, you're asking them to invest thousands of dollars to make pads and not only that to do it, there's another hurdle of them getting the pads approved as well.

Ron Slapinski (1694 Turtle Mound Lane) Stated he is concerned about too much government interfering. He doesn't want to ruin the surface on the side yard with pavement or asphalt. When he moves away or someone else buys his house, now they're stuck with a blank spot right there and it's really scarring the area and the beauty instead of enhancing it. Well you know we move away, they don't want to put grass there. So again, he's frustrated with so much government interfering with our personal lives. He thinks this is ridiculous.

Council President Allen made a motion to eliminate the side yard. No second motion was made. Motion died on the floor.

Brian Shannon ( 441 S Buckingham Boulebard) Asked if the pad had to extend to the full back of the vehicle or to the back of where the tires end? Councilmember Hicks stated that is what they are proposing is cleaning up the wording to say it does not need to cover the entire vehicle it would just need to be where the wheels are sitting but also a continuous hard surface as to not rut the yard while driving over dirt from the pads to the driveway.

Councilmember Hicks made a motion to add side yard back in and definition of improved surface to include what was on page 138, which would include pavers and removing the 5 feet from lot line requirement for the pad with the exception that the adjacent property owners need to sign off. Also allowing unoccupied house trailer, motor home, unoccupied camp trailer, boat trailer, trailers for all terrain vehicles (ATVs) or snowmobiles, and all other private residential-type trailers to park in the front driveway, April through November, if the homeowner has a disability, to allow that person reasonable access. Councilmember Hicks would also like to add to the motion to clean up associated zoning such as what John mentioned on page 139 section C.

Motion made by Councilmember Hicks, Seconded by Councilmember Stone.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, President Councilmember Allen.

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

Chief Meyers stated the current ordinance 5.20.030 the window part of it was difficult to enforce properly. He wants to ensure cleaning up ordinance so that exterior windows are clear glass and have a clear vision zone.

Motion made by Councilmember Gerber, Seconded by Councilmember Hicks to approve 2081 as presented.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

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

Building and Zoning Administrator Allison Schwark suggested to clean up Title 20 to be consistent with Title 19. She suggest that the same changes that were made to Title 19, be made to title 20.

Motion made by Councilmember Stone, Seconded by Councilmember Hicks.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Jim Allen.

Councilmember Gerber asked for clarification on reinspection fees and if they run a calendar year or start over. Building and Zoning Administrator Allison Schwark explained that the re-inspection fees build up continuously if it's an ongoing open enforcement item, once that enforcement item is closed out or we're addressing something new, we would start over.

### Second Reading

14. **Ordinance 2078** an ordinance amending section 1.21.010 Schedule of Deposits to provide for a bond amount for violations of Title 20 Property Maintenance - **Neighborhood Services**

Building and Zoning Administrator Allison Schwark explained this is a bond schedule that attorney McDonell put together for the title 20 property maintenance ordinance so that if and when we need to issue municipal citations we can. It is the same version you saw at the first reading and no changes were made. Councilmember Stone questioned how much time between violation and citation. Building and Zoning Administrator Allison Schwark explained depends on violation.

Motion made to approve the bond schedule by Council President Allen, Seconded by Councilmember Stone.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

Recess taken at 7:55 pm

Meeting back in session at 7:59 pm

**CONSIDERATIONS**

15. Discussion and possible action regarding the cancellation of January 2, 2024 meeting. - **Common Council**  
15 and 16 were approved as a part of the consent agenda.
16. Discussion and possible action regarding appointment of 2024-2025 Election Inspectors (Poll Workers)-**City Clerk**  
15 and 16 were approved as a part of the consent agenda.
17. Discussion and possible action regarding approval of a Junk Dealers License - Triple J Salvage, LLC DBA Kienbaum Iron & Metal - **City Clerk**  
City Clerk Anderburg explained that Kienbaum had a junk dealer license approved back in May 2023 but that only runs with the owner and because they are changing owners, a new Junk Dealers license needs to be approved. She recommends approving license.  
Motion made to approve the license by Councilmember Hicks, Seconded by Councilmember Brown.  
Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.
18. Discussion and possible action regarding Board of Zoning Appeals appointment - **City Manager**  
City Manager Weidl suggested that Mr. Wesolek would be a good fit for the Board of Zoning Appeals appointment. Councilmember Stone wants to see application and due to technical difficulties it was not included in the Agenda Packet and asked that this be postponed until January 16, 2024 meeting when application was included in packet.
19. Discussion and Possible Action regarding granting an easement to WE Energies across property owned by the Wastewater Utility. - **Public Works**  
Public Works Director Marquardt explained that WE Energies is looking for an easement across the driveway that enters into the wastewater facility. It is for the purpose of serving John's Disposal's new office complex. Public Works met last week and recommended approval to the Council.  
Motion to approve the easement was made by Council President Allen, Seconded by Councilmember Brown.  
Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen
20. Discussion and Possible Action regarding Strand Task Order 23-10 to prepare a DNR Urban Non-Point Source and Stormwater Construction Grant application - **Public Works**  
Public Works Director Marquardt explained that the Task order was not in the packet due to it being password protected but asked the Council to look at the map and explained that this was just to get the Grant Application started. Councilmember Hicks asked if the

tree to the east could be saved. Director Marquardt suggested that once the design process starts he will look into that.

Motion to approve Strand task order 23-10 was made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

21. Discussion and Possible Action regarding Strand Task Order 23-11 to prepare 2024 Street Maintenance plans, specifications and bidding documents - **Public Works**

Public Works Director Marquardt explained the project would include asphalt replacement on Pearson Lane, Pearson Court, Meadowview Court. We would be looking to chip seal streets in the Parkcrest subdivision. That would be the streets off of Tratt Street in the northwest part of the city. We also look at putting an asphalt sealant on the new asphalt surfaces at the wastewater facility and repaving a multi-use path in the Prairie Village development. Estimated cost for this task order is \$18,600. Public works didn't meet last week also and we're recommending approval to the council.

Motion to approve Strand task order 23-11 made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

Councilmember Brown would like to see these two Task orders in January 16, 2024 Council meeting packet.

22. Discussion and possible action regarding possible retention of outside legal counsel for the ethics committee - **City Clerk/HR**

HR Director Marquardt explained that the Ethic's Committee may ask for legal council at their upcoming meeting on December 22, 2023. Attorney McDonell has a conflict of interest, she suggests an Attorney from Von Briesen.

Motion was made to approve the Attorney from Von Briesen by Councilmember Brown, Seconded by Councilmember Hicks.

Voting Yes: Councilmember Brown, Councilmember Hicks, Councilmember Stone, Council President Allen.

Voting Abstaining: Councilmember Gerber

23. Discussion and possible action regarding employee bonuses - **Finance**

Finance Director Blich explained the different options outlined in the packet.

Councilmember Hicks motioned to approve option 2, Councilmember Gerber second the motion. Councilmember Stone motioned that there be an ammendment that employees under a year get \$100.00 and part-time employees under a year get \$50.00.

Councilmember Brown second.

Motion made by Councilmember Stone, Seconded by Councilmember Brown.  
Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks,  
Councilmember Stone, Council President Allen.

24. Discussion and possible action regarding Letter to Elected Officials Requesting Resources to Address Impacts of Immigration - **Police**

Police Chief Meyer asked the Council to read his letter and suggest anything else he needed to include. His letter to elected officials is requesting resources to address the impacts of immigration. The Council discussed the recipients of the letter, including President Biden, Vice President Harris, DHS Secretary Mayorkas, Congressman Steil, Senators Johnson and Baldwin, Representative Fitzgerald, and possibly the Governor. There is a suggestion to include points about the legalization of driver's licenses and municipal court numbers related to registered vehicles.

Some members express concerns about tracking immigration-related statistics and propose additional points, such as mentioning the police budget and the city being a college community. The idea of having the entire council sign the letter for more impact is suggested. The process of finalizing and obtaining signatures is discussed, with the possibility of having two separate letters – one from the city manager and one from the Council. The importance of showing good faith in applying for federal assistance is acknowledged. Future agenda items are proposed to continue the discussion and draft additional letters on related topics.

25. Discussion and possible action on Items A-Training and B-Documentation and Communication of the Council Action Plan - **HR**

HR Director Marquardt went over Items A-Training and B- Documentation with Council Item A involves discussing potential action steps, training, and documentation for the council action plan. The discussion includes proposed trainings, their frequency, and participants. There is a suggestion to have the city clerk conduct training every other year for new elected officials and department directors, with NeoGov trainings being optional. The discussion also includes considerations for the onboarding process, including topics and timing.

Item B focuses on documentation and communication, specifically the Good Governance Manual. The suggestion is to revise and update the manual, incorporating useful examples and potentially setting up a special meeting to discuss changes. The idea of distributing the manual to committees and boards is discussed. Additionally, there is a suggestion to provide elected officials with a book on Robert's Rules of Order and explore obtaining ethics-related handouts from conferences.

The conversation covers various aspects of training, documentation, and communication strategies for the council action plan.

26. Councilmember Requests for Future Agenda Items or Committee items. Questions  
Councilmember Brown would like special meeting to go over the Good Governance manual.

Councilmember Gerber would like discuss and potentially take action on the publication of ordinance changes before council meetings.

Councilmember Hicks would like a update on the status of the Aquatic center negotiations.

### **FUTURE AGENDA ITEMS**

27. Staff update on Procurement Policy - **Gerber/Attorney - Q1 2024**
28. Hiring a temporary, hourly assistant to the city manager - **Allen -TBD**
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**

### **CLOSED SESSION**

Motion made to enter into closed session by Councilmember Stone, Seconded by Councilmember Hicks. Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

Enter into closed session at 8:52 pm.

CS-33. Closed Session: Adjourn to closed session pursuant to Wis. Stat. 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 - **To Reconvene in Open Session.** Item to be discussed: 1) Discussion of which attorney from the law firm of VonBriesen to retain to advise the city council on personnel matters.

Motion made to reconvene into Open Session by Councilmember Stone, Seconded by Councilmember Hicks.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

### **CONSIDERATIONS**

Entered back into open session at 9:30 pm.

No action taken from closed session.

34. Discussion and possible action regarding hiring an attorney from Von Briesen that the Common Council shall retain for personnel matters. - **Allen/HR**
- No action taken.

## **ADJOURNMENT**

9:31 pm Motion made by Councilmember Stone, Seconded by Councilmember Hicks.

Voting Yes: Councilmember Brown, Councilmember Gerber, Councilmember Hicks, Councilmember Stone, Council President Allen.

**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.**

**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.**