Common Council Meeting

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

Tuesday, October 20, 2026 - 6:00 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:

Join: https://teams.microsoft.com/meet/240342612121294?p=tgkaQxXQFYB3yAz3LH

Meeting ID: 240 342 612 121 294

Passcode: AP7eD3SH

Dial in by phone

+1 929-229-5663,,888025644# United States

Phone conference ID: 888 025 644#

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.

AGENDA

MINUTES

CALL TO ORDER

Council President Singer called the meeting to order at 6pm.

ROLL CALL

PRESENT
Council President Patrick Singer
Councilmember Michael Smith
Councilmember Steven Sahyun
Councilmember Brian Schanen
Councilmember Neil Hicks
Councilmember Gavin Kelleher
Councilmember Orin Artsmith

City Manager John Weidl
City Attorney Steven Chesebro

Public Works Director Brad Marquardt
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 to approve the agenda with moving items #13, #15, #16, #17, #18, #20, to the Consent Agenda and moving item #27 to right after Approval of Agenda made by Councilmember Schanen, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

Councilmember Hicks amending the amendment to remove item #15 and keeping it on the regular agenda.

Motion to move closed session item 35 and item 36 to immediately follow the consent agenda made by Councilmember Smith, Seconded by Councilmember Hicks.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

To approve the agenda as amended:
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

PRESENTATION

1. Presentation from Whitewater United School District regarding November 3, 2026 referendum.

   WUSD Superintendent Samuel Karns gave a presentation regarding the November 3rd, 2026 referendum.

2. Community Survey results and presentation.

   Derek Harvey from ETC gave a presentation on the results of the Community Survey.

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 to approve the consent agenda with items #13, #16, #17, #18, and #20 added made by Councilmember Schanen, Seconded by Councilmember Artsmith.

Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

3. Plan & Architectural Review Commission meeting minutes from August 10, 2026 and September 14, 2026.
   Joint Common Council & Plan & Architectural Review Commission meeting minutes from September 24, 2026.
4. Landmarks Commission meeting minutes from September 2, 2026.
5. Public Works Committee meeting minutes from September 8, 2026.
6. Lakes Advisory meeting minutes from July 22, 2026.
7. Police & Fire Commission meeting minutes from May 12, 2026.
8. Ethics Board meeting minutes from May 28, 2026.
9. The First Common Council meeting in November will not be held on Tuesday, November 3, due the the General Election, instead will be held on Thursday, November 5, 2026.
10. City Manager Annual Review Policy and Proposed Evaluation Tool for Review at the November 17, 2026 Common Council Meeting.

CITY MANAGER REPORT

11. 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, Police, Fire & EMS, Library, Community Development, Parks & Recreation, Human Resources.

12. Dyslexia Month Proclamation requested by Councilmember Orin Artsmith.

    City Manager John Weidl gave a proclamation on Dyslexia Month.

STAFF REPORTS

13. Update on Mobile Studio and Estimated Cost.- **Media Services**

    This item was moved to the Consent Agenda.

14. Presentation and Brief Overview of the 2027 Draft Budget.- **Finance**

    Finance Director Rachelle Blitch gave a presentation and brief overview of the 2027 draft budget.

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.

Dawn Boley (Lakeview Dr) spoke about Pride Fest and the Community Survey.
Courtney Majeres (Fort Atkinson) spoke about the bike lanes and street line painting.
Larry Kachel (457 Buckingham Blvd) spoke about the closed/open session item.
Chuck Mills (336 S Whiton St) spoke about the Pride Fest.

RESOLUTION

15. **Approval of Service Contract: Resolution 2026-R-45** to approve Fee for Service Agreement between the City of Whitewater and Downtown Whitewater, Inc.- **Community Development**

Motion to approve resolution 2026-R-45 made by Councilmember Schanen, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Kelleher, Councilmember Artsmith
Voting Abstaining: Councilmember Hicks

16. **Reimbursement Resolution: 2026-R-51** authorizing funds to be borrowed in 2027 to repay funds used for emergency repairs for Well No. 5 Filter Tank.- **Public Works**

This item was moved to the Consent Agenda.

17. **Amending Resolution: 2026-R-52** Resolution approving Amendment No. 1 to Strand Task Order No. 25-01, Well No. 7 Modifications and Starin Park Reservoir Demolition. - **Public Works**

This item was moved to the Consent Agenda.

18. **Approval of Truck auction: 2026-R-53** Resolution approving disposition of two Street Department trucks through auction.- **Public Works**

This item was moved to the Consent Agenda.

19. **Approval of Service Contract; 2026-R-54-**Resolution to approve contract between City of Whitewater and Graef for Zoning Rewrite.- **Community Development**

Motion to approve resolution 2026-R-54 made by Councilmember Schanen, Seconded by Councilmember Kelleher.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

20. **Approving Contract: 2026-R-55** Resolution authorizing the signing of the amendment to Offer to Purchase for Lot 5B Parcel # 292-0515-3424-002 located in the Whitewater Business Park on Endeavor Drive.-**Community Development**

This item was moved to the Consent Agenda.

21. **Development Agreement: 2026-R-58** Resolution to approve the development agreement for redevelopment of Bower's House located at 183-187 W Main Street.- **Community Development**

Motion to approve resolution 2026-R-58 made by Councilmember Smith, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

22. **Loan Approval: 2026-R-59** Resolution to approve $2.5 million State Trust Fund Loan for TID #10 developer incentive.- **Finance**

Motion to approve resolution 2026-R-59 made by Councilmember Smith, Seconded by Councilmember Kelleher.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

ORDINANCES

First Reading

23. **Amending Ordinance**: **2026-O-23** an Ordinance amending Chapter 7.04 Code of Ethics.- **City Attorney**

Larry Kachel (457 S Buckingham Blvd) spoke about the Code of Ethics ordinance.

Motion to approve the first reading of ordinance 2026-O-23 made by Councilmember Schanen, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

24. **Amending Ordinance**: **2026-O-24**-an Ordinance Amending 8.29.080(a) Garbage or Rubbish not to be deposited in any other place or manner than here in provided.- **Community Development**

Motion to approve the first reading of ordinance 2026-O-24 made by Councilmember Kelleher, Seconded by Councilmember Schanen.
Voting Yea: Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher
Voting Nay: Council President Singer, Councilmember Artsmith

25. **Repealing Ordinance**: **2026-O-25** and Ordinance Repealing Section 12.46.090-Public Art Committee-**Community Development**

Motion to approve the first reading of ordinance 2026-O-25 made by Councilmember Hicks, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

Motion to waive the second meeting of ordinance 2026-O-25 made by Councilmember Schanen, Seconded by Councilmember Kelleher.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

26. **Zoning Ordinance**: **2026-O-26** and Ordinance Annexing Territory to the City of Whitewater-**Community Development**

Motion to approve the first reading of ordinance 2026-O-26 made by Councilmember Hicks, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

Motion to waive the second reading of ordinance 2026-O-26 made by Councilmember Schanen, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

Second Reading

CONSIDERATIONS

27. Review, discuss and direct staff regarding the denial of Pat Jerdee's application for Beverage Operator's License. - **City Clerk**

Captain Taft gave an update on the denial on Chief Meyer's behalf.
Applicant Patrick Jerdee gave a speech about his conviction.

Motion to uphold the beverage operator's license denial by PS&L made by Councilmember Hicks, Seconded by Councilmember Smith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

28. Review, discuss and direct staff regarding Vacant Building Registration-**Community Development**

Dave Stone (303 Ann St) spoke about the vacant building registration.

Motion to recommend further discussion of this to the PARC made by Councilmember Schanen, Seconded by Councilmember Artsmith.
Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

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

Councilmember Schanen: Two items for public workers, street stripes and downtown garbage.
Councilmember Hicks: Staff to put a report together about Ms. Boley's comment about the community survey.

FUTURE AGENDA ITEMS

30. Fire Department turnout times update.- **Artsmith December**
31. Strategic Plan Metrics - **Artsmith Q1 2027**
32. Review of Downtown Activation Initiative - **Artsmith Q3 2027**
33. Voter Turnout Improvement - **Artsmith Q2 2027**
34. Crime Prevention Strategies Update.- **Hicks November 5, 2026**

CLOSED SESSION Adjourn to Closed Session, TO RECONVENE to OPEN SESSION, pursuant to Wisconsin Statutes Chapter 19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

Items to be discussed.

CS-35. Conduct of M.S.

No closed session. This was discussed in open session.

CONSIDERATIONS

36. Review, discuss, and direct staff regarding the conduct of M.S.

Councilmember Smith presented documents to the council and citizens in attendance. See original meeting packet pages: 543-553.
Below is a statement by Councilmember Smith:

Members of the Common Council:

The complaint filed against me contains false and defamatory characterizations of my protected speech as an elected official. My emails raised legitimate questions about a public event and its performers. They did not contain false statements of fact about any individual, nor did they accuse anyone of criminal conduct.

The First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The Wisconsin Constitution, Article I, Section 3, likewise states: “Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of

that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press."

No amount of imagination from an individual or a city attorney can change these First Amendment rights. Under these protections, statements by a public official on matters of public concern receive strong constitutional safeguards. A complaint that mischaracterizes those statements as unethical or improper, and that asserts or implies false facts about my conduct or motives, risks defamation.

I hereby provide notice that I will pursue all available legal remedies, including but not limited to claims for defamation and for violation of my First Amendment rights under 42 U.S.C. § 1983, against the individual who filed the complaint and against any member of this Council who votes to censure, reprimand, discipline, or otherwise punish me for these protected communications.

Respectfully submitted,

Michael Smith
Alderperson, City of Whitewater

Council spoke about this topic and shared their opinions. There was no formal action taken.

ADJOURNMENT

Motion to adjourn at 8:50pm made by Councilmember Hicks, Seconded by Councilmember Artsmith. Voting Yea: Council President Singer, Councilmember Smith, Councilmember Sahyun, Councilmember Schanen, Councilmember Hicks, Councilmember Kelleher, Councilmember Artsmith

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.

The City of Whitewater's strategic goals for 2026–2028 are: Expand Housing Opportunities and Support Responsible Community Growth; Enhance Communication, Transparency, and Community Engagement; Support Economic and Downtown Development, Business Growth, and Tax Base Expansion; Foster a Vibrant, Engaged, and Welcoming Community; Ensure Long-Term Financial Stability and Strategic Investment.

This agenda may include quasi-judicial items addressing the specific outcome for an individual or property, such as zoning appeals, conditional use permits, land use decisions, licensing, or ethics decisions. For quasi-judicial items, Council Members are only able to consider information presented by interested parties or the public on the record during this meeting. Council Members should not conduct their own investigation but may request additional information from the interested parties.