



Common Council Meeting

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

Tuesday, November 21, 2023 - 6:30 PM

MINUTES

CALL TO ORDER

The meeting was called to order by President Allen at 6:30pm

ROLL CALL

Council President Jim Allen
Councilmember Brienne Brown
Councilmember Lisa Dawsey Smith
Councilmember Jill Gerber
Councilmember Neil Hicks
Councilmember Lukas Schreiber
Councilmember David Stone
City Attorney Jonathan McDonell
City Manager John Weidl
Public Works Director Brad Marquardt
City Clerk Karri Anderberg

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

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

1. Approval of Common Council Meeting Minutes from October 17, 2023
2. Approval of Special Common Council and Unified Whitewater School District Meeting Minutes from October 11, 2023
3. Public Works Committee Minutes from September 12, 2023
4. Plan & Architectural Review Meeting Minutes from October 09, 2023
5. Library Board of Trustees Special Meeting Minutes from October 09, 2023
6. Park and Recreation Board Meeting Minutes from September 20, 2023
7. Financial Report for October 2023

PUBLIC HEARING**8. Public Hearing regarding 2024/2025 City of Whitewater Budget - Finance**

Public Hearing opened at 6:48 pm

Finance Director Rachelle Blitch gave an update to the budget.

Councilmember Gerber - Stated under the City Manager, City Clerk, and HR expense detail, it is budgeted \$10,000 for supplies. And last year the City did \$659, so it's like a \$9,400 increase.

Councilmember Gerber asked if it was supposed to be \$1,000 and not \$10,000.

City Manager Weidl stated that it was an error and the budget would be updated

Councilmember Gerber asked about the City Manager's goals, if the goals that are adopted and that you need to adhere to for the whole year or is it's gonna be another set of goals that the Council create?

Councilmember Gerber specifically asked a couple times for there to be a goal, to develop a percentage that departments achieve their goals. Councilmember Gerber stated she did not want to adopt the budget unless there is a percentage.

Motion made by Councilmember Gerber, Seconded by Council President Allen to add another city manager goal that the City Manager must achieve 85% and all departments must reach 85% of their goals within the year.

City Manager Weidl stated he was happy to have a goal in there that states that Council needs to come up with a meaningful target by the end of January and that's what we're going to go with for the rest of the year.

Motion made by Councilmember Schreiber, Seconded by Councilmember Dawsey Smith to amend the motion have a goal that staff by the end of January- develop a growth metric- based on last year's performance and achievement of goals and the goals for the following years.

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

Motion made by Councilmember Hicks, Seconded by Councilmember Dawsey Smith to spend up to \$120,000 from the undesignated fund balance for one-time expenses including referendum education and technology upgrades with staff pre-funding from 2023 funds unaccounted fund surplus and cash forward.

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

Larry Katchel (457 South Buckingham) - stated that the city has 13 additional employees for the health insurance and had questions as to if those were new employees.

Public Hearing closed at 7:11 pm

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. Update on Collection of Room Tax - Finance**

Finance Director Rachelle Blitch explained how room tax was collected and the math behind it.

10. Lakes Update - Park and Rec

Park and Rec Events Programmer Michelle Dujardin gave an update on Cravath and Tripp Lakes and what is happening with the cattails.

11. Aquatic Center Update - Park and Rec

Park and Rec Director Kevin Boehm gave an update on the Aquatic Center and the results of the September 29th. Director Boehm also gave a brief update on plans for the facility.

12. Immigration Roundtable Update - Police

Police Chief Meyer read the following statement - On November 10th, 2023 at 12.45pm Senator Ron Johnson and Representative Bryan Steil held a roundtable discussion with law enforcement representatives regarding local impacts of immigration. During the meeting I shared the included PowerPoint slides regarding impacts of demographic change in the City of Whitewater. The majority of this information has already been shared with all of you in open session previously. We also have a recording of that press conference at the link in the agenda item document here for anybody that hasn't seen it and would like to. But what I'd really like to comment on is that most of the questions that were posed during that public press conference were directed to the politicians that were present, and the discussion became hyperpolitical rather than focusing on the issues that impact us here locally. With that said, the message that I guess, if I had the opportunity that I would like to present, is that nothing about immigration is comfortable to talk about. I struggle to think of a more complex and polarizing topic in today's world. That said, I see it as my job to make sure that we're having those uncomfortable conversations in a way that brings us together, rather than pulls us apart. Our community depends on that. The issue of immigration and the associated demographic change we're seeing here in Whitewater is a critical challenge. The impact is acute and affects us here as much if not more than some of the larger cities we hear about on the news. Some of the cases that our officers have handled this year are shocking and difficult to process. But as with anything else, it's critical that we don't lose sight of the fact that these are outcomes of individual choices and not a reflection of a group of people. I've been presenting our data, the trends that we're seeing, to anyone willing to listen because it's my job to ensure that we have resources needed to properly and proactively serve our entire community. But I do want to remind everyone that law enforcement is just a portion of the equation. And we need to have a holistic view and approach to this topic in order to fully address the challenges we're facing. I urge you not to consider not just the law enforcement staffing when thinking about this issue, but also in what ways the city can support organizations like non-profit entities that are working to improve the quality of life for those who have migrated here.

13. Police Staffing 2024 - Police

Police Chief Meyer read the following statement - Given the challenge that we currently are having in the police department to provide a proactive police presence, it was requested that I provide a memo outlining our staffing plan as we look forward. So I'm going to hit on first what is our staffing need? What have we done about that in 2023? And then how we are strategizing to address staffing in 2024 and beyond. So first, what is the staffing need? We are currently staffed at 24 sworn officers. We've been at that level since 2008. Since 2008, census data shows that Whitewater's population has increased over

11%. In addition to that, these last 15 years has brought change that impacts law enforcement globally. Just one example of that, nearly every major investigation that we now have includes an analysis of cell phone or electronic data in some manner. That is very time-consuming. It often will include multiple cell phone or computers that need to be analyzed. So just to kind of give you a, if you haven't done that, just to give you a little bit of basic knowledge of what that entails, you have to apply for a search warrant. We have to physically obtain those devices. We have to send those devices to outside entities to be analyzed. We then have to review the records that we get back, which is extensive. Even the cell phones now, they're miniature computers, so there's a ton of data in those. And then ultimately we store those devices in evidence long term. So again, that's an example of a global impact. It's not just us that's being impacted by that. It's all law enforcement. However, in the last two years, we've also experienced acute challenges related to demographic change, which very few communities, especially communities our size, have experienced. Some of the challenges that we're seeing with that are overcoming a lack of trust in law enforcement that some people have based on the environment in their home country. Another is communicating with a large population of non-native English speakers. Also protecting juveniles who are being victimized living in non-familial living situations. Encountering a large number of unlicensed drivers as we continue to enforce our traffic laws. Ensuring that we're accurately identifying and documenting our interactions with individuals who in some cases are intentionally deceiving officers with false documents. And finally, educating individuals about our laws and ordinances. So that's the staffing need. What have we done about that in 2023? In the absence of added staffing, our strategy this year has been to focus on technology as a means of making our officers as safe as possible and as efficient as possible. We've utilized Propio to help officers communicate. We've purchased two drones and formed a drone team. We've installed three automated license plate readers. And all of these things have greatly increased our investigative capabilities and made us a better police department, but ultimately they haven't replaced the staff. So when we look forward to 2024 and beyond, we've got three, or two primary strategies that we have identified. So the first one is gonna be ensuring that we maximize the staffing that we do have funding for. We know that we're gonna have a vacancy in our detective lieutenant position, and that's gonna be beginning January 2nd. We're working off the assumption that it's gonna be filled by internal promotion. And therefore, we've posted a patrol officer opening that will eventually backfill that opening created by whoever's promoted. That officer is actually going to be the 25th sworn officer with our department, which is one above our women of 24. However, I'm confident that that's not going to have any adverse impact financially to the city due to having an officer that is away on military leave until fall of 2024 and knowing that we have a very high likelihood of at least one retirement between now and then. So a second strategy is conducting a staffing study. The city has pre-funded \$50,000 to have a third party consultant conduct a staffing study for the police department in the subject as well as an unbiased perspective give an opinion on what our need truly is. Ultimately based on the results of the staffing study, the likely next step would be likely. April of 2024, an RFP would be created to hire a consultant to provide services related to a referendum. Estimated cost, about \$65,000. May of 2024, a consultant would be selected. August of 2024, Council would confirm the referendum question for the ballot based on data provided by the staffing study and RFP consultant. And then April 2025, the referendum question would go on the ballot for the spring election. So that was our strategy going into this. And now, since then, I've been asked to consider what options would exist in the event council were to approve additional funding for law enforcement resources in 2024, in addition to what is currently planned for that proposed 2024-2025 budget.

14. Whitewater Middle School Parking Update - Public Works

Public Works Director Brad Marquardt - Stated that he reached out to Strand Associates who has someone on staff who deals with school traffic patterns. Strand is in the process of reviewing the site and is working with the School District to come up with a solution.

15. Von Briesen & Roper Resumes for 3 Labor and Employment Specialty Attorneys - HR

HR Director Sara Marquardt presented the three Labor and Employment attorneys that Council asked for.

HEARING OF CITIZEN COMMENTS

No Citizen Comments

RESOLUTIONS

16. Resolution adopting 2024-2025 City of Whitewater Municipal Budget - Finance

Motion made by Councilmember Stone, Seconded by Councilmember Schreiber to adopt the 2024-2025 municipal budget as amended at the public hearing earlier with allowance for staff to amend the school credit and lottery credit values.

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

ORDINANCES

First Reading

17. Ordinance 2077 an ordinance creating section 2.52.100 Pedestrian and Bicycle Advisory Commission - Park and Rec

Parc and Rec Director Kevin Boehm stated last council meeting we were advised to put this as an ad hoc committee underneath the Parks and Recreation Board with two citizen members and one City Council representative.

Motion made by Councilmember Stone, Seconded by Councilmember Dawsey Smith to approve Ordinance 2077.

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

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber to waive second reading.

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

Second Reading

18. Ordinance 2075 An ordinance repealing Chapter 2.51 Pedestrian and Bicycle Advisory Committee (PBAC) - Park and Rec

Motion made by Councilmember Stone, Seconded by Councilmember Schreiber to approve Ordinance 2075

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

19. Ordinance 2076 an ordinance amending Chapter 5.36 Mobile Homes and Mobile Home Parks - Neighborhood Services

City Manager Weidl stated that Allison Schwark made all changes from last meeting and those are outlined in red.

Motion made by Council President Allen Councilmember Brown, Seconded by Councilmember Hicks to approve Ordinance 2076

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

20. Ordinance 2073 an ordinance amending Chapter 5.36 Mobile Homes and Mobile Home Parks - City Manager

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Schreiber.

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

CONSIDERATIONS

21. Discussion and possible action regarding Class Action Settlement with DuPont regarding PFAS - Public Works

Public Works Director Brad Marquardt stated that this is a class action lawsuit, it's a settlement that 3M and DuPont have come to. This settlement went to all water utilities throughout the nation. It is in the City's best interest to either opt in or opt-out. After discussions going to conferences and listening to webinars, the only way we would get money is if the City had a detection of PFAS, which the City has had no detection in our drinking water system. So the city doesn't get any money from opting in through the settlement. If in the future the City runs into some problems and can point our finger at 3M or DuPont, the City would still have the ability to go after them for some settlement. Staff recommendation at this point is to opt out of both the 3M and the DuPont settlements.

Motion made by Councilmember Stone, Seconded by Councilmember Dawsey Smith to opt out of the class action settlement with DuPont regarding PFAS.

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

22. Discussion and possible action regarding Class Action Settlement with 3M regarding PFAS - Public Works

Motion made by Councilmember Stone, Seconded by Councilmember Dawsey Smith to opt out of the class action settlement with 3M regarding PFAS.

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

23. Discussion and possible action regarding RFP for Ride Shared Taxi - Finance

Finance Director Rachelle Blitch stated Brown Cab was the only one who actually submitted a proposal. Their rates have increased. They're going to increase the first year from \$36.65 to \$40.26 per hour. And that's going to cost the City an additional \$18,470.24

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Hicks to approve RFP.

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

24. Discussion and possible action regarding the Proposed Nonconforming Use Agreement for Keinbaum Iron & Metal. Tax Property Id # /A76200001 - City Attorney/Neighborhood Services

City Attorney Jonathan McDonell stated the situation here is for several decades Keinbaum Iron and Metal has been using the property that is now zoned as R1, essentially as a scrapyard. Attorney McDonell did some background investigation including talking to Bruce Parker who confirmed that this has been used as a scrapyard. it would be a non-conforming use, a pre-existing non-conforming use. Because the property has gone into the trust and is essentially being sold, the Buyers want some sort of assurance that issues won't pop up after the transfer of this property between the children. So, Attorney Dillon drafted this lawful non-conforming use agreement between the Keinbaum and Metal Corporation and the City of Whitewater that would allow them to continue this non-conforming use.

Councilmember Dawsey Smith asked if it in the best interest of the city to consider that the portion of the statement that says a covenant that runs with the land could be limited specifically to their heirs and successors?

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Hicks postpone the approval of this agreement until questions have had an opportunity to be answered by legal counsel.

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

25. Discussion and possible action regarding Virtual Meeting Policy - Allen/HR

President Allen stated at a recent CDA meeting and several people were thankfully online, but couldn't make it. It just makes meetings much slower and more difficult to attend. President Allen noticed on other boards and commissions too. Allen stated it's not a convenience factor. The City is not dealing with COVID. Committee members shouldn't be dialing it in.

Councilmember Brown stated she recently attended a meeting after her father died and she needed to be in Texas. The Library Board has a number of teachers on the Library Board who really can't make it in person, but they are incredible people on the Library Board who are very useful and do a great job, but they do not make it in person because they live out of town. They need to get home and feed their kids. Councilmember Brown thinks it's a bad idea to get rid of hybrid.

City Manager Weidl suggested staff drafting a correspondence to send to all Committee Members on the issue.

Motion made by Councilmember Dawsey Smith, Seconded by Councilmember Hicks to request that staff prepare communication for boards and commissions regarding decorum and best practices for virtual meeting attendance.

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

26. Discussion and possible action regarding the City Manager Performance Review Tool and Feedback Surveys - HR

President Allen and Councilmember Hicks stated they do not want to see 5 across the board and that it has been an issue in the past with Deplanement Heads giving their staff all 5 across the board.

Motion made by Councilmember Brown, Seconded by Councilmember Dawsey Smith to approve Performance Review Tool and Feedback Surveys.

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

Motion to amend made by Council President Allen to change 5 to consistently, 4 to almost always. No second was made the amendment died.

27. Discussion and possible action regarding the formation of a council action plan to address Common Council self-governance- Common Council/HR

HR Director Sara Marquardt passed out Robert's Rules of Order books to all Councilmembers and went over the outline of the potential action plan.

City Manager Weidl went over the training opportunities that staff and elected officials can take.

Motion made by Councilmember Brown, Seconded by Councilmember Dawsey Smith to approve with action plan outline with the allowance of staff suggesting a timeline for going through the actual plan.

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

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

Councilmember Dawsey Smith - Job Fair Metrics, Mill Rates update, Economic Development Director Introduction, and the City Manager Policy update

Councilmember Gerber - Good Governance Manual update, Compensation Survey

Councilmember Hicks- Mobile Home Special Assessment update

CLOSED SESSION

35. Adjourn to closed session, to **reconvene in open session**, 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." **Item to be discussed:** 1) Discussion regarding complaints received by the Human Resources Department

Motion made by Council President Allen, Seconded by Councilmember Dawsey Smith to go into closed session.

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

Council went into closed session at 8:59 pm

Council came out of closed session at 9:18 pm

CONSIDERATIONS

36. Discussion and possible action regarding matters addressed in closed session in response to a complaint received by the Human Resources Department. - HR/Employment Attorney

No action taken

ADJOURNMENT

Motion made by Councilmember Schreiber, Seconded by Councilmember Hicks.

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