



Public Works Committee Meeting

Cravath Lakefront Room, 2nd Floor
312 W. Whitewater St.
Whitewater, WI 53190
*In Person and Virtual

Tuesday, October 08, 2024 - 5:00 PM

AGENDA

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/81993928164?pwd=wEFxkzfakvpdvC9e87dbvhcC3W3Bgy.1>

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

Webinar ID: 819 9392 8164

Passcode: 791620

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) 473-0107.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

A committee member 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 Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.

APPROVAL OF MINUTES

1. Approval of minutes from September 10, 2024

HEARING OF CITIZEN COMMENTS

No formal Committee 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 Committee 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.

NEW BUSINESS

- [2.](#) Discussion and Possible Action regarding changing winter parking restrictions to start December 1, instead of November 1.
- [3.](#) Discussion and Possible Action regarding request to paint traffic signal control boxes.
- [4.](#) Discussion and Possible Action regarding Bird Scooters.
- [5.](#) Discussion and Possible Action regarding pedestrians not crossing W. Main Street at designated crosswalks near the University.
- [6.](#) Discussion and Possible Action regarding traffic concerns near Walmart and Aldi.
- [7.](#) Discussion and Possible Action regarding Public Participation at Public Works Committee meetings.
- [8.](#) Discussion and Possible Action regarding WE Energies request for 15-foot easement on City owned property just north of 110 N. First Street.
9. Open Meeting Law Training.

FUTURE AGENDA ITEMS**ADJOURNMENT**

A quorum of the Common Council may be present. This notice is given to inform the public that no formal action will be taken at this meeting.

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.



Cravath Lakefront Room, 2nd floor
312 W. Whitewater St.
Whitewater, WI 53190
*In Person and Virtual

Tuesday, September 10, 2024 - 5:00 PM

MINUTES

CALL TO ORDER

The Public Works Committee Meeting was called to order by Hicks at 4:59 p.m.

ROLL CALL

Present: Smith, Hicks, Majkrzak

Absent: None

Others: Marquardt

APPROVAL OF AGENDA

It was moved by Majkrzak and seconded by Hicks to approve the agenda for the Public Works Committee meeting.

AYES: All by via voice note (3). NOES: None. ABSENT: None.

APPROVAL OF MINUTES

1. Approval of minutes from August 13, 2024

It was moved by Majkrzak and seconded by Smith to approve the minutes from the August 13, 2024, Public Works Committee meeting.

Note – one correction was made to the August 13, 2024, minutes before this meeting. Majkrzak was omitted (see highlighted addition below); however, after reviewing the audio (by Stoll) it was confirmed Majkrzak made the motion on the item regarding adding the inspection cost to paragraph (e)Cost of Inspection and Replacement.

Corrected sentence - It was moved by Majkrzak and seconded by Smith to add the inspection cost to paragraph (2) and remove the language under paragraph (3).

AYES: All by via voice note (3). NOES: None. ABSENT: None.

HEARING OF CITIZEN COMMENTS

None

NEW BUSINESS

1. Discussion and Possible Action regarding Johns Disposal Rate Increase for 2025.

Marquardt stated the City received a request from Johns Disposal asking for a \$0.37 (2.4%) per unit monthly increase as outlined below. According to the contract, Johns may request an annual adjustment up to the Consumer Price Index (CPI). The CPI is 2.4%.

	<u>2024</u>	<u>2025</u>	<u>Increase</u>
Garbage	\$9.25	\$9.47	\$0.22
Recycle	\$4.27	\$4.37	\$0.10
Bulk	\$2.06	\$2.11	\$0.05
	\$15.57	\$15.95	\$0.37

In September of 2019, Johns Disposal was approved for a recycling rate increase from \$2.59 to \$3.59 for 2020. In October 2020, Johns Disposal was approved for a recycling rate increase from \$3.59 to \$3.84 for

2021. In September 2021, Johns Disposal was approved for rate increases for garbage from \$8.29 to \$8.70, recycling from \$3.84 to \$3.85, and bulk from \$1.66 to \$1.85 for 2022. In October 2022, Johns Disposal was approved for rate increases for garbage from \$8.70 to \$9.00, recycling from \$3.85 to \$4.15, and bulk from \$1.85 to \$2.00 for calendar year 2023. In September 2023, Johns Disposal was approved for rate increases for garbage from \$9.00 to \$9.25, recycling from \$4.15 to \$4.27, and bulk from \$2.00 to \$2.06 for calendar year 2024.

The City is estimating a total count of 2,770 units for the 2025 budget. The overall increase of \$0.37 results in an overall increase of \$12,298.80 for 2025.

Since the requested increase is in line with the CPI, staff recommended approval of the rate increase for 2025 and will be sent on to the full Council for approval.

It was moved by Majkrzak and seconded by Hicks to approve the Johns Disposal Rate Increase for 2025.

AYES: Hicks, Majkrzak, Smith. NOES: None. ABSENT: None.

2. Discussion and Possible Action regarding closing Starin Road between Prairie Street and Warhawk Drive to vehicular traffic.

Marquardt stated the City received a request from the University to look at safety for pedestrians along Starin Road within the campus area. A solution the University proposes is to close Starin Road to vehicular traffic between Warhawk Drive and Prairie Street during certain hours of weekdays while school is in session. University personnel discussed this possibility at the May 7, 2024, Common Council meeting to gauge interests and hear concerns. The University is looking to further discuss this option with the possibility of doing a temporary two-week trial period of closing Starin Road to gather information.

Marquardt introduced Brenda Jones, Vice Chancellor of Finance and Administrative Affairs at UW-Whitewater and Matthew Kiederlen, Chief of Police.

Ms. Jones stated after the last Council meeting more information was requested from the University. Much of the information requested was related to traffic counts, how will the traffic will be rerouted, what will the impact be to the surrounding streets and areas, and the safety in those areas, and what are some other options. A traffic count was done while school was in session. The closure would be between Graham Street and Warhawk Drive. This area was selected because deliveries, on Starin Road, still need to be made in the area of the bookstore. It was noted, more foot traffic is concentrated from Graham to Warhawk Dr. Ms. Jones said they are still considering gates that could be brought down periodically; something like a railroad track gate. They could be put down in the morning and put up in the evening; remaining closed throughout the day. Ms. Jones stated this information is all based on guessing. Therefore, the University would like to do a trial run to see what the real impact would be. No details are known at this time, it was just a suggestion. Before this went to Council again, UW-Whitewater wanted to present this information to the Public Works Committee.

Marquardt asked if the University had an idea on what timeframe this area would be closed. Chief indicated about 6:00 a.m. – 5:00 or 5:30 p.m., Monday through Friday. Marquardt asked how would it be done. Chief stated it would consist of Type III barricades and it would be pretty obvious. They can just be pulled to the side at the end of the day. Marquardt asked what signage would be at the intersection of Prairie? Chief stated they would just put out a road closed sign at the intersection of Starin and Prairie. Chief indicated it would be the same thing at Starin and Warhawk. Ms. Jones said by putting the barricades by Graham it still allows people to turn around, if needed. Chief was also thinking of how emergency vehicles would get through without having drivers jump out and move the barricades. On the

opposite side of the road they could stagger the barricades. Ms. Jones stated in the discussion, if they were to move forward with the actual gates there would be some type of remote that would open the gates.

There was a lot of discussion regarding the logistics of where all of these vehicles would go during the time the road was closed. Will they travel down Main Street or other side streets off of Main Street and Starin Road? Chief will bring along some other ideas to the Council meeting on Tuesday, September 17, regarding the busier times on campus. Perhaps they could get a drone up in the air. That way Council will have some idea as to how the two-week trial period will work.

The two-week trial is tentatively scheduled for October 7 – October 18, 2024. The time frame will be 6:00 a.m. – 6:00 p.m., Monday through Friday. Each night the barricades would be taken down at 6:00 p.m. and put back up the next morning at 6:00 a.m. The barricades would be down for the weekend at 6:00 p.m. on Friday and back up on Monday at 6:00 a.m. Marquardt suggested a sign be put on the road closed sign as well indicating the times, so people are aware of the closure times.

Marquardt stated this discussion item will be on the Council's agenda for Tuesday, September 17, 2024.

3. Discussion and Possible Action regarding the turning movement at the southeast corner of Franklin Street and W. Main Street.

Marquardt stated this item was initially discussed at the August 13, 2024, Public Works meeting. During discussion the Committee asked for staff to look at the possibility of eliminating the right turn lane and adding a left turn arrow phase for northbound traffic. The question was also asked about Franklin Street being a truck route.

The following are approved streets for "heavy traffic": Janesville Street, South Franklin Street, North Tratt Street, Business Highway 12 and state/federal highway routes. Strand indicated in the 1980's Whitewater Street was the designated route for STH 59. At some point it got switched to Franklin Street, presumably to move traffic away from Cravath Lakefront Park. STH 59 is now routed onto STH 12 and then runs on Elkhorn Road, Milwaukee Street, and Newcomb Street.

Before Strand invested time into looking at a left turn arrow phase, they reviewed the turning movements from the left lane. From their observation, semis would still be tracking onto the grass and sidewalk. In order for semis not to track onto the grass or sidewalk, they would need to encroach 9 feet into the west bound left turn lane on Main Street.

Majkrzak stated if this is going to be a designated truck route, we need to make changes to this corner so trucks can make the turn at this corner. He also asked if it could be eliminated as a truck route. Marquardt stated it wouldn't be possible to eliminate it because it's the only truck route, other than Elkhorn Road, that goes north/south.

Marquardt stated he could work with Strand on a design and estimate on the trucks turning from the left lane along with investigating the left turn arrow. He was thinking it would have to be a separate phase because they wouldn't want that traffic northbound backing up. Discussion would need to take place regarding the right turn lane. Delineators could be put up or the right turn area could be stripped out.

Marquardt stated Strand will work on an estimate, under the engineering account, and he will bring this information back to the Public Works Committee meeting for further discussion. At some point, it will be brought back to Council because Dawsey-Smith had requested this discussion.

Marquardt also asked Strand to include what would need to be done with traffic signals and operation to include a left turn arrow phase for northbound traffic.

FUTURE AGENDA ITEMS

None

Marquardt confirmed that Smith will not be in attendance for the October 8, 2024, Public Works Committee Meeting.

ADJOURNMENT

It was moved by Majkrzak and seconded by Hicks to adjourn the Public Works Committee meeting at 6:03 p.m.

AYES: All by via voice vote (3). NOES: None. ABSENT: None.

Respectfully submitted,

Alison Stoll

Alison Stoll, Administrative Assistant
Department of Public Works



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Winter Parking Restrictions
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND
(Enter the who, what when, where, why)

Staff received a request from councilperson Brian Schanen to review the start date of winter parking restrictions. Currently, winter parking restrictions, which restrict parking on all city streets between 2:00 am and 6:00 am, goes into effect November 1 of each year. The request is to move this date back to December 1.

Attached is a table of snowfall for the month of November in Madison and Milwaukee. These two cities are the closest to Whitewater with online historical data. The table also includes the coldest temperatures for the month of November in each city.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

There would be some cost to make and install new signs.

STAFF RECOMMENDATION

Staff recommends remaining with the November 1 start date. There are concerns with the potential for snowplowing around parked vehicles and the snowbanks freezing and remaining in place throughout the remainder of winter. Also, with the lack of a daily newspaper or a local tv station, getting word out to the residents for a one day parking ban (snow emergency) is difficult.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Snowfall Data

	Madison	Madison	Milwaukee	Milwaukee
Snowfall upto December 1st	Total inches	Coldest Temperature in November	Total inches	Coldest Temperature in November
2023	3.0	9	4.4	15
2022	4.8	10	0.0	13
2021	0.6	13	0.0	18
2020	2.3	16	0.1	24
2019	15.9	4	13.7	9
2018	3.4	14	6.6	17
2017	0.3	9	0.2	16
2016	0.0	18	0.0	24
2015	4.1	9	6.9	16
2014	8.5	2	4.8	9
2013	3.5	8	2.0	11
2012	0.1	11	0.0	16
2011	1.6	19	0.3	24
2010	0.2	16	0.0	18
2009	<u>0.5</u>	24	<u>0.4</u>	29
Average	3.3		2.6	
Normal Total by December 1st	3.1		3.1	

Snowfall upto December 1st	Madison		Milwaukee	
	Total inches	Coldest Temperature in November	Total inches	Coldest Temperature in November
2023	3.0	9	4.4	15
2022	4.8	10	0.0	13
2021	0.6	13	0.0	18
2020	2.3	16	0.1	24
2019	15.9	4	13.7	9
2018	3.4	14	6.6	17
2017	0.3	9	0.2	16
2016	0.0	18	0.0	24
2015	4.1	9	6.9	16
2014	8.5	2	4.8	9
2013	3.5	8	2.0	11
2012	0.1	11	0.0	16
2011	1.6	19	0.3	24
2010	0.2	16	0.0	18
2009	<u>0.5</u>	24	<u>0.4</u>	29
Average	3.3		2.6	
Normal Total by December 1st	3.1		3.1	



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Traffic Box Paintings
Staff Contact (name, email, phone):	Taylor Zeinert tzeinert@whitewater-wi.gov 262-473-0148

BACKGROUND
(Enter the who, what, when, where, why)

Recently the Common Council has asked staff to look into options for investing in public art. Due to this direction the Public Art Committee has reemerged. At a recent Public Art Committee meeting Brienne Brown, a member of the Public Art Committee, had asked if staff could explore painting either utility or traffic boxes. I met with Brad to ask if this is something that we could pursue, and if so, what boxes were a good fit for this project.

Brad shared that the Traffic Signal Control Boxes would be a great option for this project to come to fruition.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff’s recommendation is to allow the Traffic Signal Control Boxes to be painted by the Public Art Committee, with the designs brought to the Public Works Committee for final approval.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Typical Traffic Signal Control Box





Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Bird Scooters
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND
(Enter the who, what when, where, why)

At a recent Common Council meeting the use of Bird Scooters, particularly on sidewalks, was asked to be on an upcoming agenda for discussion.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

The initial agreement was signed in June 2021 and amended in July 2022.

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff has no recommendation at this time.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Agreement with Amendment
2. Chapter 11.40 - Bicycles

AGREEMENT BETWEEN THE CITY OF WHITEWATER AND BIRD RIDES, INC.

The City of Whitewater (City) will permit Bird Rides, Inc. (Bird) to provide services under the following terms and limitations. This agreement shall begin on July 6, 2021, and remain in effect until June 30, 2022 unless terminated as set forth below.

AGREEMENT

- 1) This Agreement and its terms apply to the Bird Rides, Inc. deployment of a stand-up electric scooter sharing system (within the City's jurisdictional boundaries). During the term of this agreement or June 30, 2022 whichever is shorter, the City of Whitewater will not enter into any other stand-up electric scooter agreement for the deployment of electric scooters.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters shall stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of stand-up electric scooters shall be 18 or older. Users of stand-up electric scooters who violate these provisions may be fined by the City consistent with City ordinances.
- 3) Bird shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices. Each vehicle shall include a written notice on it in a conspicuous place providing a phone number of a local contact for the purpose of reporting problems and exchanging information. The notice shall state that the police department should not be called unless there is an ordinance or criminal violation.
- 4) Hours of operation. Bird stand-up electric scooters shall not be operated between the hours of 10:00 p.m. and 4:00 a.m.
- 5) Bird scooters shall not be operated in the City between November 1st until March 31st annually (or such other dates as agreed to by the parties in writing).

Bird shall provide a geofence around the University of Wisconsin-Whitewater campus so that Bird scooters will not be operable on the campus.

Parking of Bird scooters shall be parked in compliance with the below regulations:

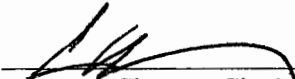
- a) Electric scooters shall be parked in an upright position, with 2 wheels making a point of contact with the ground.
- b) Electric scooters shall not be parked in a way that provides less than a five (5) foot wide path on the sidewalk for pedestrian access.
- c) Electric scooters shall not be parked in a way that obstructs access to parking meters.
- d) Electric scooters shall not be parked between the sidewalk and the curb where such area is less than three (3) feet wide.
- e) Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked on a sidewalk, or in a bicycle rack or other similar area designated for bicycle parking.
- f) On blocks without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed by so parking the electric scooter.
- g) Except at existing permitted bicycle facilities, electric scooters shall not be parked between the sidewalk and the curb where adjacent to or within the following locations:

- (1) parklets; (2) loading zones; (3) accessible parking spaces; (4) curb ramps; (5) entryways; (6) driveways; (7) street furniture requiring pedestrian access; and (8) transit stops (including bus stops, shelters and passenger waiting areas).
- 6) Safety Education. Bird will provide materials, videos and signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
 - 7) Data sharing. Bird will provide data to the City as necessary to assist with monitoring program usage.
 - 8) Indemnification. Bird agrees to indemnify, defend and hold harmless the City (and City employees, agents and affiliates) from and against all actions, damages or claims brought against the City arising out of Bird's negligence or willful misconduct, except that Bird's indemnification obligation shall not extend to claims of the City's (City employees', agents' or affiliates') negligence or willful misconduct. The City expressly acknowledges that in no event shall Bird be liable for any special, indirect, consequential or punitive damages. Bird's indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Bird shall be released from its indemnification obligations under this section if the loss or damage was caused by the City's negligent construction or maintenance of public infrastructure. The City's right to indemnification shall be contingent on the City notifying Bird promptly following receipt or notice of any claim; Bird shall have the sole control of any defense; the City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird.
 - 9) Insurance. Bird shall provide the City with proof of insurance coverage exclusively for the operation of stand-up electric scooters including:
 - a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate;
 - b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and
 - c) where Bird employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.
 - 10) Notices. All notices and communications to the City from Bird shall be made in writing (includes electronic communications) and sent the address below.
 - 11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.
 - 12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.
 - 13) This agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

City of Whitewater, Wisconsin

Bird Rides, Inc.

Signed By:


Cameron Clapper, City Manager 6/23/2021
Date

Email: cclapper@whitewater-wi.gov

DocuSigned by:
Austin Marshburn 6/23/2021
62BF71F77A40484...

* _____ Date

Name, Title

Email: birdlegal@bird.com

Austin Marshburn

Head of City & University Partnerships

Michele Smith 6/24/21
Michele Smith, City Clerk Date

Email : msmith@whitewater-wi.gov

**Extension Amendment to
Memorandum of Understanding**

This extension amendment (this "Amendment") dated as of July 19, 2022 is entered into by and between Bird Rides, Inc., located at 406 Broadway, #369, Santa Monica, CA 90401 ("Company"), and the City of Whitewater, WI ("City"), and amends that certain Memorandum of Understanding dated as of June 23, 2021, by and between Company and City (as further amended, restated, supplemented or modified from time to time prior to the date hereof, the "Agreement").

The Agreement is amended as follows:

1. Term. The term of the Agreement shall hereby continue through April 30, 2023 and shall automatically renew for successive six-month terms thereafter unless terminated by either party.
2. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.
3. Unless otherwise stated in this Amendment, defined terms shall be given the meanings attributed to them in the Agreement.

Company:

Bird Rides, Inc.

By: Austin Marshburn

Name: Austin Marshburn

Title: Director, City & University Partnerships

City:

Whitewater, WI

By: Cameron Clapper

Name: Cameron Clapper

Title: City Manager

By: Michele Smith

Name: Michele Smith

Title: City Clerk

Chapter 11.40 - BICYCLES

Item 4.

Sections:*Footnotes:*

--- (5) ---

For the statutory provisions regulating bicycles and play vehicles, see WSA §§ 346.77 to 346.82.

11.40.010 - Registration required.

It is unlawful for any person to operate a bicycle upon any street within the city unless the bicycle has first been properly registered and tagged as hereinafter provided.

(Prior code § 12.18(1)).

11.40.020 - Registration—Form.

Every owner or operator of any bicycle within the city shall, within ten days after acquiring same, file with the chief of police, or duly designated officer, a complete description of such bicycle, upon a blank form to be provided for the purpose which such filing of description shall constitute a registration of such bicycle for the purposes of this chapter. Such registration shall be serially numbered and be kept on file by the chief of police in his office as a public record, and show the make, model and serial number of the bicycle, if any.

(Prior code § 12.18(2)).

11.40.030 - Identification tag required—Fee.

(a) Immediately upon the registration of a bicycle in his office, the chief of police, or duly designated officer shall assign to such bicycle an identification tag, serially numbered to correspond with the registration of such bicycle. The owner shall be responsible for affixing the tag to such bicycle and for keeping the tag affixed. The fee for the identification tag shall be three dollars.

(b) All tags issued shall be effective for as long as the applicant retains ownership of the bicycle.

(Ord. 1387 § 1, 1997; Ord. 1040 § 1, 1984; Ord. 664 § 1, 1970; prior code § 12.18(3)).

11.40.040 - Inspection.

The chief of police may inspect each bicycle presented to him for registration, and he shall have the authority to register any bicycle found by him to be in unsafe mechanical condition.

(Ord. 846 § 1, 1975; prior code § 12.18(4)).

11.40.050 - Registration—Revocation.

The chief of police shall have the right to cancel the registration of and remove the identification tag from any bicycle being operated upon any street in the city in an unsafe manner, or in violation of any state law or in violation of any provisions hereof, or of other local ordinance and such cancellation or registration and removal of tag shall be in addition to other penalties provided hereunder.

(Prior code § 12.18(5)).

11.40.060 - Sale or dismantling—Report required.

Within ten days after any bicycle registered hereunder has changed ownership, or been dismantled and taken out of operation, such information shall be reported to the chief of police by the person in whose name the bicycle has been registered. When ownership of any bicycle is changed, the identification tag shall be surrendered to the chief of police and a new identification tag shall be issued as provided in Section 11.40.030.

(Prior code § 12.18(6)).

11.40.070 - Obedience to vehicle or traffic regulations and riding regulations.

For the purpose of this chapter bicycles shall be classified as vehicles and are therefore required to obey all rules dealing with vehicular traffic.

In addition to owners or operators obeying all vehicular traffic regulations they shall obey the following:

- (a) No person shall operate at any time a bicycle while under the influence of an intoxicant or controlled substance.
- (c) No person riding upon a bicycle, coaster, wagon, roller skates, sled, toboggan, or any toy vehicle shall attach the same or himself to any other motor vehicle on a city street.
- (d) Any person operating a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto and no bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped with proper seats.
- (e) No person operating a bicycle shall carry any packages, bundle, or article which prevents the operator from keeping at least one hand upon the handlebars at all times.
- (f) Except when preparing to make a left-hand turn with the proper hand signal, every person operating a bicycle upon a road or street shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (g) Persons riding bicycles upon a street or roadway shall ride single file at all times.

- (h) No person may operate a bicycle during the hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least five hundred feet to the front of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear so mounted and maintained as to be visible from all distances from fifty to five hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition but not in lieu of the red reflector.
- (i) Racing on any street is prohibited.
- (j) No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement and with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, but a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (k) Riding bicycles on sidewalks is prohibited in the central business district.

(Ord. 846 § 2, 1975: prior code § 12.18(7) and (8)).

11.40.090 - Operation without registration or in reckless manner prohibited.

Any person who operates any bicycle not properly registered or carrying a proper identification tag is required herein, upon any street in the city, or who operates such bicycle in an unsafe manner, or in violation of any state law or in violation of any of the provisions of this chapter or other local ordinances shall upon conviction thereof be subject to the penalty provided in Section 11.40.100.

(Prior code § 12.18(9)).

11.40.100 - Penalty for violations.

Any person who violates any provisions of this chapter shall, upon conviction thereof, forfeit not less than five dollars nor more than twenty-five dollars, together with the costs of the action and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail of the proper county until such forfeiture and costs are paid or for a term not to exceed five days.

(Ord. 983 § 42(part), 1982).

11.40.110 - Parent or guardian responsibility.

- (a) No parent or guardian of any child under the age of eighteen years shall authorize or knowingly permit such child to violate any of the provisions of this chapter.
- (b)

Any person who violates subsection (a) of this section shall pay a forfeiture of not less than five dollars more than twenty-five dollars and the costs of prosecution or in default in payment thereof be imprisoned in the county jail of the proper county for no more than five days.

- (c) If any child under the age of eighteen years has had his bicycle operating privileges in the city suspended and if such child rides a bicycle registered to him or to his parent or guardian during such period of suspension, the parent or guardian shall be deemed to have violated this section.

(Ord. 983 § 42(part), 1982; Ord. 678 § 2, 1970: prior code § 12.18(11)).



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	W Main Street Pedestrians
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND
(Enter the who, what when, where, why)

At a recent Common Council meeting this item was asked to be on an upcoming agenda for discussion. The area in question is mainly adjacent to the University between Prince Street and Prairie Street. Students will sometimes cross mid-block, not using the traffic signals at Prince St, Whiton St, or Prairie St, or the pedestrian crossing at Cottage St.

To deter students from crossing mid-block, some sort of deterrent would need to be installed, such as a fence. In Main Street’s current lane configuration, the fence would need to be placed immediately behind the curb to have any deterrent, otherwise students could still cut across and walk on the terrace instead of the sidewalk. And the fence would need to be placed on the north side of the street. The location of immediately behind the curb would impede snow plowing operations.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff’s recommendation is to do nothing at this time to deter the mid-block crossings.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

- N/A



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Walmart/Aldi Traffic Concerns
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

At a recent Common Council meeting this item was asked to be on an upcoming agenda for discussion.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Unless there is an immediate concern that needs to be addressed, staff recommends no action be taken on this item. Observations from city staff along with any reported residential concerns will be collected and reviewed. A review of the traffic patterns in spring 2025 may be warranted after ALDI has been in service for several months.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. N/A



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Public Participation
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND
(Enter the who, what when, where, why)

At the last Finance Committee meeting, staff was directed to revise the proposed changes regarding public comments and distribute them to all committees for review and feedback.

The Finance Committee is seeking your input on how these proposed changes may affect Public Works Committee meetings and has asked that this item be added to the agenda for discussion. All comments will be forwarded to Financial and Administrative Services Director Blich.

The goal is to bring these insights back to the Finance Committee in November, with the aim of presenting a recommendation to the Council in December.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff has no recommendation on this item. Staff will report back to Financial and Administrative Services Director Blich with the Committee’s comments.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Proposed Framework

Proposed Framework for Improving Public Participation at Whitewater Common Council & Committee Meetings

Public Appearance Card

Public Meeting Appearance Cards (PMAC) shall be used by members of the public who wish to speak during public comment, public hearing or specific agenda item. This form would also be used for those individuals who do not wish to or cannot verbally address the Common Council/Committee during a meeting.

A person may provide comments and support or opposition for an agenda item on the form. Those requesting to speak during the meeting may indicate this on the form.

Prior to taking action on an item on the agenda, the presiding officer will request the City Clerk/Secretary to indicate any speakers who have signed up for that particular item. The Clerk/Secretary will read the name of the speaker and the speaker on-deck. The Clerk/Secretary will alternate between those in support and opposition.

After all of the speakers have been called, the Clerk/Secretary will indicate written support and opposition by reading the name and the position of the individual. The minutes will reflect the receipt of written comments in support or opposition by all registered individuals.

Time Limits

Public Comment – 3 minutes with a limit of 30 minutes total

Public Hearing – 5 minutes with a limit of 30 minutes for each support and opposed speakers

Per speaker time is the same. Provide support and opposed delineation.

Agenda Items – 3 minutes, with an ability for extension with consent of Common Council.

Per speaker time is the same. Provide clarification about extension of time.

Whenever a group of individuals wishes to address the Council/Committee on the same subject matter, those individuals may designate a spokesperson to address the Common Council/Committee. The spokesperson may ask for additional time when completing the PAMC, and with the consent of the Common Council/Committee, the presiding officer may extend the time allocation. Individuals are still welcome to complete a PMAC registering their support or opposition, and written comments will be entered into the record by the City Clerk/Secretary.

The presiding officer, with the concurrence of the Common Council/Committee, may extend or limit any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item

Meeting Conduct

Expectations of Speakers

- The speaker shall conduct themselves in a professional and respectful manner.
- All remarks shall be directed to the Common Council/Committee, as a body, and not City staff or any member of the public in attendance.
- The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity.

Expectation of Public

Members of the public in the audience shall not engage in any of the following activities during a Common Council/Committee meeting:

- Shouting, clapping, unruly behavior, or speaking out when not recognized by the presiding officer.
- Defamation, intimidation, personal affronts, threats of violence, or profanity.
- Behavior that disrupts the orderly conduct of the meeting.

Expectation of Council/Committee Members

While the Common Council/Committee is in session, the members must preserve order and decorum. Each Council/Committee member shall conduct themselves with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council/Committee, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.



Public Works Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	WE Energies Easement
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND
(Enter the who, what when, where, why)

WE Energies is upgrading the gas service to the customer at 162 W Main Street. The three gas meters currently located inside the building will be moved outside. In order to serve the building, a new gas service needs to be installed. WE Energies is asking for a 15-foot easement from the city so they can install a new gas service to the building across city property that is located immediately north of the building. The northern face of the building is on the property line, thus there is no room on their own property to install the gas service.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff recommends a motion to approve the 15-foot easement and forward to council.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Easement

DISTRIBUTION EASEMENT
GAS

Document Number

WR NO. 5012807 IO NO. RS162610

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY OF WHITEWATER**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as the South fifteen (15) feet of Grantor's premises described as part of **Lot 1, Block 2, of the Original Plat of the City of Whitewater**, being a part of the **Southwest 1/4 of Section 4, Township 4 North, Range 15 East**, City of Whitewater, County of Walworth, State of Wisconsin, excepting that part designated for road purposes.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM P277
PO BOX 2046
MILWAUKEE, WI 53201-2046

/OT00013
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain repair, replace and extend underground utility facilities, pipeline or pipelines with valves, tieovers, main laterals and service laterals, together with all necessary and appurtenant equipment under and above ground, including cathodic protection apparatus used for corrosion control, as deemed necessary by Grantee, for the transmission and distribution of natural gas and all by-products thereof, or any liquids, gases, or substances which can or may be transported or distributed through a pipeline, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin gas codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to the initial installation of said facilities or any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

Grantor:

CITY OF WHITEWATER

By _____

(Print name and title): _____

By _____

(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____, 2024,
the above named _____, the _____
and _____, the _____
of the CITY OF WHITEWATER, for the municipal corporation, by its authority, and pursuant to Resolution File
No. _____ adopted by its _____ on _____, _____.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

This instrument was drafted by Kyle Koski on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

