



Public Works Committee Meeting

Cravath Lakefront room 2nd floor 312 West
Whitewater Str, Whitewater, WI, 53190

Tuesday, November 14, 2023 - 5:00 PM

AGENDA

CALL TO ORDER

ROLL CALL

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 reach meeting even if no changes are being made at that meeting.

APPROVAL OF MINUTES

1. Approval of Minutes from September 12, 2023.

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.

NEW BUSINESS

2. Discussion and possible action regarding private side lead water lateral replacement costs.
3. Discussion and possible action regarding an underground detention basin at Starin Park.
4. Discussion and possible action regarding sidewalk replacement program.

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.



Public Works Committee
 Tuesday, September 12, 2023
 6:00 p.m.
 Cravath Conference Room
 Municipal Building - 2nd Floor
 312 W. Whitewater St
 Whitewater, WI 53190

MINUTES

1. Call to order and roll call.

The meeting was called to order by Stone at 6:00 p.m. The meeting was held at the Municipal Building in the Cravath Conference Room on the 2nd floor.

Present: Gerber, Allen, Stone
 Others: Brad Marquardt

2. Approval of minutes from August 8, 2023

It was moved by Allen and seconded by Gerber to approve the Public Works Committee minutes from August 8, 2023.

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

3. Hearing of Citizen Comments

No hearing of citizen comments at that time.

4. New Business

a. Discussion and Possible action regarding renaming Hyer Lane to Peggy Lane.

Marquardt stated the City received a request from Joseph Schraeder asking for Hyer Lane, from Salisbury Lane to Florence Street, be renamed to Penny Lane in recognition of Leslie Penny.

The City currently does not have a procedure in the Municipal Code for renaming streets. However, according to Wisconsin Statutes section 236.295, streets renamed within a recorded subdivision must be accomplished by the recording of an affidavit of correction with the office of the Register of Deeds. Prior to the recording, the governing body of the municipality must approve of the renaming.

Marquardt turned it over to Joseph G. Schrader, 147 N. Hyer Lane, Apt. 4, Whitewater. Schrader stated Penny is a friend of his and was the manager of Whitewater Court that was built in 1987. Schrader said Penny is a special person who immigrated from London, England.

City staff did not recommend changing the street name for the following reasons:

1. Changing an existing "named" street may remove a historical name already tied to Whitewater.

- 2. This request could open the door for anybody to request a name change to any street at any time. If Hyer Lane was changed to Penny Lane, somebody could come in next month and request a change to a different name.
- 3. Everyone with a Hyer address would unwillingly need to update all their documents to reflect a new address.

Allen made a motion to deny the Hyer Lane name change to Penny Lane and seconded by Gerber.

AYES: Allen, Stone, Gerber. NOES: None. ABSENT: None.

b. Discussion and Possible action regarding Johns Disposal rate increase request for 2024.

Marquardt stated the City received a request from Johns Disposal asking for a \$0.42 (2.8%) 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 as indicated in their letter is 2.8%.

	<u>2023</u>	<u>2024</u>	<u>Increase</u>
Garbage	\$9.00	\$9.25	\$0.25
Recycle	\$4.15	\$4.27	\$0.12
Bulk	<u>\$2.00</u>	<u>\$2.06</u>	<u>\$0.06</u>
	\$15.15	\$15.57	\$0.42

The City is estimating a totor count of 2,770 units for the 2024 budget. The overall increase of \$0.42 results in an overall increase of \$13,961 for 2024.

Since the requested increase is in line with the CPI, Marquardt recommended the committee approve the rate increase for 2024 and move it on to the full Council and include the new rates in the 2024 budget.

Marquardt stated it is still in line with what the contract says. It was brought to the Public Works Committee and then to the Council meeting for formal action even though it is within the combines of the contract.

Allen made a motion to approve the 2.8% rate increase to John’s Disposal and seconded by Gerber.

AYES: Stone, Gerber, Allen. NOES: None. ABSENT: None.

c. Discussion and Possible action regarding deferred assessments for Wisconsin Street sanitary sewer and water main.

Marquardt stated Councilperson Allen asked for this item to be on the agenda. Sanitary sewer and water main were extended on Wisconsin Street in 2004 to serve the development to the east of Wisconsin Street, namely the Waters Edge Subdivision. A public hearing was held to levy special assessments to the properties lying to the west of Wisconsin Street since the sanitary sewer and water mains would be abutting their properties. A preliminary and final resolution was passed by Council deferring the sanitary sewer and water assessments to 2024 or upon hook up, whichever occurs sooner. Staff sent out letters earlier this year to property owners reminding them of the special assessment due in 2024.

It was noted on May 4, 2004, Council passed the preliminary resolution to assess for sanitary sewer and water and to defer the assessment to 2024. May 18, 2004, the Council passed the final resolution charging a special assessment of \$7,522.17 to each of the seven property owners along the west side of

Wisconsin Street. This assessment was deferred interest free until 2024 or upon hook up by the property owner, noted as whichever occurs first.

Each property owes \$3,996.16 for the water assessment and \$3,526.01 for the sanitary sewer assessment. Altogether, the Water Utility would collect \$23,976.96 and the Wastewater Utility would collect \$21,156.06.

Marquardt recommended these special assessments be kept in place and collected in 2024, per the 2004 resolution.

Chris Craft, 630 S. Wisconsin Street, spoke regarding documents his grandpa had and the possibility of sub-dividing the property into six lots. If that would have happened it would be more feasible; however, without putting a road in it's not feasible for them to go back that far. He stated he pays a lot of money to keep his septic working and recently just inherited these properties. There are many repairs that need to be done on the house. As a single father of three, it's not possible to pay the \$60,000.

Chris stated his uncle is another owner of the property at 630 S. Wisconsin St. property, which is in a trust. His uncle called about sub-dividing the lots. They asked if they could sell the front lots and were told they could not do that because they would be land locked. Becky stated that never came to fruition and it never will because there will never be another road with sub plots.

Becky Miles, 626 S. Wisconsin St., spoke about the potential road and digging through limestone. They had quotes at one time, which were \$50,000, per household.

Stone made a motion to cancel the special assessments for the Wisconsin Street properties. Allen stated he wanted to talk about it more. Gerber stated she was also not ready to cancel. Allen stated the cost was extremely high and therefore it was deferred for 20 years. The residents have working sewer and wells and don't need to hook up at this time. Allen asked if Stone would retract his motion. Allen would say his motion would be that these homes pay their portion of the 1/7 of the fee, at that time they hook up to City sewer and water. He stated right now, they do not need to hook up to the City. Stone said he would rescind his motion.

Gerber asked Marquardt if there is any reason these property owners need to hook up to City sewer and water that they, the committee, are not thinking of? Marquardt stated the only thing would be in the City ordinance. He believes it states that if sewer and water are available, and you are in the City, you are supposed to hook up.

Allen made a motion to cancel the 2004 special assessment deal and the seven properties on the west side of Wisconsin Street pay their assessment when they decide to hook up to City sewer and water and seconded by Stone.

Gerber stated that the document created in 2004 (from 2004 prices) would have them pay \$7,522 per home for work that has already been done and Marquardt agreed. She stated that is nothing to do with them hooking up to the City. Marquardt stated that is for the sewer and water main that is in the street now. Gerber said the stuff is there and the work has been done. Therefore, the assessment was deferred so they would have time to get the \$7,522 together over 20 years. Marquardt stated that would be the assumption. Gerber stated again that is has nothing to do with them hooking up. Miles stated she agreed if the property owner hooks up; otherwise, why would you pay for something or a service you are not receiving. What would have been fair and correct for everyone when you hook up you are going to pay your share. Allen stated Gerber did have a point. Allen said the owners were all

told 20 years ago that this was coming. Marquardt was also correct that this is how it's done and when it's developed it gets paid. Allen wanted to amend his motion to also say that the charge of \$7,522 remains the charge when someone chooses to hook up, without interest, and seconded by Stone.

Gerber asked for clarification on the amendment. Marquardt stated leave the assessment at \$7,522.17, without future interest due when hooking up to the City sewer and water main.

Gerber asked if there were any other special assessments on the table. Marquardt will have that information at the next council meeting.

AYES: Gerber, Allen, Stone. NOES: None. ABSENT: None.

Gerber asked if there needed to be any timeframe regarding payment. Marquardt stated if they don't pay it goes on their property taxes.

Stone asked if there were any additional comments before voting on the motion. There were no comments at that time.

AYES: Allen, Stone, Gerber. NOES: None. ABSENT: None.

Marquardt stated this item will go to Council in October 3, 2023.

d. Discussion and Possible action regarding Amendment No. 1 to Task Order No. 23-04 for Construction Related Services for the North Side Water Main Extension.

Marquardt stated Wondra Construction was awarded the contract to install water main from the WE Energies property east to serve Johns Disposal and the Wastewater Facility. The project is expected to start in October. The estimated cost to provide the Construction Related Services is \$43,000. The attached Amendment is for Strand Associates to perform Construction Related Services, such as shop drawing review, review of pay requests, construction staking, and construction observation. The Council approved the water main project at their September 5, 2023, meeting. The original Task Order was approved at the March 21, 2023, Council meeting.

Gerber made a motion to approve the Amendment No. 1 to Task Order No. 23-04 for Construction Related Services for the North Side Water Main Extension and seconded by Allen.

AYES: Stone, Gerber, Allen. NOES: None. ABSENT: None.

e. Discussion and Possible Action regarding sidewalk replacement program.

Marquardt stated the Public Works Committee has been discussing changes to the sidewalk repair program at their July and August, 2023, meetings. Since the last meeting, staff reached out to a number of surrounding communities to gather information on what other communities do for assessing property owners. Committee members were provided a list of communities that responded.

Stone thanked Marquardt for collecting this data as it shows that it varies by community. Allen asked if the City could afford to do 50/50? Gerber stated, no. Marquardt stated the estimate he had was for Ward 4 at \$373,000. That was replacing every piece of sidewalk that was marginal. That was a worst-case scenario. If the City only did the major tripping hazards it would be greatly reduced. If they looked at only tripping hazards and no curb ramps that would also be greatly reduced. The curb ramps do not meet the current ADA guidelines, and there are some discrepancies as to when they should be replaced. Marquardt thought we could probably afford to replace sidewalks if we were only doing tripping

hazards. Stone stated he would be in favor of replacing the sidewalk as a tripping hazard. Maybe that means adding additional money yearly to Fund 280. He would be against a special assessment.

Gerber doesn't think the City can afford to even do the tripping hazard sidewalks. When walking around town she stated that a lot of the sidewalk issues are from the terrace trees.

Gerber made a motion to start assessing 50/50 of sidewalk costs. The homeowner would be responsible for 50% of the sidewalk replacement and the City would be responsible for the other 50% of the sidewalk replacement for anything that is considered a tripping hazard; unless a terrace tree is causing the sidewalk issue and seconded by Allen.

AYES: Gerber, Allen. NOES: Stone. ABSENT: None.

Marquardt stated he will start updating the ordinance to reflect a couple of changes and will include the proposed 50/50 on parts of a sidewalk that are a tripping hazard, unless a terrace tree is causing the sidewalk issue. The discussion will be brought back to a future Council meeting.

5. Future Agenda Items

No future agenda items at that time.

6. Adjournment

It was moved by Allen and seconded by Gerber to adjourn the Public Works Committee meeting at 6:43 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:	November 14, 2023
Agenda Item:	4a. Lead Lateral Replacements
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

The City needs to replace lead water laterals, both public side and private side, throughout the City. Through our inventory process we believe there are 163 laterals that need replacing on the private side. 92 laterals serve rental property and 71 serve owner occupied property. Staff has submitted an Intent To Apply to obtain funding through the Safe Drinking Water Loan Program (DSWLP). If the City ranks high enough to obtain a loan, the City would also be eligible for some Principal Loan Forgiveness towards the private side costs. It is estimated that 50% of the cost to replace the private side lead water laterals would be eligible. The remaining 50% is what needs to be discussed. Options include:

1. Property owner pays through a special assessment
2. Water Utility pays using rate payer funding. Need PSC approval.
3. City pays by obtaining a General Obligation bond.

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

N/A

FINANCIAL IMPACT
(If none, state N/A)

The cost on the private side will vary depending on length of the lateral and other above ground obstructions, however, staff is estimating between \$2,000 and \$4,000. Taking into account the 50% Principal Forgiveness, this would leave the property owner with a cost between \$1,000 and \$2,000.

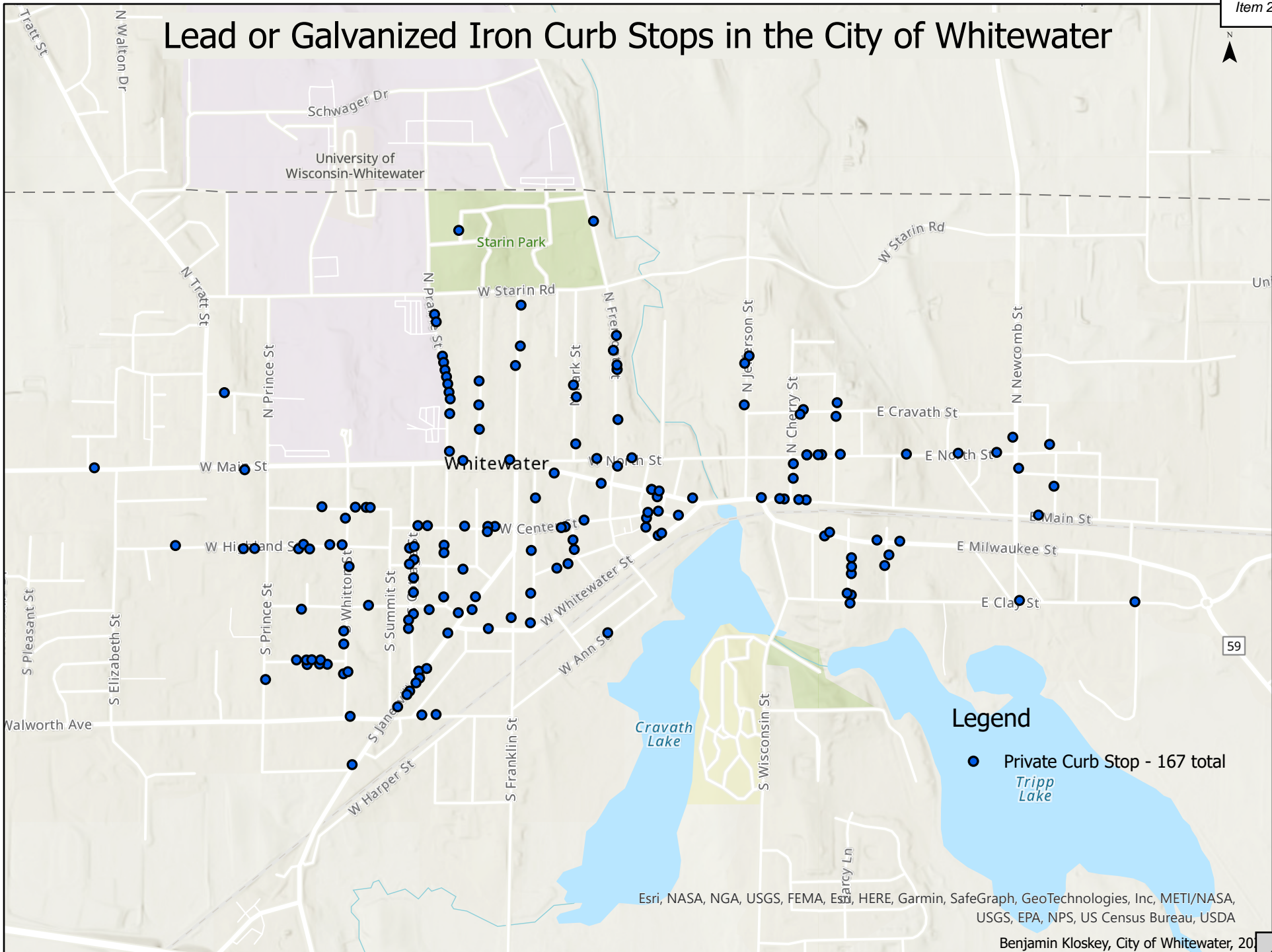
STAFF RECOMMENDATION

Staff is not providing any recommendation at this time. This item is meant for discussion and to obtain questions and comments from the Committee. One thing to keep in mind is that all property owners must be treated equally.

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

1. Private Lead-Iron Curb Stops Map

Lead or Galvanized Iron Curb Stops in the City of Whitewater



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Benjamin Kloskey, City of Whitewater, 20



Public Works Agenda Item

Meeting Date:	November 14, 2023
Agenda Item:	4b. Starin Park Underground Detention Basin
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

Staff is looking at the possibility of installing an underground detention basin in Starin Park to help remove Total Suspended Solids and Phosphorus from stormwater before it enters Whitewater Creek. A presentation has been given to the Park & Recreation Board and to the Urban Forestry Commission to gather information and answer questions. The purpose of discussion at the Public Works Committee is to bring the Committee up to speed on this potential project.

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

N/A

FINANCIAL IMPACT
(If none, state N/A)

The estimated construction costs are around \$3,800,00. The costs would be prorated between the City and the University based on the watershed area being treated. Furthermore, the City can apply for Clean Water Funding, which could also include Principal Forgiveness up to 50% of the project. The estimated breakdown is as follows:

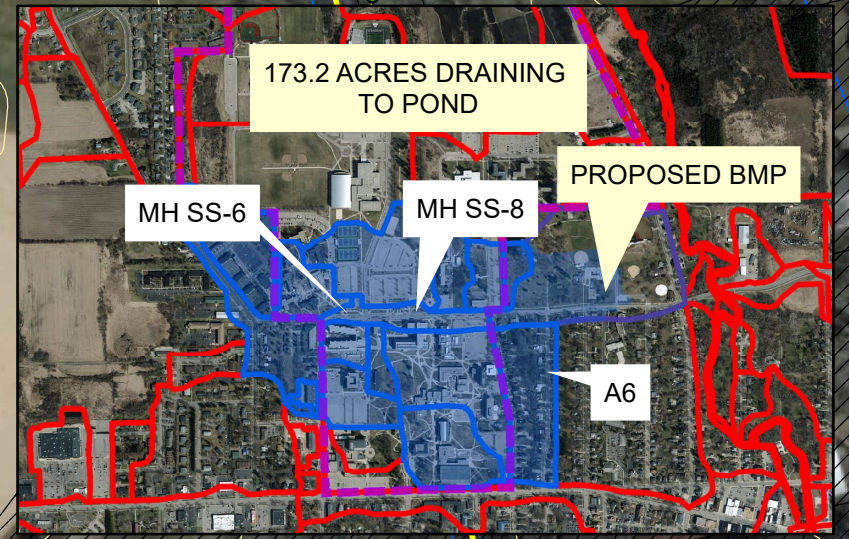
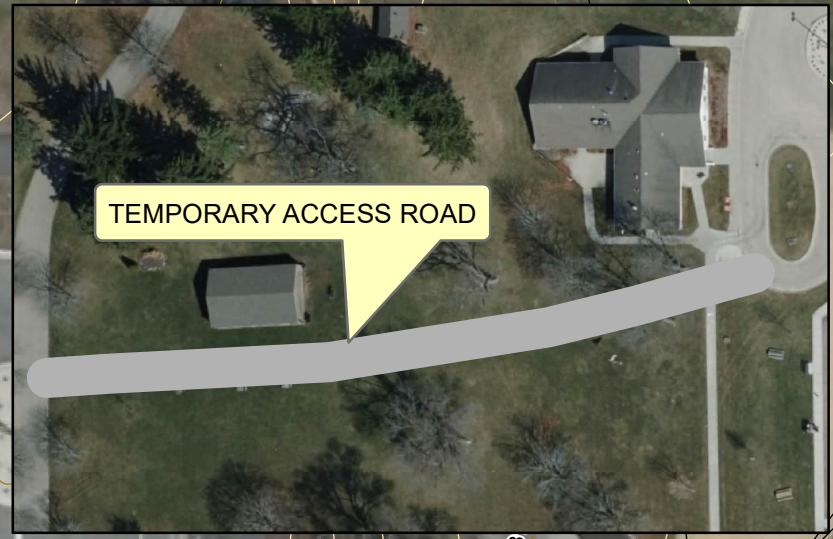
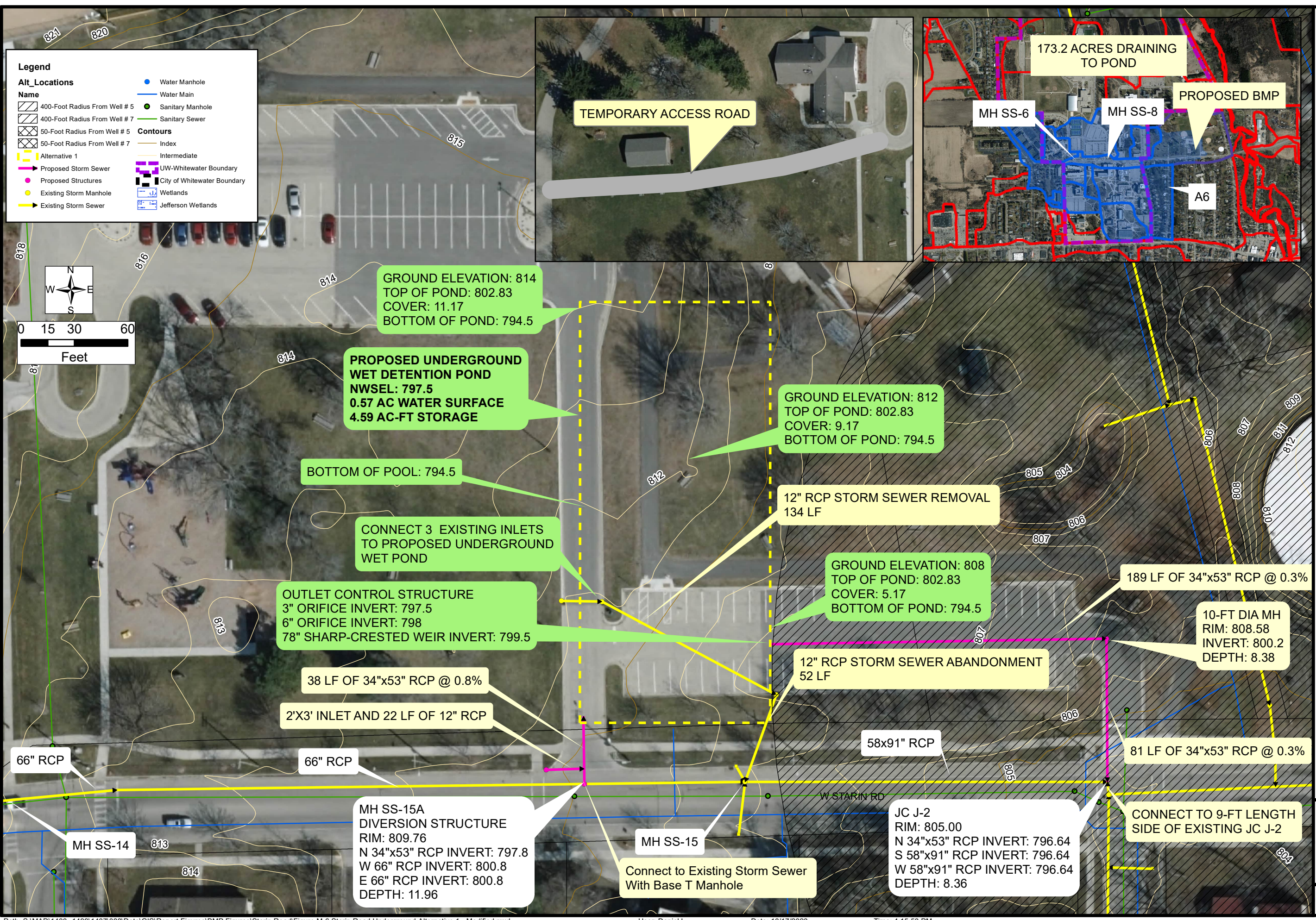
	<u>Proration</u>	<u>Without Grants</u>	<u>With Grants</u>
City Portion	40%	\$1,520,000	\$760,000
UWW	60%	\$2,280,000	\$1,140,000

STAFF RECOMMENDATION

Staff is not providing any recommendation at this time. This item is meant for discussion and to obtain questions and comments from the Committee.

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

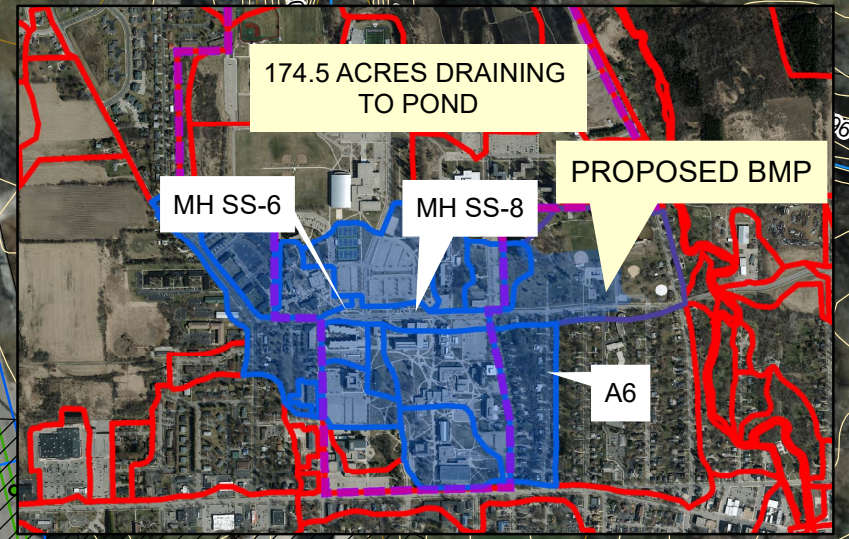
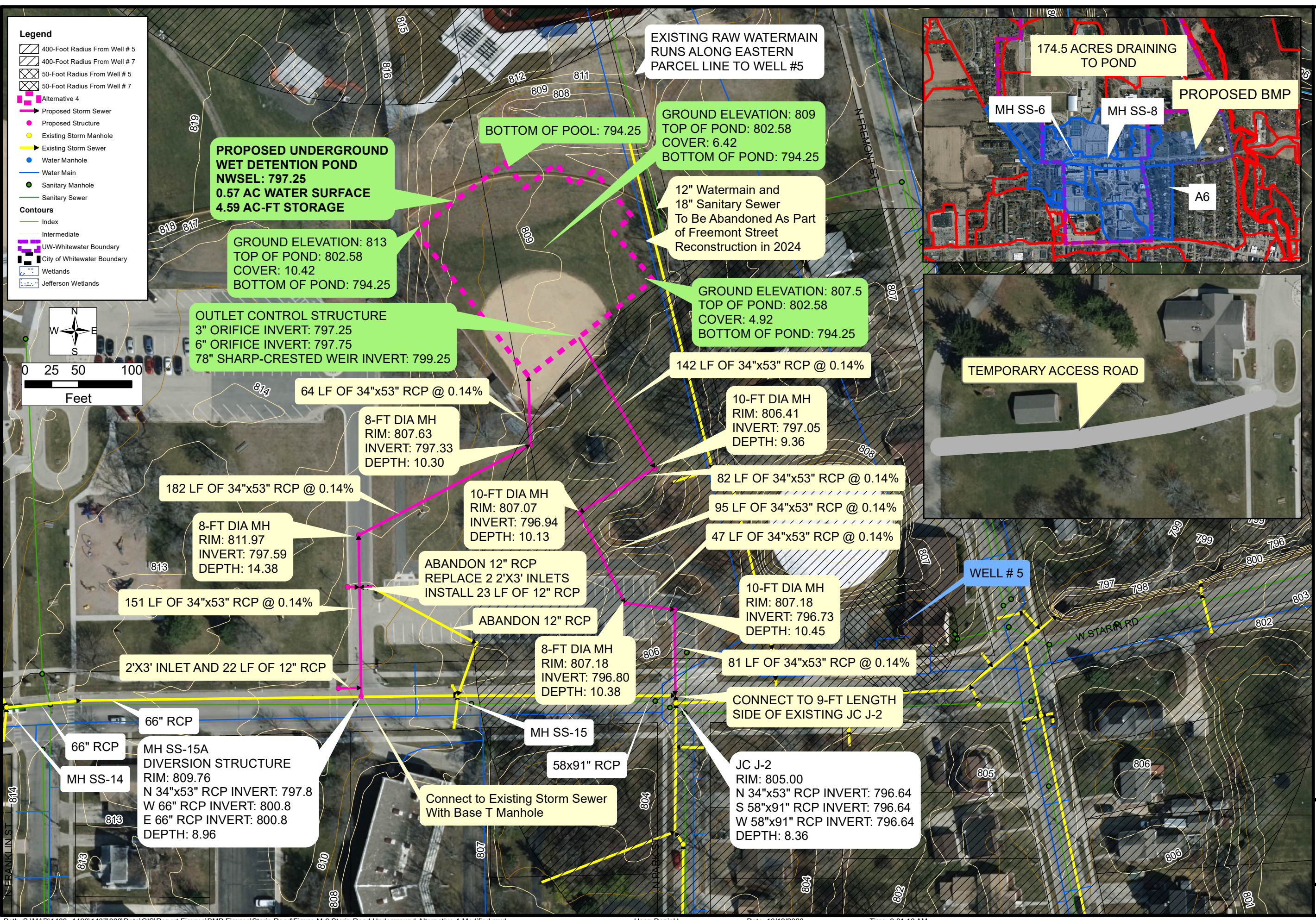
1. Alternative 1 Location
2. Alternative 4 Location



STARIN ROAD UNDERGROUND WET DETENTION POND ALTERNATIVE 1 (WC-5.1 CITY)
 TMDL STORMWATER PLAN
 CITY OF WHITEWATER
 WALWORTH AND JEFFERSON COUNTIES, WISCONSIN



FIGURE 1
1407.088



STARIN ROAD UNDERGROUND WET DETENTION POND ALTERNATIVE 4 - MODIFIED (WC-5.1 CITY)

TMDL STORMWATER PLAN
 CITY OF WHITEWATER
 WALWORTH AND JEFFERSON COUNTIES, WISCONSIN



FIGURE 1
1407.088



Public Works Agenda Item

Meeting Date:	November 14, 2023
Agenda Item:	4c. Sidewalk Ordinance
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

Attached is an updated Chapter 12.22 Construction Standards Adopted for sidewalk.

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

N/A

FINANCIAL IMPACT
(If none, state N/A)

The updated ordinance includes a paragraph requiring the property owner to pay 50% of the replacement/repair costs unless the cause is due to a terrace tree, then there is no cost to the property owner.

STAFF RECOMMENDATION

Once the changes are approved by the Public Works Committee, the ordinance change will be forwarded to Council for final action.

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

- Chapter 12.22 Construction Standards Adopted

Chapter 12.22 CONSTRUCTION STANDARDS ADOPTED

Sections:

12.22.010 Appointment of administrator—Duties.

- (a) The ~~building inspector~~Public Works Director or designee shall be designated as the sidewalk administrator.
- (b) It shall be the responsibility of the sidewalk administrator to administer the provisions of this chapter. ~~He~~The sidewalk administrator shall determine that new sidewalks are laid where required, that existing sidewalks are repaired or replaced when required, and that all sidewalk construction is completed according to the requirements of this chapter.

(Ord. 1015 §2(part), 1983).

12.22.020 Permit not required—Compliance with chapter.

No permit is required for the construction or repair or sidewalks. However, any sidewalk installed or repaired must comply with all sections of this chapter. The property owner is required to return to the sidewalk administrator a "Notice of Owner's Intent Form" indicating the method of repair or replacement desired, within twenty days of receiving said notice from the sidewalk administrator. The form shall advise the property owner of the options which the city has available under the established sidewalk policy.

(Ord. 1015 §2(part), 1983).

12.22.030 Specification for sidewalks.

- (a) Placement of Sidewalks.
 - (1) All sidewalks shall be laid within the street right-of-way and shall be laid one foot from the property line, and shall be four to five feet in width unless otherwise specified in this chapter.
 - (2) The requirements of subsection (1) of this section shall not apply to:
 - (A) Main Street from the intersection of Fremont Street on the west and to the intersection of Wisconsin on the east;
 - (B) Center Street from the intersection of Whitewater Street on the east and the intersection of Fremont Street on the west;
 - (C) First Street from the intersection of Center Street on the south to North Street on the north;
 - (D) Second Street from the intersection of Whitewater Street on the south to North Street on the North;
 - (E) Fremont Street from the intersection of Whitewater Street on the south to Main Street on the north;
 - (F) Any other street specified by the common council. All sidewalks built or relaid on the described portions of these streets shall run from the line of the property to the curb.
- (b) Materials.

- (1) All sidewalks shall be constructed and repaired with portland cement concrete.
- (2) The concrete used shall meet the following requirements:
 - (A) The minimum compressive strength of the concrete must not be less than three thousand pounds per square inch at twenty-eight days;
 - (B) The cement content of the concrete shall not be less than five and one-half bags per cubic yard;
 - (C) The concrete shall be air entrained;
 - (D) The water content shall not be more than five and one-half gallons per bag of cement;
 - (E) The sand and gravel aggregate shall be separate and shall be washed material;
 - (F) The concrete shall be consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing;
 - (G) All concrete work done after November 1st and before March 1st shall be protected against freezing ~~with a four-inch layer of hay covered and anchored in place~~ for seventy-two hours;
 - (H) During cold weather a maximum of two pounds of calcium chloride per sack of cement may be added to accelerate the setting of the concrete;
 - (I) The concrete shall be cured for a minimum of three days using impervious plastic or paper, wet fabric, or a liquid impervious membrane; and
 - (J) All sidewalk shall be sealed per the sealer manufacturer's recommendation.
- (c) Preparation of Subgrade.
 - (1) All sidewalk shall be placed on a minimum of three-inch compacted, granular subgrade material. Obstructions such as rocks, stumps, or sod shall be removed. Voids caused by the removal of obstructions shall be filled with gravel and thoroughly compacted to prevent future settlement.
 - (2) After forms are in place, the subgrade shall be tamped in its entirety to assure a solid and even surface.
 - (3) The subgrade shall be wetted down immediately prior to the placement of the concrete.
 - (4) The subgrade shall be accurately graded to assure a uniform thickness of concrete.
 - (5) Lot stakes are not to be disturbed during sidewalk construction or repair. One who disturbs a lot stake during sidewalk construction or repair shall be responsible for having the disturbed lot stake replaced by a surveyor and shall be subject to a penalty under Section 236.32 of the Wisconsin Statutes.
- (d) Formwork and finishing.
 - (1) The elevation measured at the edge of the sidewalk nearest the property line shall not be less than two percent ~~nor more than five percent~~ above the top of the adjacent curb. For all practical purposes the sidewalk shall be located at a higher elevation than the curb as stipulated above, and shall follow the uniformity of the curb and not the fluctuating lot elevations.
 - (2) Forms shall be set to obtain a minimum of four-foot wide sidewalk at a minimum thickness of four inches. Sidewalks across driveways shall be a minimum of six inches in thickness.
 - (3) Forms shall be securely staked and braced to prevent movement during the placement of concrete. Form rails shall be rigid and straight, and if wood, must be a minimum size of two inches by four inches (nominal). Forms shall be oiled and cleaned before each use.
 - (4) The transverse slope of the sidewalk shall not ~~be less than~~ exceed one quarter inch per foot ~~or more than one inch per foot~~, sloping toward the public street.

- (5) Dummy joints shall be installed either by sawing or grooving at approximately ~~four foot intervals~~the same width of the sidewalk constructed at right angles to the centerline. Expansion joints shall be installed at a maximum of ~~ninety-six one hundred~~ foot intervals ~~and at property lines~~.
 - (6) The edges of the sidewalk shall be rounded with an edger having a radius of one quarter inch.
 - (7) Form removal should be carefully done without damage to green concrete and shall not be done within twenty-four hours after the placing of the concrete.
 - (8) After forms are removed, the sidewalk edges shall be properly backfilled and graded.
 - (9) The seeding of the backfilled and graded areas shall be the responsibility of the property owner.
 - (e) The requirements of Section 66.616 of the Wisconsin Statutes are adopted by reference. The curb ramping requirements of Section 66.616 of the Wisconsin Statutes shall apply to all new curb and sidewalk construction and to all replacement curbs and sidewalks construction at locations considered to be legal crosswalks.
 - (f) Unless otherwise herein specified, all sidewalk shall be constructed in accordance with applicable provisions of the most current State of Wisconsin Standard Specifications for ~~Road and Bridge~~Highway and Structure Construction, ~~1981 Edition~~.
- (Ord. 1015 §2(part), 1983).

12.22.040 Sidewalk repair and replacement—When required.

- (a) The sidewalk administrator shall order any sidewalk which is unsafe, defective, or insufficient to be repaired or replaced so that said sidewalk meets the specifications set forth in this chapter.
- ~~(b) During the calendar year 1983, the sidewalk administrator shall perform a comprehensive survey of the structural conditions of all sidewalks in the City of Whitewater and shall report to the council those sidewalks which are unsafe, defective or insufficient. Starting in the calendar year 1984, the sidewalk administrator shall annually review the sidewalks in one of the wards per year on a rotating basis.~~
- (be) Whenever the following sidewalk defects are found to exist by the sidewalk administrator, an appropriate order for the repair or replacement of the sidewalk shall be made:
 - (1) When a sidewalk has a three-quarter inch or greater height difference between blocks, it shall be required that the entire block which is out of alignment be replaced and realigned. Topping the lower slab with concrete or blacktop and/or using concrete or blacktop to ramp from the lower slab to the higher slab is not permitted.
 - (2) When a horizontal alignment variance of one inch per foot or greater exists the entire block which is out of alignment shall be required to be replaced or realigned.
 - (3) When one or more cracks exist in a block with openings which are of three-quarters of an inch or larger, it shall be required that the entire block be replaced.
 - (4) When the scaling or cracking of a block makes the block unsafe, the entire block shall be required to be replaced.
 - (5) When a block has a corner missing, and the size of the missing corner is less than six inches by six inches, the block may be repaired by patching unless the condition is repetitive on three or more blocks, in which case the blocks shall be replaced.
 - (6) When the height of a block causes isolated ponding of water, the entire block shall be required to be replaced or adjusted in elevation so that the ponding of water is eliminated.

- (7) When the sidewalk has not been set to the required grade or line or does not comply with other specifications of this chapter, it shall be required to be repaired or replaced.
- (~~cd~~) When a portion of an old sidewalk is repaired or replaced and the original width of said sidewalk was less than or greater than four feet, the original width of the sidewalk shall prevail, provided that the original width is uniform within the entire block and also that less than all of the sidewalk on the entire block will be replaced. ~~In all other circumstances the four foot width regulation shall be applicable.~~
- (~~de~~) Although minor streets are not required to install new sidewalk where none had previously existed, they are required to maintain existing walk and to install new sidewalk in blocks in which there is sidewalk along fifty percent of the street frontage within the block. There are no provisions which allow removal of sidewalk unless a variance would be granted by the council.
- (Ord. 1015 §2(part), 1983).

12.22.050 New sidewalk construction—When required.

- (a) Sidewalk shall be required on all major streets with the following exceptions:
- (1) Sidewalk will not be required when the nature of the terrain creates insurmountable engineering problems.
 - (2) Sidewalk will not be required where there is insufficient right-of-way.
 - (3) Sidewalk will not be required if the installation would generate a safety hazard by encouraging pedestrian traffic in dangerous areas.
 - (4) Sidewalks will not be required along vacant land which extends to the city limits which is not situated between areas generating pedestrian traffic, and streets on which curb and gutter has not been installed.
- (b) Streets classified as minor streets with curbs and gutter, but without sidewalks, will not be required to have new sidewalks constructed unless those constituting the ownership of more than fifty percent of the property fronting along a given street sign a petition requesting that new sidewalk be installed on their street.
- (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
 - (2) Sidewalks may not be installed on minor streets when one or more of the exceptions listed above are applicable.
- (c) Sidewalks may be required on minor streets or on streets which fall under one of the exceptions if it is determined that a severe pedestrian and/or traffic hazard exists.
- (d) The classification of streets is as follows:
- (1) Major Streets.
 - (A) East and West Main Street;
 - (B) East Milwaukee Street, South Wisconsin Street to East Elkhorn Road;
 - (C) East and West North Street;
 - (D) East Newcomb Street;

- (E) South Wisconsin Street, East Main Street to Beach Road;
- (F) South Janesville Street;
- (G) South Franklin Street, South Janesville Street to West Main Street;
- (H) West Walworth Street, South Buckingham Boulevard to South Janesville Street;
- (I) South Elizabeth Street;
- (J) South Prince Street, West Walworth Avenue, to West Main Street;
- (K) North Tratt Street;
- (L) West Starin Road;
- (M) North Fremont Street;
- (N) North Prince Street, West Main Street to West Starin Road;
- (O) North ~~Case~~Prairie Street, West Main Street to Starin Road;
- (P) South Whiton Street, West Walworth Avenue to West Main Street;
- (Q) West Highland Street;
- (R) West Center Street;
- (S) West Whitewater Street;
- (T) South Elkhorn Road;
- (U) South Summit Street.

(2) Minor Streets. All other streets within the city limits not listed above.

(Ord. 1022 §1, 1983; Ord. 1015 §2(part), 1983).

12.22.060 Owner responsibility for the construction of new sidewalk and for the replacement and repair of existing sidewalk—Noncompliance.

- (a) Whenever the sidewalk administrator determines that the provisions in this chapter require the construction of new sidewalk or the repair or replacement of existing sidewalk, ~~he shall prepare~~ an order requiring that new sidewalk be constructed or that existing sidewalk be repaired or replaced ~~shall be prepared~~. A copy of the order directing such construction, replacement or repairs shall be served upon the owner of each lot or parcel of land. The sidewalk administrator shall serve such notice. Service of the notice may be made by personal delivery, by certified or registered mail, or by publication in the Whitewater Register as a Class I notice under Chapter 985 of the Wisconsin Statutes, together with mailing by first class mail if the name and mailing address of the owner can be readily ascertained.
- (b) Whenever any such property owner who has been notified shall neglect for a period of twenty days after such notification to lay, remove or replace, or repair any such sidewalk, the sidewalk administrator may cause such work to be done at the expense of such owner. All work for the construction of new sidewalks and the replacement or ~~requiring repairing~~ of existing sidewalks shall ~~annually be let by competitive bidding to the lowest responsible bidder~~ be bid following the City's Procurement Policy, or done by public works personnel ~~currently~~ employed by the City of Whitewater.
- (c) The sidewalk administrator shall serve the order, which is discussed in subsection (a) of this section, along with a "Notice of Owner's Intent Form." Said form shall state the options for the property owner. The

property owner shall return the "Notice of Owner's Intent Form" to the sidewalk administrator within twenty days of receiving the notice and shall indicate on the notice the method of repair or replacement desired.

- (d) Whenever a property owner elects to have the City of Whitewater personnel or contractor install, repair or replace their sidewalk, the property owner shall be required to sign a release form. The form shall be similar to the following:

CITY OF WHITEWATER
SIDEWALK CONSTRUCTION RELEASE FORM

OWNER:

ADDRESS:

~~Other description if required~~ ESTIMATED COST: Length x Width x Estimated Cost = Preliminary Cost

If Applicable: 50% Cost

Final Estimated Cost to Property Owner: Total Cost

The undersigned in electing to utilize the City of Whitewater personnel and/or its contractor for required sidewalk repair or installation hereby releases the City of Whitewater from any obligation for repair of sidewalk due to minor cracking or other minor problems which frequently occur with concrete construction. Work done by the City of Whitewater personnel or its contractor will be done according to ordinance specifications. The phrase "minor problems" above is intended to mean problems which do not affect the sidewalk's performance.

Property Owner's Signature

- (e) The City of Whitewater shall be responsible for the costs incurred to reconstruct curbs and sidewalk to comply with Section 66.616 of the Wisconsin Statutes when possible (Reference Curb Ramping for Handicap Accessibility).

- (f) The cost of the sidewalk construction and/or repair may be paid by the abutting property owner as follows:

- (1) The abutting property owner may elect to reimburse the city by paying the cost of said repair or construction within thirty days of being billed. No interest will be charged if paid within thirty days of the billing. If the cost of construction or repair is not paid within thirty days, it shall be entered by the city clerk on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like taxes upon real estate. The amount so added to the tax roll shall include interest at the prevailing rate per month from the date that the individual was initially billed to December 31st of the year in which it is placed on the tax roll.

- (2) Whenever the amount to be levied is in excess of ~~one-five~~ hundred dollars, the property owner may elect to pay over a ~~five~~three-year period and to have the city clerk enter said costs, together with interest at the prevailing interest rate on the tax roll, as a special assessment against such lot or a parcel of land.

~~(3) The city shall be responsible for the costs incurred to reconstruct curbs and sidewalks to comply with Section 66.616 of the Wisconsin Statutes, except where the sidewalk involved was determined to be unsafe, defective, or insufficient. In that case, the property owner shall be assessed on a square foot basis for the sidewalk replaced which is in the normal construction limits of a standard sidewalk, that is, one foot from property line, four feet in width.~~

(34) Where there is a replacement of sidewalk and there has been a previous assessment for sidewalk, a credit shall be given for the remaining useful life of the sidewalk. The useful life of the sidewalk for his purpose shall be ~~ten~~twenty-five years.

(4) Unless changed by Resolution, the property owner is responsible for 50% of the estimated cost. If it is determined by the sidewalk administrator that the sidewalk to be replaced or repaired is due to a city terrace tree, the City shall pay 100% of the cost to replace or repair.

(Ord. 1015 §2(part), 1983).

12.22.070 Variance procedure.

- (a) No sidewalk shall be installed in such a manner so as to include a tree, utility pole or any other structure within the area of actual sidewalk construction, unless a variance has been granted by the council to permit such an intrusion into the sidewalk area.
- (b) When the owners of more than fifty percent of the tax parcels along a given street sign a petition requesting a variance or an exception from the requirement of having sidewalk installed on their street, the sidewalk administrator shall submit said petition to the common council. Petitioners will be required to show just cause why sidewalks are not necessary above and beyond merely not wanting a sidewalk.
 - (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
 - (2) Those submitting said petition must do so within thirty days after receiving notification that sidewalk is required on their street.
- (c) Individual property owners, upon receipt of an order from the sidewalk administrator, shall have the right to petition the council for a variance or exception from this chapter. Variances may be not requested by individual property owners by reason of merely not wanting sidewalk.
- (d) All exceptions or variances from this chapter shall require a two-thirds vote of the council.

(Ord. 1015 §2(part), 1983).