



# Common Council Meeting

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

**Tuesday, June 04, 2024 - 6:30 PM**

**Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
Citizen participation is welcome during topic discussion periods.**

Please click the link below to join:

<https://us06web.zoom.us/j/85112050058?pwd=Ap6zAO3aekhYc5DclWWBSSqnm7QyhA.4vOxz75RGle5615n>

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

**Webinar ID:** 851 1205 0058

**Passcode:** 019249

**Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.**

## AGENDA

(Amended as of 06-3-2024 at 8:00 a.m. to add: 1. Waiver of 72-Hour Transparency Ordinance and 2. Second Reading of Ordinance 2024-O-05 an ordinance amending Title 20 Recreational Vehicle parking and Ordinance 2024-O-06 an ordinance amending 19.51.180 Truck, Trailer, mobile home and equipment parking restrictions . Items added are red.)

### CALL TO ORDER

Request for authorization to waive the 72-hour notice required by the City of Whitewater Transparency Ordinance to amend the Agenda to add Second Readings of

1. Ordinance 2024-O-05 an ordinance amending Title 20 Recreational Vehicle parking.
2. Ordinance 2024-O-06 an ordinance amending 19.51.180 Truck, Trailer, mobile home and equipment parking restrictions.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

**APPROVAL OF AGENDA**

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**CONSENT AGENDA**

*Items on the Consent Agenda will be approved together unless any council members requests that an item be removed for individual consideration.*

- [1.](#) Approval of Common Council Minutes from May 7, 2024.
- [2.](#) Library Board of Trustees Meeting Minutes from April 15, 2024.
- [3.](#) Board of Zoning Appeals - January 25, 2024 Minutes
- [4.](#) Finance Committee Meeting Minutes from April 23, 2024.

**CITY MANAGER REPORT****STAFF REPORTS**

- [5.](#) Assessment Process update-**Finance**
- [6.](#) Update on the Vimeo to Youtube process- **Media Services**

**HEARING OF CITIZEN COMMENTS**

*No formal Council action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Council discusses that particular item.*

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**RESOLUTION**

- [7.](#) Resolution approving Relocation Order for Improving Sidewalk along Walworth Avenue-**Public Works**

**ORDINANCES****Second Reading**

- [8.](#) **2024-O-07** Ordinance allowing Board of Absentee Canvassers (Allowing Central Count for Absentee Ballots) .-**City Clerk**
- [9.](#) **Ordinance 2024-O-05 an Ordinance amending Title 20 Recreational Vehicle Parking-  
Neighborhood Services**

10. **Ordinance 2024-O-06** an Ordinance amending 19.51.180 Truck, Trailer, Mobile Home and Equipment Parking Restrictions- **Neighborhood Services.**

#### CONSIDERATIONS

11. Request for approval of annual renewals of certain Class "A"; Class "A", Class "B", Class "B" Beer and Liquor Licenses.-**City Clerk**
12. Discussion and Possible Action regarding Cancelling July 2, 2024 Common Council Meeting-**City Clerk**
13. Discussion and Possible Action regarding bids for mechanical dredging of Cravath & Trippe Lake Cattails-**Parks**
14. Discussion and Possible Action regarding Spring Splash Task Force-**City Manager**
15. Discussion and Possible Action regarding Ordinance 2.48.080-Removal of Members-PARC-**City Manager**
16. Councilmember Requests for Future Agenda Items or Committee items. Questions

#### FUTURE AGENDA ITEMS

17. Brown Cab update-**Finance Q2**
18. Tentative date to hold Common Council meeting at UWW Campus 9/17/24-**City Manager/Singer Q3**
19. Review the reference to Chapter 10 in Ordinances 2024-O-05, 2024-O-06 Title 19 and 20.-**Dawsey Smith Q2**
20. Consideration of combining Title 19 Truck, Trailer, Mobile Home and equipment parking restrictions and Title 20 Recreational Vehicle Parking- **Dawsey Smith Q2**
21. Mobile Home Special Assessments-**Hicks Q3**
22. Part-time and Seasonal Salaries amendment-**Schanen-Q2**

**CLOSED SESSION** Adjourn to closed session, to Reconvene in **Open Session**, Chapter 19.85(1)(e), "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

#### Items to be discussed:

- CS-23. Correspondence received from Janesville Fire Fighters IAFF Local 580

#### CONSIDERATIONS

24. Discussion and Possible Action regarding Correspondence received from Janesville Fire Fighters IAFF Local 580.

**ADJOURNMENT**

**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.**

**2023-2025 City of Whitewater's 5 strategic goals: Build single-family homes, Communicate with the community without the newspaper, Support a thriving business community, Recruitment and retention efforts with a focus on diversity, and Prioritization of expenditures with available resources.**



# Common Council Meeting

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

**Tuesday, May 07, 2024 - 6:30 PM**

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[https://us06web.zoom.us/j/81914940238?pwd=tYl97riyLo4kl5RS\\_Fg1w21zex-Now.BINRMCzgtNj9T41o](https://us06web.zoom.us/j/81914940238?pwd=tYl97riyLo4kl5RS_Fg1w21zex-Now.BINRMCzgtNj9T41o)

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

**Webinar ID:** 819 494 0238

**Passcode:** 525458

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## MINUTES

### CALL TO ORDER

Council President Patrick Singer called the meeting to order at 6:31 pm.

### ROLL CALL

Present

Council President Patrick Singer

Councilmember Neil Hicks

Councilmember Lisa Dawsey Smith

Councilmember Brienne Brown

Councilmember Brian Schanen

Councilmember Greg Majkrzak

Councilmember Orin Smith

City Attorney Jonathan McDonnel

City Manager John Weidl

Public Works Director Brad Marquardt

City Clerk Heather Boehm

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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Motion made to approve the agenda with moving items 30 and 31 to right after item 3 by Council President Singer, Seconded by Councilmember Schanen.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Schanen, Councilmember Majkrzak, Councilmember Smith.

1.

Jason Dean, the EMS Chief for Whitewater Fire and EMS Department in Wisconsin, recognized several team members for their heroic actions on January 21, 2024. The team responded to an emergency involving an unconscious person who was in cardiac arrest. Thanks to immediate CPR, early defibrillation, and advanced life support (ALS) interventions, the patient regained a pulse and was transported to the hospital. The crew members, FF/EMT-P Tanner Stark, FF/EMT-P Mikayla Fehl, FF/AEMT Ashley Dodd, FF/AEMT Braden Burger, FF Captain Andy Beckman, and EMS Chief Jason Dean, received a life-saving award for their efforts. The patient, Mr. Paul Jones, was present to express his gratitude.

Paul Jones expressed his deep gratitude to the Whitewater Fire and EMS team for saving his life. He thanked his wife, Margaret, for calling 911 after finding him unconscious, and the EMTs for reviving him. Despite ongoing rehab, he is nearly back to normal. He also thanked the citizens of Whitewater for supporting the referendum that created a 24/7 emergency medical service, reducing response times significantly. He humorously noted that his eyesight improved after multiple defibrillations, though he wouldn't recommend it as a treatment. Paul concluded by expressing his heartfelt thanks to the EMS team and invited Chief Freeman to speak.

## RESOLUTION

2. Resolution recognizing Judge Patrick Taylor's Contributions to the City of Whitewater-**City Manager**

Motion made to approve the resolution recognizing Judge Patrick Taylor's contributions to the City of Whitewater by Council President Singer, Seconded by Councilmember Schanen.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown,

Councilmember Dawsey Smith, Councilmember Schanen, Councilmember Majkrzak, Councilmember Smith.

Judge Patrick Taylor expressed deep gratitude for the recognition he received and shared how he has felt a strong sense of belonging in Whitewater during his seven years there. He attributed this connection to three main factors: the numerous opportunities to make a difference through various community groups and activities, the community's need for involvement, and the kindness and generosity of the residents. He emphasized the welcoming nature of the people in Whitewater and stated that he will cherish the proclamation and use it as motivation for future contributions.

### GUEST SPEAKER

3. Jessie Dugan from Bethel House is presenting a recap of their Emergency Assistance Program that will highlight the needs of the families they are serving-specifically as they relate to housing, income equality and the overall cost of living expenses.

Jesse Dugan, a 16-year Whitewater resident and board chair of Bethel House, addressed the council to highlight the organization's efforts in supporting families at risk of homelessness. She acknowledged board member Jim Winship and stressed the importance of transparency and data collection to understand the challenges faced by lower-income families. Dugan highlighted the "household survival budget," showing that many working families still face financial shortfalls. She pointed out common issues such as childcare, transportation, and lack of paid sick leave that contribute to these families' struggles. She also noted that recent successful Bethel House families had to move out of Whitewater due to the lack of affordable housing. Dugan urged the council to prioritize affordable housing initiatives and use Bethel House as a resource for systemic change. She expressed hope that with community and council support, significant progress could be made in addressing homelessness and poverty in Whitewater.

### CONSENT AGENDA

*Items on the Consent Agenda will be approved together unless any council members requests that an item be removed for individual consideration.*

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

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Schanen, Councilmember Majkrzak, Councilmember Smith

4. Approval of Common Council Minutes from March 19, 2024, April 1, 2024, and April 4, 2024.
5. Library Board Minutes from March 18, 2024
6. Ethics Meeting Minutes from February 1, 2024.
7. CDA Minutes from March 21, 2024.
8. Landmarks Commission Meeting Minutes from January 4, 2024 and February 7, 2024.

9. Park Board Minutes from March 20, 2024.
10. December 2023 Financials
11. January 2024 Combined Financials
12. February 2024 Combined Financials
13. March 2024 Combined Financials

### **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.

14. Arbor Day Proclamation  
City Manager Weidl read the Arbor Day Proclamation.

### **STAFF REPORTS**

15. Update on the Library Renovation- **Library Director**  
Library Director Jaroch of the Irving Young Memorial Library began by introducing herself and discussing her tenure at the library. She expressed excitement about the upcoming building project, which has long been a community dream. Groundbreaking for the new library is scheduled for July 29th. With a 4,400 square foot expansion and redesign of existing space, the library aims to better serve the community's needs. She thanked the community, former director Stacy Lunsford, and various committees and individuals for their support. She outlined the construction timeline, including pre-construction activities and phases of the project. During construction, efforts will be made to maintain library services. Updates will be provided on the library's website and through information flyers.
16. Economic Development Update- **Economic Development Director**  
Economic Development Director Zeinert was not present at this meeting, so this was rescheduled for the May 21, 2024 Common Council meeting.
17. TDS update regarding completion date and when it will enable us to start broadcasting.- **Finance**  
City Manager Weidl explained that TDS won't be able to access City Hall until December 2024, when the fiber connection reaches the building. The plan is to check in then to ensure the project is on schedule before starting broadcasting with them.
18. Update on Ordinance 2081, An Ordinance amending subsection 5.20.030 Alcohol Licensee-Conditions, specifically the requirement for a "clear view into the entire licensed premises"- **PD**  
Police Chief Meyer discussed the enforcement of Ordinance 5.20.030, which pertains to window visibility for Class A and B alcohol establishments. He explained the importance of this ordinance for ensuring businesses comply with regulations and for law enforcement to have visibility during critical incidents. He highlighted challenges with the previous vague language of the ordinance and how it was updated in early 2024 to



provide clearer guidelines, adopting language similar to that used in Milwaukee's ordinance. Chief Meyer also provided examples and photos illustrating the difficulties faced in enforcing the ordinance consistently.

Motion made to refer this to the Alcohol Licensing Committee to discuss and invite businesses serving and selling alcohol by Councilmember Majkrzak, Seconded by Councilmember Schanen.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

Voting Nay: Councilmember Dawsey Smith

19. Update on the Fire Department Bunk Room.-**Fire Department**

Fire Chief Freeman explained that they did not get any bids for the Fire Department Bunk build. He explained that he will put this out to rebid in late fall.

20. Safe Haven Baby Box Update- **Fire Department**

Fire Chief Freeman explained that they did not get any bids for the Safe Haven Baby Box. He explained that this will go out to rebid this month with bid openings May 24, 2024.

21. Parks New Recreation Software-**Parks Department.**

Parks Director Boehm discussed the transition from RecDesk to CivicRec for recreation software. He highlighted issues with RecDesk, such as difficulties in managing memberships and missed payments, which CivicRec addresses automatically. CivicRec offers features like flagging duplicate information, attaching photographs to memberships for identification, generating a wide range of customizable reports, and simplifying the registration process. He demonstrated how CivicRec streamlines registration for programs and enables language translation. He also mentioned plans for a soft launch and full launch of CivicRec soon. During the Q&A session, it was clarified that the library uses a separate system for room reservations but could potentially integrate with CivicRec in the future. Additionally, he confirmed that background checks for coaches can be integrated into the registration process with CivicRec.

22. Non-Financial Strategies for Enhancing Recruitment and Retention.- **Finance**

This was rescheduled to the Special Common Council meeting scheduled for May 28, 2024 at 6:30 pm.

23. Update on Special Common Council May 28th Draft Agenda- **HR**

Councilmembers looked over the agenda for the May 28, 2024 Special Common Council meeting. They all agreed that everything listed was what they wanted to discuss at the meeting.

### HEARING OF CITIZEN COMMENTS

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No one came forward to talk during this time.

## RESOLUTION

24. Authorizing Official Depositories- **City Manager**

Motion made to approve Official Depositories by Councilmember Dawsey Smith, Seconded by Council President Singer.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

25. Authorizing Official Newspaper- **City Manager**

Motion made to approve the Official Newspaper to be the Whitewater Register by Councilmember Dawsey Smith, Seconded by Councilmember Hicks.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

## ORDINANCES

### First Reading

26. Ordinance 2024-002 an ordinance amending 16.14.825 Violations of Regulatory Provisions-**Neighborhood Services**

City Manager Weidl explained this ordinance was originally written where the violation said it was a misdemeanor, so this is to clean that up and make it state that a violation was now a forfeiture.

Motion made to approve Ordinance 2024-O-02 by Councilmember Dawsey Smith, Seconded by Councilmember Majkrzak.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

27. Ordinance 2024-003 Amending Section 1.21.010 Schedule of Deposits to Provide for a Bond Amount for Violations of Chapter 16.14 Sewer Charges.-**Neighborhood Services**

Motion made to approve Ordinance 2024-O-03 by Councilmember Dawsey Smith, Seconded by Councilmember Schanen

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith,

Councilmember Schanen.

28. Ordinance 2024-004 updating 14.04.10 to adopt the correct Wisconsin Building Codes.-  
**Neighborhood Services**

Motion made to approve Ordinance 2024-O-04 by Councilmember Dawsey Smith, Seconded by Councilmember Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

Motion made to waive 2nd reading by Councilmember Dawsey Smith, Seconded by Councilmember Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

## CONSIDERATIONS

29. COPS Hiring Program Grant Solicitation. -**PD**

Police Chief Meyer proposed submitting a grant application to the U.S. Department of Justice COPS Office for the Fiscal Year 24 COPS hiring program. The grant aims to fund additional sworn officers to enhance community policing and crime prevention efforts. The city's share of the funding would increase progressively over a three-year period, and the maximum federal share per officer is \$125,000 over three years. The grant application would cap the number of requested officers at 20% of the current sworn force, and quarterly and semi-annual reports would be required if awarded. He highlighted the need for approval and potential budget adjustments in the future.

Motion made to approve COPS Hiring Program Grant by Councilmember Majkrzak, Seconded by Councilmember Hicks.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

30. Discussion and possible action regarding UWW MOU Polling Place on Campus. -**City Clerk**

Chancellor King addressed the Council and expressed support for students advocating for more voting opportunities and the ability to express their voices. As Chancellor, he supports the Warhawk Vote efforts and emphasizes the importance of this initiative for both the students and the university community.

Angelina Izzo (110 S Boone Ct) the student body president for UW Whitewater, briefly addressed the Council, highlighting that since 2008, the Whitewater Student Government (WSG) has consistently provided workers and volunteers to support polling efforts. She emphasized that students support having a polling place on campus, at least for the

presidential election, and ideally more frequently, while acknowledging that logistical details need to be resolved.

Evelyn Schmidt (1024 W Starin Rd) expressed strong support for on-campus voting from September to May, emphasizing its importance for disabled students. She highlighted that despite accessible transportation, many students face emotional and physical barriers on election day. Evelyn believes on-campus polling for all elections would benefit student engagement with the city council and increase awareness of their representatives. She reiterated the need for equal voting access for students and underscored the importance of educating them about their representatives and options.

Alyssa Wahlborg (771 W Lauderdale Dr) expressed enthusiastic support for on-campus voting, echoing the sentiments of the Whitewater Student Government (WSG). They committed to providing volunteers and supplies to support community members who come to campus to vote. The student emphasized the importance of the community being able to visit and vote on their campus.

Mary Young (771 W Lauderdale Dr) expressed gratitude for the efforts made to support on-campus voting, acknowledging numerous prior meetings. She emphasized the importance of accessibility for disabled students, noting that their campus has the highest population of disabled students in the state. The speaker highlighted the difficulty students face in reaching off-campus polling locations and advocated for holding all elections on campus to ensure accessibility for all students.

Sue Chandler (369 Lakeview Dr) urged the council to designate the campus as a permanent polling place for wards 8 through 13, including Jefferson County residents. She highlighted the convenience of having a consistent voting location, avoiding confusion about changing venues. She also suggested that once people experience the campus facilities, they would prefer voting there permanently.

Anita Loch (W799 Shagbark Rd) emphasized the importance of education and supported the student group's efforts at the university. She agreed with Sue Chandler on the need for consistent polling locations for all wards in every election, noting the confusion caused by changing venues. She highlighted the significance of spring elections, such as the 2023 Supreme Court justice election, and mentioned a student elected to the common council due to student advocacy. She argued that universities with over 5,000 students should always have on-campus voting and urged the council to approve this to facilitate easy voting for students.

Stephanie Hicks (1254 Tower Hill Pass) A long-term resident of Ward 11 and UW-Whitewater graduate expressed support for on-campus voting while also valuing the community experience of voting at the Armory. She emphasized the importance of accessibility for all, including older residents who have consistently voted at the Armory. She advocated for maintaining both voting options to accommodate different community members' needs, supporting on-campus polling but also recognizing the significance of traditional community polling locations.

Motion made to hold all elections September 1st through May by Councilmember Hicks, Seconded by Councilmember Dawsey Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown,

Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

Motion made add in Wards 11 and 12 by Councilmember Smith, Seconded by Councilmember Brown.

Voting Yea: Councilmember Brown, Councilmember Majkrzak, Councilmember Smith  
Voting Nay: Council President Singer, Councilmember Hicks, Councilmember Dawsey Smith, Councilmember Schanen.

Motion to add in Wards 11-12 failed.

Motion made to approve MOU with UWW so that Wards 8,9,10,and 13 will vote on campus for all elections September through May (no August elections) by Council President Singer, Seconded by Councilmember Dawsey Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

31. Discussion and Possible Action regarding Starin Road Safety.- **City Manager**

City Manager John Weidl explained that UW-Whitewater (UWW) proposed a solution to manage pedestrian traffic by using timed, rather than permanent, gates to control vehicle traffic. After discussing the idea in a meeting and gathering information, they are now seeking the Common Council's interest in pursuing this further. They invited a UWW representative to speak on the matter.

Brenda Jones, Vice Chancellor for Finance and Administrative Affairs at UW-Whitewater, along with Chief Matt Ketterlin from the UW-Whitewater Police Department, addressed the council regarding pedestrian traffic concerns on campus. They presented findings from a traffic study conducted on Starin Road, revealing high daily car counts, particularly during peak class times and events. Speed was not identified as a major issue, but the volume of vehicles posed challenges. Temporary measures like flashing pedestrian signs and campus safety officers were implemented but faced staffing difficulties. Brenda proposed exploring a long-term solution, suggesting movable gates east of Warhawk Drive and west of Prairie Street. These gates could be programmed for specific times, aiding traffic flow during events and peak periods. Brenda sought the council's interest in investigating this solution further, clarifying that funding would be handled collaboratively.

Angela Izzo (110 S Boone Ct) Stated that she is the UWW student body president, who also served on the safety committee and task force, highlighted numerous near-miss incidents on Starin Road and emphasized the need for action due to potential safety hazards for faculty, staff, and students. She suggested that road closure could improve traffic flow and safety, particularly at the crosswalks. Additionally, she noted that the Prairie and Starin intersection, while not as concerning due to being a four-way stop, still posed risks. She thanked the council for considering the issue and expressed confidence in future efforts to explore solutions.

Sara Marquardt (1346 Tower Hill Pass) shared her experiences traveling on Starin Road and expressed concern about visibility, particularly at night, for students crossing outside of designated crosswalks. She highlighted the importance of adequate lighting to improve safety and requested that this factor be considered alongside other proposed solutions.

Lee Lovall (515 E Milwaukee St) shared his experiences on Main Street and Starin Road, noting instances where drivers failed to stop for yellow lights and pedestrians crossed without looking up. He suggested increased law enforcement presence during busy times to enforce traffic rules, emphasizing the importance of pedestrian responsibility, including for students.

Council suggested Brenda Jones to gather more data and look into all the options and come back to Council.

32. Discussion and Possible Action regarding Approval of Proposed Scope Work to be performed by SEWRPC for phase one of the Comprehensive Lake Management Plan for Cravath and Tripp Lakes-**Parks Dept**

Assistant Parks Director Dujardin discussed the need to update the 2011 comprehensive plan with SWRPC to facilitate grant acquisition and goal achievement. The plan was presented to the Lakes Advisory Committee. SWRPC will be involved in advancing the plan in May, potentially conducting a plan management survey.

33. Councilmember Requests for Future Agenda Items or Committee items. Questions
- Councilmember Dawsey Smith would like the ordinance on the Central Count brought to next Council meeting.
- Council President Singer would like an update on the Vimeo to YouTube for video recording platforms.
- Councilmember Hicks would like the RV Parking ordinances brought back to Council and cleaned up.

## FUTURE AGENDA ITEMS

34. Brown Cab update-**Finance Q2**
35. Staff update on Procurement Policy. - **Finance Q2**
36. Tentative date to hold Common Council meeting at UWW Campus 9/17/24-**City Manager/Hicks Q3**
37. Mobile Home Community understanding of special assessment.- **Finance/Hicks Q2**
38. Review Accurate Appraiser's contract-**Finance/Brown Q2**
39. Spring Splash Task Force-**City Manager Q2**

**CLOSED SESSION** Adjourn to closed session, to Reconvene in Open Session, Chapter 19.85(1)(c), Wis. Stats. for purposes of "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."

In particular, this closed session will be to discuss Stipend for Economic Development, Negotiation of City Manager Employment Agreement, and Performance Expectations for the City Manager.

As well as Chapter 19.85(1)(d): Except as provided in s. 304.06 (1) (eg) and by rule promulgated under s. 304.06 (1) (em), considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.

In particular, this closed session will be to discuss PD Critical Incidents.

Motion made to go into Closed Session at 9:00 pm by Council President Singer, Seconded by Councilmember Dawsey Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

Motion made to come back into Open Session at 10:40 pm by Councilmember Brown, Seconded by Councilmember Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

CS-40. Police Department Critical Incidents-**PD**

CS-41. Stipend for Economic Development, Negotiation of City Manager Employment Agreement, and Performance Expectations.- **City Manager**

## CONSIDERATIONS

42. Discuss and Possible Action regarding Police Department Critical Incidents-**PD**

No Action was taken on this item.

43. Discussion and Possible Action regarding Stipend for Economic Development, Negotiation of City Manager Employment Agreement, and Performance Expectations.- **City Manager**

Motion made to approve the \$16,000 stipend to cover the City Manager's Economic Development Director duties by Council President Singer, Seconded by Councilmember Dawsey Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

## ADJOURNMENT

Motion made to adjourn at 10:45 pm by Councilmember Majkrzak, Seconded by Councilmember Smith.

Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen.

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**2023-2025 City of Whitewater's 5 strategic goals: Build single-family homes, Communicate with the community without the newspaper, Support a thriving business community, Recruitment and retention efforts with a focus on diversity, and Prioritization of expenditures with available resources.**





# Library Board of Trustees

Library Community Room 431 West Center,  
Whitewater, WI, 53190 \*In Person and Virtual

**Monday, April 15, 2024 - 6:30 PM**

## MINUTES

### *Mission Statement:*

*We will have the space and the stuff to do the things that you want.*

*Our Values: Safe & welcoming; Trust; Diversity; Fun; Lifelong learning and creativity; Making connections;*

*Service excellence*

## AGENDA

**CALL TO ORDER** at 6:34 pm.

### **ROLL CALL**

Present: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke, Jaime Weigel, Sallie Berndt

Absent: Doug Anderson

Staff: Diane Jaroch, Deana Rolfsmeyer

Guests: Eric Robinson, Carl (online)

### **APPROVAL OF AGENDA**

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MSC Diebolt-Brown/Motszko to move guest speaker ahead to item 6.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

### **CONSENT AGENDA**

*Items on the Consent Agenda will be approved together unless any committee member requests that an item be removed for individual consideration.*

1. Approval of the minutes of the March 18, 2024 regular meeting

2. Approval of Payment of Invoices
3. Acknowledgement of Receipt of Statistical report
4. Acknowledgement of Receipt of Treasurer's report
5. Acknowledgement of Receipt of Financial reports

MSC Retzke/Diebolt-Brown to approve the consent agenda without Acknowledgement of Receipt of Statistical Report.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orlowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

Discussion on Statistical report - missing data and will be returned for acknowledgment at the May meeting.

#### **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.*

#### **OLD BUSINESS**

6. Review and approval of the revised Volunteer Policy

MSC Diebolt-Brown/Weigel to approve Volunteer Policy.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orlowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

7. Library Building Project update: approve building schematics and color finishes

- a. Discussed Wednesday's meeting and approval of architectural decisions.

MSC Weigel/Orlowski to approve building schematics and color finishes.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orlowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

## **NEW BUSINESS**

### 8. Guest presenter Eric Robinson

- a. Visiting from Fort Atkinson. Shared information about an idea that all students in the school district get a library card. Also shared ideas about checking out items such as toys, dolls, home items.
  - i. Parents can check yes if their child can have a library card at the public library. Easy partnership with school district.
  - ii. Eric shared many ideas being used in Fort Atkinson school district and the public library.

### 9. Review and approval of the Dress Code Policy

MSC Retzke/Berndt to approve Dress Code Policy as amended.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

## **CONSIDERATIONS / DISCUSSIONS / REPORTS**

### 10. Library Director's Report

- a. Assistant director will start next Tuesday!

### 11. Youth Services Report

- a. Large numbers attended youth programs. 42 at the solar eclipse viewing party.

### 12. Programming & Makerspace Report

### 13. Board Reports

## **FUTURE AGENDA ITEMS**

- a. Further connections with WUSD.

MSC Diebolt-Brown/Berndt to adjourn.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke, Sallie Berndt, Jamie Weigel

Nays: none

**ADJOURNMENT** at 7:54 pm.

Next meeting is May 20, 2024 at 6:30 p.m.

Minutes respectfully submitted by Alyssa Orłowski on Monday, April 15, 2024.



# Board of Zoning Appeals Meeting

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

**Thursday, January 25, 2024 - 6:00 PM**

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## MINUTES

### CALL TO ORDER

Meeting called to order at 6:10 p.m.

### ROLL CALL

PRESENT: Patrick Taylor, John Nelson, Lee Loveall, Justin Wesolek

RECUSED SELF: Beverly Stone

STAFF PRESENT: Heather Boehm, City Clerk, Jonathon McDonnell, City Attorney, Allison Schwark, Municipal Code Enforcement, Llana Dostie, Neighborhood Services

### 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.*

Motion to approve agenda was brought by Nelson, Wesolek asked that it just be passed by unanimous consent. Motion passed unanimously.

1. Approval of Minutes from December 7, 2023.

Motion to approve December 7, 2023 was brought by Nelson with a second from Loveall. Motion passed unanimously.

### SECRETARY PRESENTS CASE TO BE HEARD

2. Applicant: RLA Properties

Property: 355 W. James Street

Relative Code: 19.21.060 Yard Requirements Side yard of 15 feet.

Variance Requested: To place new structure on old structure location that is only 4.5 feet from side property line.

### PRESENTATIONS

3. Board presentation of hearing procedures.

Attorney McDonnell presented procedures. Once a variance is granted it is permanently attached to the land. Written comment doesn't need to be read in since it was posted in the packet. Taylor asked about an appeal process. McDonnell stated it is located in 19.72.050 for appeals must be filed with the secretary within 15 days of the written notice of decision or order from the planner.

#### 4. Applicant Presentation requesting Variance.

Applicant purchased property in 2015 it was a good rental for a few years. Tenants reported an issue with a leak. A contractor went out to look at the roof and called the applicant to let him know he needed to come out and look at the roof which showed that the previous owner had just covered up with new framing and drywall covering an entire section of rotting building this was in 2018. Damage to the building resulted in the removal of the building in 2020 and applicant kept the garage. He has been in the area for 20 years as a landlord. and student. He knew that he would have twelve months to rebuild on the old foot print. He stated that at that time due to COVID and rising prices he was unable to build within that time frame. He stated that he has had multiple hardships related to this property. He is asking to be to rebuild in the same foot print wants to be more maintenance free and ADA compliant.

Taylor asked for clarification about if he had built within one year he would have not needed variance.

Wesolek asked if the request is for the original foot print or not. Applicant clarified that it is but if push came to shove if we were willing to work with him on setbacks he would be willing to move. He is willing to work on the eastside set back since he is also not a fan of the location.

Nelson asked about whether they had a new drawing of the proposed property with the location of the proposed residence or just the one from 2019. Applicant stated that these are the only plans he shared.

Nelson asked about what the zoning of the property is. Applicant stated that the zoning was R-3 five unrelated.

Taylor to summarize what I hear you saying is that we are looking at 2019 drawings and that if you removed the garage and slide the house over you would be code compliant.

Allison stated common practice is that when the primary structure comes down the garage would come down too. This is because you need a primary structure to have an accessory structure.

Applicant stated that he can't move forward with plans without knowing what his setbacks are.

Taylor asked if the variance is not granted would he have to remove the garage and be further back than his neighbor's properties are.

Nelson asked to be able to use the property adequately a variance is need. Applicant confirmed.

#### 5. Statement by Planner

Asking for variance relief for the side yard, front yard and back yard. The old structure was nonconforming in most all aspects. Doesn't believe the applicant has a hardship. The applicant has adequate space to build a new structure.

Patrick asked about what the square footage the home would be.

Our code does allow for the ability to take the average of the adjacent properties for the front yard setback without a variance.

Wesolek would a fair way to summarize would be the City is aware that the lots are nonconforming but the effort is to get them over time to be conforming.

Allison confirmed this is the case. The goal is to make every property more conforming.

Wesolek understanding that the office would now have the garage torn down. The city didn't require it at that time.

Allison confirmed that this would have been a requirement but hearing from the applicant that his intention was to rebuild right away this could be why the garage was allowed to remain.

Taylor asked for elaboration on what was meant by the hardship was self-imposed.

Allison stated that it should not be self-imposed.

Taylor asked if it was Allison's view that it was self-imposed and to elaborate if it was.

Allison stated that potentially it was, but it would be a legal discussion. Her recommendation that a variance not be approved because of an owner's financial situation. He had the opportunity to rebuild within that 12-month period within our code but unfortunately missed that window.

Nelson asked about variance process about conditions to the variance.

Allison stated it would be her position that the variance not be given since there is plenty of space to meet our code.

#### 6. Public Comment and Input.

Bev stated that her comment was all in her letter and that if the variance is granted it would be a hardship for her property.

7. Written input presented.

Written input was included in the agenda packet.

8. Applicant response to statements.

Improved property from 2015 to 2018. He disagrees with the planner and states the hardship exists and is not self-imposed.

9. Board deliberations of case (Open Session).

Nelson keep zoning/compliance over time. The concern that he has is what can be done with conditions to a variance. What kind of building can be built with the new current setbacks.

Attorney McDonnell stated the Board as the right to approve the variance that is requested, deny the variance that is requested or say we are going to come somewhere in the middle. The Board can say they want supplement information from applicant and have another meeting.

Taylor it is not our job to question zoning they are there for a reason. There is a burden on the applicant to show hardship. Sympathetic to land owners to develop their properties in a reasonable way. Sympathetic to the objection of the next-door neighbor that this would impede her quite enjoyment of her property. And to the planner who has agreed with that assessment and has recommended denial.

Would like to look at this further with more information to see if we can work on some resolution. Maybe have the applicant submit plans that meet the side yard setback but may impinge on the front and back yard set-backs.

Wesolek there is wiggle room for the front and back. There is no proposal in front of them except for what it is. Mindful of setting a precedence.

Loveall east line is the property line not the house. Understands hardships with COVID. Agrees with others more plans needed we can be flexible with setback off the street.

Wesolek asked did the city set up the situation with allowing the garage to stay that and whether that has created a hardship.

Loveall understanding was that the new house would be built within a year which is why the garage stayed.

Nelson presuming, we get more information and presuming it would not require the garage to come down. Is there a minimum set back between the garage and the primary structure and would this be something we will need to consider in a future meeting?

Allison there typical is a set back between the primary and accessory structure which is usually 10 ft but would have to look.

Nelson so this would need to be considered in supplement information.

Allison he can work with her to get the plans together.

Attorney McDonnell stated that one option is to not act on the proposal and ask for supplemental information.

10. Board action on request, including findings regarding variance request.

Motion made by Taylor that the Board move postpone any decision on the current application and wait for any supplemental information submitted to City Planner for review.

Wesolek attempted to second but was interrupted by Attorney.

Attorney asked for clarification if this was an indefinite motion or time restriction. Taylor stated indefinite to give the applicant time to get information to the information to the city.

Recommendation from planner stated that the applicant should give the board everything they have up to the final plan.

Wesolek and Taylor agrees with the planner.

Nelson made a motion to postpone consideration of the application as currently filed and ask the applicant to work with the City to supplement the application to provide us more detailed information about what he is proposing any and all options that he may wish to propose and when complete it will be put on another Board of Zoning Appeals Agenda at that time.

Loveall seconded the motion. Motion passed unanimously.

## ADJOURN

Motion to Adjourn made by Wesolek and a second by Nelson. Passed unanimously. Meeting ended at 7:47 p.m.

A new meeting date will be posted at a later date.

**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.**





## Finance Committee Meeting

Cravath Lakefront room 2nd floor 312 West  
Whitewater Str, Whitewater, WI, 53190 \*In Person  
and Virtual

**Tuesday, April 23, 2024 - 5:00 PM**

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**Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
Citizen participation is welcome during topic discussion periods.**

You are invited to a Zoom webinar.

When: Apr 23, 2024 05:00 PM Central Time (US and Canada)

Topic: Finance Committee Meeting 4/23/2024

Please click the link below to join the webinar:

[https://us06web.zoom.us/j/88210822123?pwd=Ga9yBaG9lLahAxtVylS1hl3sYdCcTA.\\_sO5Rd\\_cPk-9k9kM](https://us06web.zoom.us/j/88210822123?pwd=Ga9yBaG9lLahAxtVylS1hl3sYdCcTA._sO5Rd_cPk-9k9kM)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 312 626 6799 US (Chicago)

Webinar ID: 882 1082 2123

Passcode: 412904

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## AGENDA

### CALL TO ORDER

The meeting was called to order by Patrick Singer at 5:02 p.m.

### ROLL CALL

Present: Lisa Dawsey-Smith, Patrick Singer, Brian Schanen

Absent: None

Additional Attendees: Rachelle Blitch, Finance Director

### CONSENT AGENDA

*Items on the Consent Agenda will be approved together unless any committee member requests that an item be removed for individual consideration.*

1. Finance Committee Meeting Minutes March 26,2024

Motion made to approve the consent agenda by Patrick Singer, Seconded by Brian Schanen.  
Voting Yes: Patrick Singer, Brian Schanen, and Lisa Dawsey-Smith. Voting No: None.

### 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.***

### CONSIDERATIONS / DISCUSSIONS / REPORTS

2. Election of Chairperson and Vice Chairperson

Motion made to nominate Lisa Dawsey-Smith as Chairperson by Brian Schanen, Seconded by Patrick Singer. Voting Yes: Patrick Singer, Brian Schanen, Lisa Dawsey-Smith. Voting No: None.

Motion made to nominate Brian Schanen as Vice Chairperson by Patrick Singer, Seconded by Lisa Dawsey-Smith. Voting Yes: Patrick Singer, Brian Schanen, Lisa Dawsey-Smith. Voting No: None.

3. WAFC Quarterly Financials

4. March Financials

5. Policy Review - Budget Amendment

### FUTURE AGENDA ITEMS

### ADJOURNMENT

Motion made by Patrick Singer, Seconded by Brian Schanen to adjourn. Voting Yes: Patrick Singer, Brian Schanen, Lisa Dawsey-Smith. Voting No: None.

The meeting adjourned at 5:43 p.m.

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.**



# The Assessment Process

The City of Whitewater 2024

# ASSESSMENT TIMELINE



January 1<sup>st</sup>-Cutoff



May – Board of Review



February –Mail  
Questionnaires



July – State Equalized  
Values Reported



March – Notice of  
Assessments Mailed



December – Tax Bills  
Mailed



April – Open Book

# HOW ARE ASSESSMENTS DETERMINED?

## RESIDENTIAL

- Location
- Style
- Size
- Age
- Condition
- Comparable Sales

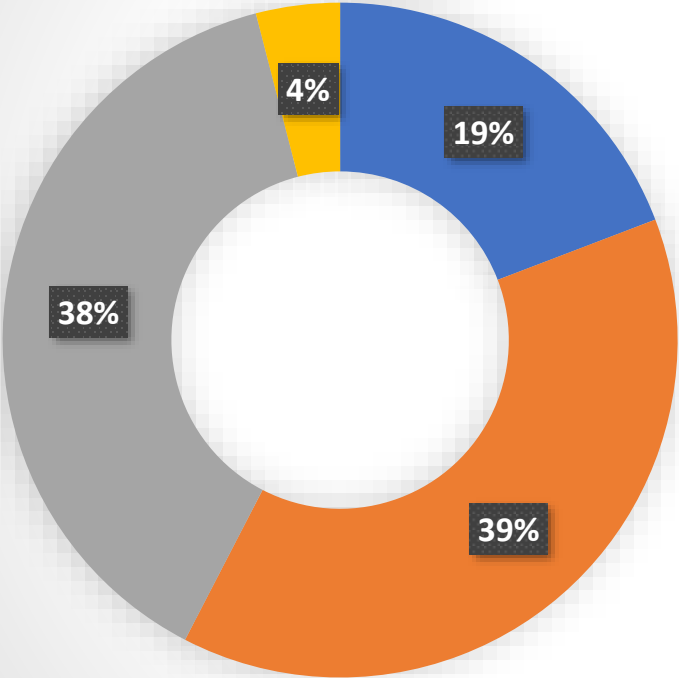
## COMMERCIAL

- Sales Comparison Approach
- Income Approach (used most)
- Cost Approach



# HOW DOES THIS IMPACT PROPERTY TAXES?

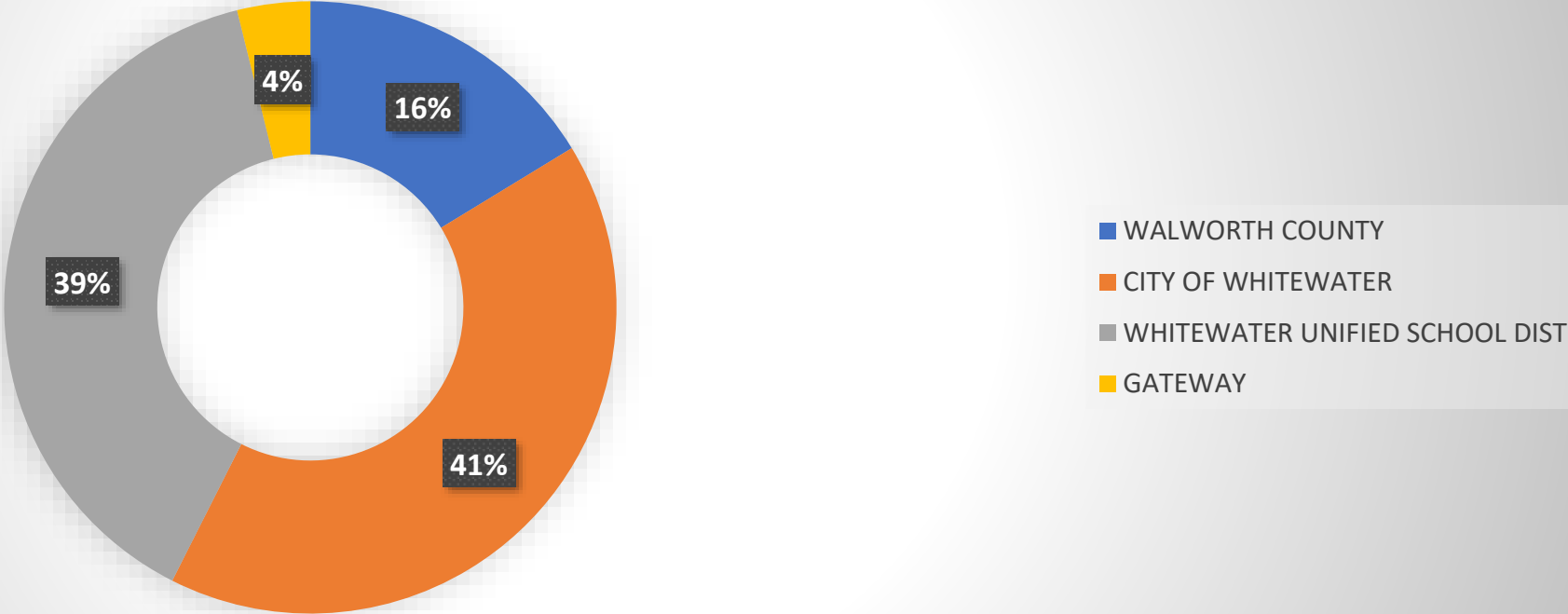
2023 TAX ALLOCATION



- JEFFERSON COUNTY
- CITY OF WHITEWATER
- WHITEWATER UNIFIED SCHOOL DIST
- MATC

# HOW DOES THIS IMPACT PROPERTY TAXES?

2023 TAX ALLOCATION



# HOW DOES THIS IMPACT PROPERTY TAXES?

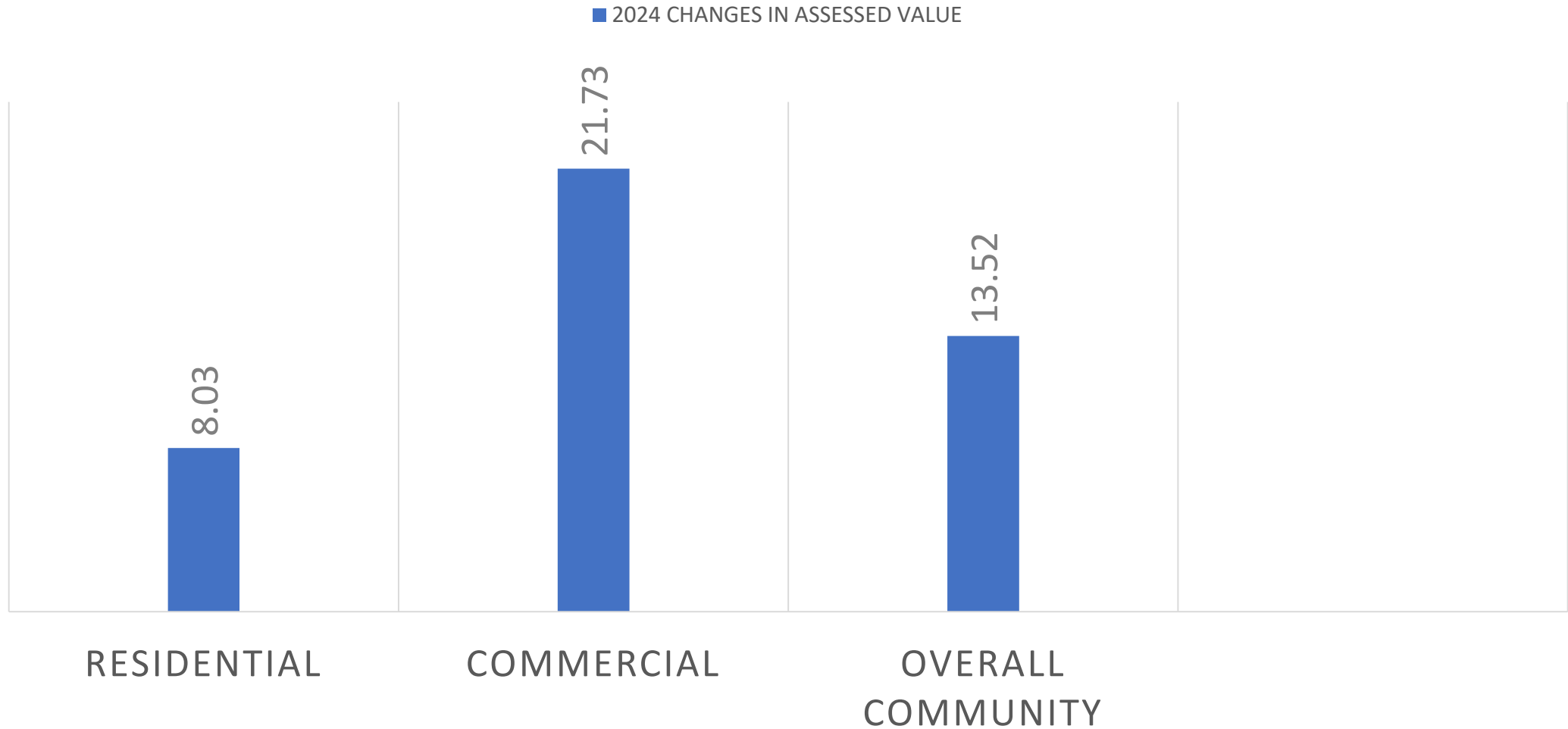
$$\frac{\text{TOTAL BUDGET}}{\text{TOTAL ASSESSED VALUE}} = \text{MILL RATE}$$

$$\text{MILL RATE} \times \text{ASSESSMENT} = \text{PROPERTY TAXES}$$



# YEAR OVER YEAR CHANGES

## 2024 CHANGES IN ASSESSED VALUE



# FREQUENTLY ASKED QUESTIONS

- MY PROPERTY ASSESSMENT INCREASED BY 20%. DOES THAT MEAN MY TAXES ARE GOING TO INCREASE BY 20% TOO?
- WHAT IF I DON'T AGREE WITH MY ASSESSMENT?
- I OWN A MULTIFAMILY PROPERTY AND DON'T AGREE WITH THE ASSESSED VALUE. WHY DO I NEED TO SUBMIT INCOME AND EXPENSES?

# QUESTIONS?



## Council Agenda Item

Meeting Date: May 24, 2024

Agenda Item: Vimeo to YouTube

Staff Contact (name, email, phone): Becky Magestro [bmagestro@whitewater-wi.gov](mailto:bmagestro@whitewater-wi.gov) 262-473-0101

### BACKGROUND

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

We are still in the process of transferring videos from Vimeo to YouTube. This process will take months as transfers take up to 90 minutes. We plan to go "live" on YouTube starting on June 4, 2024.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

N/A

### STAFF RECOMMENDATION

N/A

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

N/A



## Council Agenda Item

Meeting Date: June 4, 2024

Agenda Item: Walworth Avenue Relocation Order

Staff Contact (name, email, phone): Brad Marquardt, [bmarguardt@whitewater-wi.gov](mailto:bmarguardt@whitewater-wi.gov), 262-473-0139

### BACKGROUND

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

As part of the Walworth Avenue paving project in 2025, existing sidewalk pedestrian ramps are being updated to meet the new ADA requirements. Construction at some of the pedestrian ramps will cause regrading of neighboring lawns. The DOT requires Temporary Limited Easements to be obtained where work is being done on private property. The attached resolution authorizes the City to obtain these temporary easements through the Relocation Order. Additionally, the City Attorney needs to make a recommendation as to how to proceed with the sidewalk work. In this case, the City Attorney has recommended to proceed with the sidewalk project as described.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The City Council entered into a State Municipal Agreement to proceed with the Walworth Avenue improvements on Jan 17, 2023.

### FINANCIAL IMPACT

(If none, state N/A)

The City will have to pay for the Temporary Limited Easements. However, the easements are all relatively small in size and the dollar amounts for all the required easements should only add up to a few hundred dollars.

### STAFF RECOMMENDATION

Staff recommends a motion to approve the resolution and relocation order for acquiring temporary limited easements for Walworth Avenue.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Resolution Walworth Avenue
2. 3835-05-04 Relocation Order
3. TLE Exhibits
4. Attorney Recommendation

# RELOCATION ORDER

Project 3835-05-04	Road name C WHITEWATER, WALWORTH AVE	Highway LOCAL STREET	County WALWORTH
TLE Acquisition Exhibit(s) date 5/3/24	Exhibit sheet number(s) 1, 2, 3,4, 5	Previously approved Relocation Order date Original	

Description of termini of project:

EXHIBIT 1: PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 5 AND NW 1/4 OF THE NW 1/4 OF SECTION 8, T4N, R15E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

EXHIBIT 2: PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 5 AND NW 1/4 OF THE NW 1/4 OF SECTION 8, T4N, R15E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

EXHIBIT 3: PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 5, T4N, R15E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

EXHIBIT 4: PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T.5N, R11E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

EXHIBIT 5: PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T.4N, R15E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

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To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on TLE Acquisition Exhibit(s) for the above project.

To effect this change, pursuant to authority granted under Sections 62.22, Wisconsin Statutes, the City of Whitewater orders that:

1. The said road is laid out and established to the lines and widths as shown on the Exhibit(s).
2. The required lands or interests in lands as shown on the map(s) shall be acquired by the City of Whitewater in the name of the City of Whitewater, pursuant to the provisions of Section 62.22, Wisconsin Statutes.
3. This order supersedes and amends any previous order issued by the: N/A

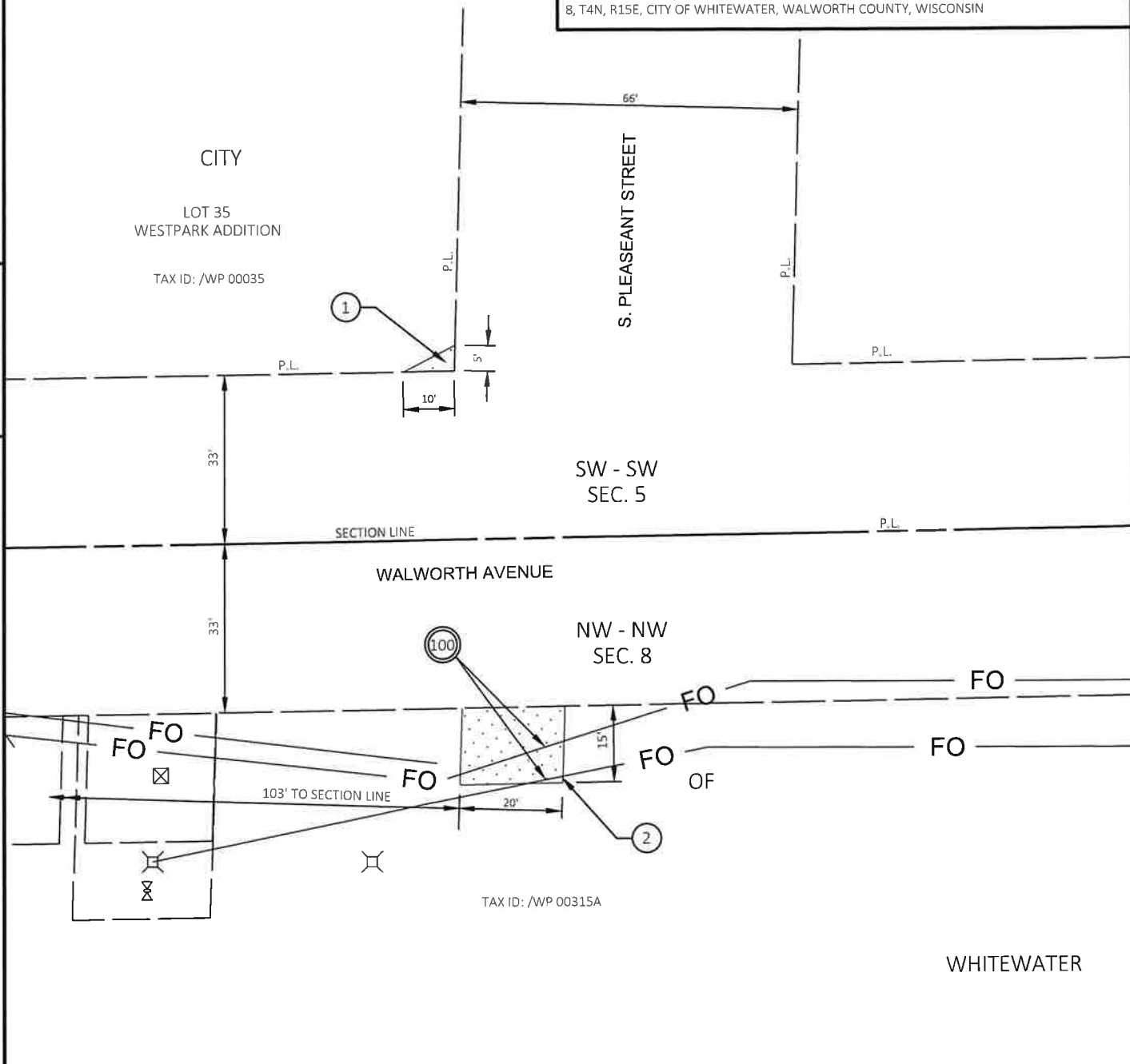
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(Name/Title)

(Date)

R/W PROJECT NUMBER: 3835-05-04 EXHIBIT NUMBER: 1  
 TLE ACQUISITION EXHIBIT  
 C WHITEWATER, WALWORTH AVE  
 W CITY LIMITS TO S JANESVILLE ST  
 LOCAL STREET WALWORTH COUNTY  
 PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 5 AND NW 1/4 OF THE NW 1/4 OF SECTION 8, T4N, R15E, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN

4



100 AT&T WISCONSIN  
 NO RECORDED EASEMENT  
 PARCEL 2

**SCHEDULE OF LANDS & INTERESTS REQUIRED**

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE CITY OF WHITEWATER

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TLE S.F.
1	SONNY T. GALICA & CHEYLIN A. KLECKER	TLE	25
2	WHITEWATER UNIFIED SCHOOL DISTRICT	TLE	300

**UTILITY INTERESTS REQUIRED**

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
100	AT&T WISCONSIN	TEMPORARY RELEASE OF RIGHTS



NOTES:  
 THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

PURPOSE OF ALL TLES IS FOR GRADING, UNLESS OTHERWISE NOTED.

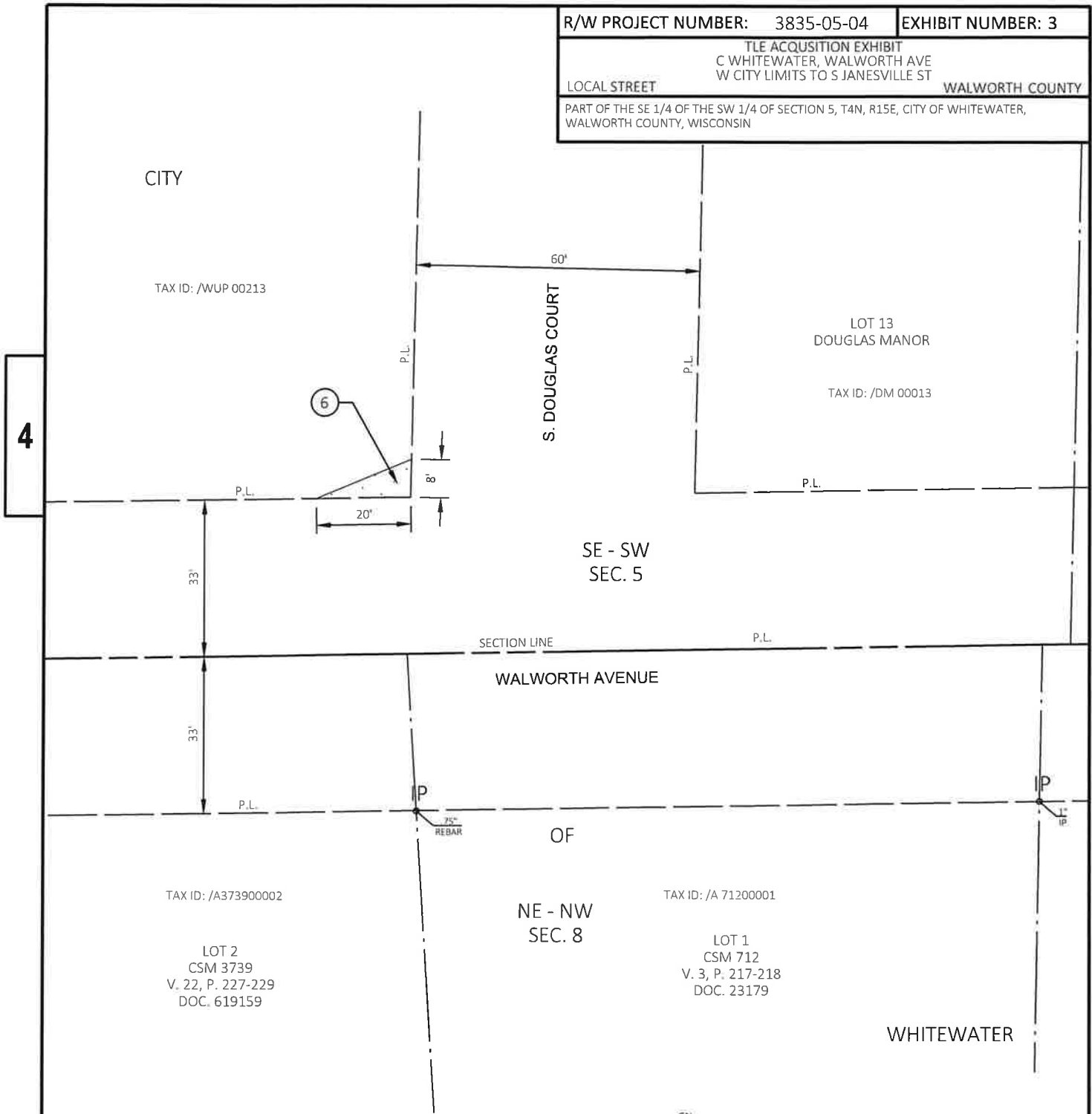
THIS EXHIBIT IS APPROVED FOR THE CITY OF WHITEWATER

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_





R/W PROJECT NUMBER: 3835-05-04 EXHIBIT NUMBER: 3  
 TLE ACQUISITION EXHIBIT  
 C WHITEWATER, WALWORTH AVE  
 W CITY LIMITS TO S JANESVILLE ST  
 LOCAL STREET WALWORTH COUNTY  
 PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 5, T4N, R15E, CITY OF WHITEWATER,  
 WALWORTH COUNTY, WISCONSIN



4

**SCHEDULE OF LANDS & INTERESTS REQUIRED**

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE CITY OF WHITEWATER

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TLE S.F.
6	JIM GREEN RENTALS LLC	TLE	80

**UTILITY INTERESTS REQUIRED**

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
N/A	N/A	N/A



SCALE, FEET



NOTES:  
 THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

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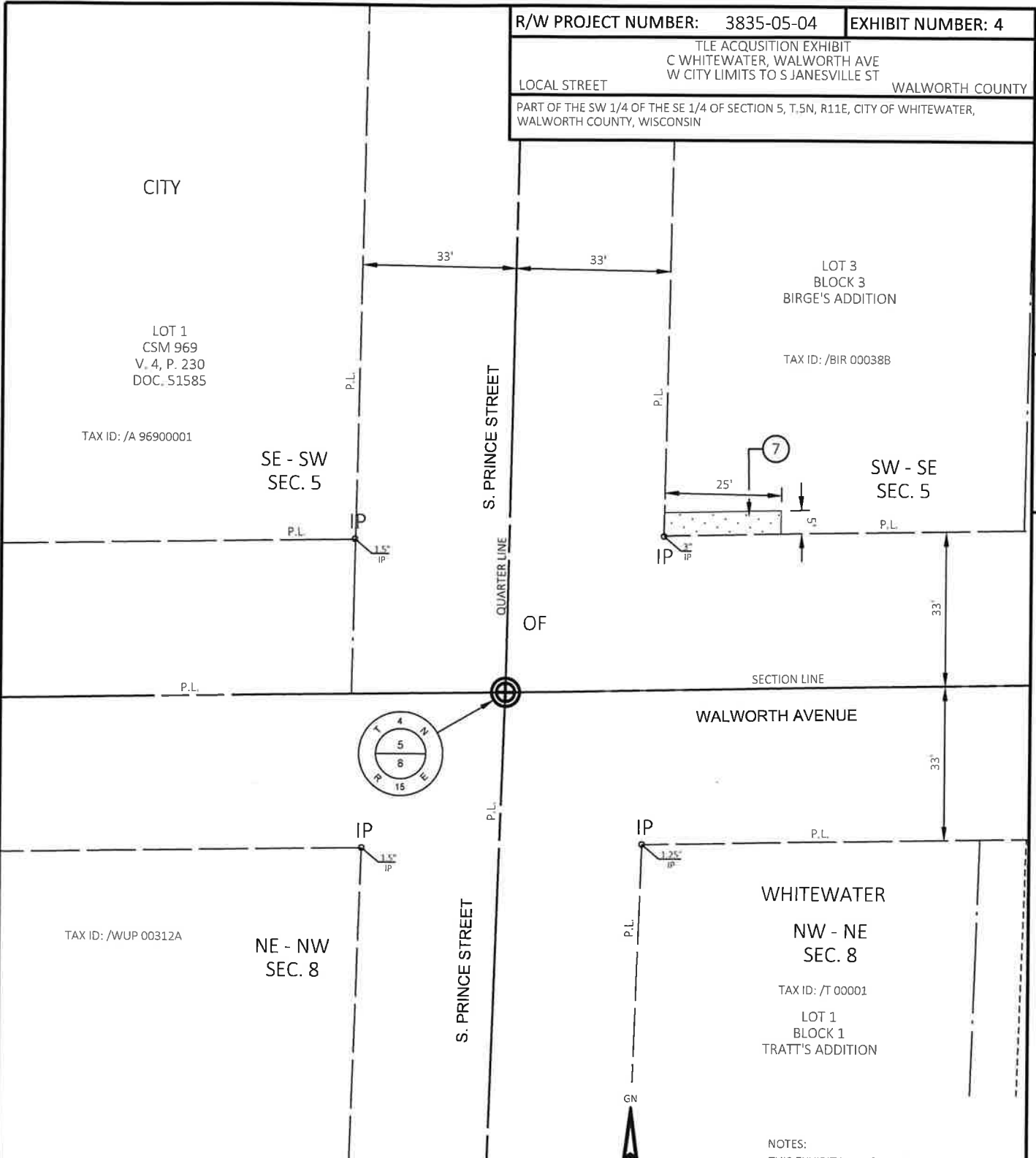
THIS EXHIBIT IS APPROVED FOR THE CITY OF WHITEWATER

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

Item 7.

R/W PROJECT NUMBER: 3835-05-04 EXHIBIT NUMBER: 4  
 TLE ACQUISITION EXHIBIT  
 C WHITEWATER, WALWORTH AVE  
 W CITY LIMITS TO S JANESVILLE ST  
 LOCAL STREET WALWORTH COUNTY  
 PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T,5N, R11E, CITY OF WHITEWATER,  
 WALWORTH COUNTY, WISCONSIN



4

**SCHEDULE OF LANDS & INTERESTS REQUIRED**

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TLE S.F.
7	MIKE AND LAURA GRUBB TRUST	TLE	125

**UTILITY INTERESTS REQUIRED**

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
N/A	N/A	N/A

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE CITY OF WHITEWATER

NOTES:  
 THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

PURPOSE OF ALL TLES IS FOR GRADING, UNLESS OTHERWISE NOTED.

THIS EXHIBIT IS APPROVED FOR THE CITY OF WHITEWATER

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_

Item 7.

R/W PROJECT NUMBER: 3835-05-04 EXHIBIT NUMBER: 5  
 TLE ACQUISITION EXHIBIT  
 C WHITEWATER, WALWORTH AVE  
 W CITY LIMITS TO S JANESVILLE ST  
 LOCAL STREET WALWORTH COUNTY  
 PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T.4N, R15E, CITY OF WHITEWATER,  
 WALWORTH COUNTY, WISCONSIN

4

CITY

SW - SE  
 SEC. 5

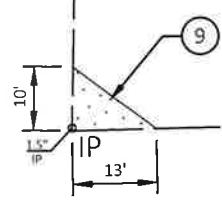
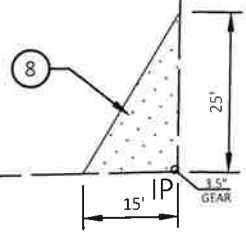
OUTLOT 1  
 BIRGE'S ADDITION

TAX ID: /BIR 00047C

S. WHITON STREET

LOT 5  
 BLOCK 2  
 BIRGE'S ADDITION

TAX ID: /BIR 00017



OF

SECTION LINE

WALWORTH AVENUE

TAX ID: /T 00006

LOT 9  
 BLOCK 1  
 TRATT'S ADDITION

TAX ID: /T 00007

LOT 10  
 BLOCK 1  
 TRATT'S ADDITION

TAX ID: /T 00008

LOT 11  
 BLOCK 1  
 TRATT'S ADDITION

NW - NE  
 SEC. 8

WHITEWATER

GN

NOTES:  
 THIS EXHIBIT IS A GRAPHIC REPRESENTATION  
 AND IS FOR REFERENCE PURPOSES ONLY.  
 REFER TO THE CONVEYANCE DOCUMENT FOR  
 PARCEL RELATED DETAILS.

PURPOSE OF ALL TLES IS FOR GRADING,  
 UNLESS OTHERWISE NOTED.



**SCHEDULE OF LANDS  
 & INTERESTS REQUIRED**

OWNERS NAMES ARE SHOWN FOR REFERENCE  
 PURPOSES ONLY AND ARE SUBJECT TO CHANGE  
 PRIOR TO THE TRANSFER OF LAND INTERESTS TO  
 THE CITY OF WHITEWATER

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TLE S.F.
8	TAMMY L. STEVENSON	TLE	187
9	D & L TRIEBOLD REVOCABLE TRUST	TLE	65

**UTILITY INTERESTS REQUIRED**

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
N/A	N/A	N/A

THIS EXHIBIT IS APPROVED FOR THE CITY OF WHITEWATER

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_

Item 7.

NAME : 1407.132 040101\_RP.DWG

PLOT DATE : 5/23/2024 8:46 AM

R/W PROJECT: 3835-05-04

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# REAL ESTATE ASSESSMENT FOR WisDOT DOCUMENTATION

This mandatory cover sheet is designed to collect sidewalk real estate information related to the Court of Appeals Decision, *Sojenhomer LLC v. Village of Egg Harbor*. This provides a mechanism for WisDOT to respond to all parcels in question and provides WisDOT with the appropriate documentation for project oversight. It further serves to document an assessment the Local Public Agency (LPA) is making on the impacted parcels. The LPA must provide below the documentation, reasoning and plan of the LPA for the specific sidewalk related parcels. To expedite a response, fill ALL applicable fields with as much detail as possible.

The LPA must confer with their legal counsel to develop the official parcel by parcel determinations. The LPA may collaborate with their consultants and contractors to develop the assessment. However, the consultant/contractor may NOT make these determinations. The LPA must have a meeting including their acquisition agents, design team and the LPREM to discuss. The below information and request for response must be signed by the LPA's approving authority.

DO NOT SEND ASSESSMENTS DIRECTLY TO THE STATEWIDE LOCAL PROGRAM REAL ESTATE  
MANAGER (LPREM).

---

**LP Assessment to LPREM:** [date]

**Time Sensitive:**  High

Moderate

Low

**WisDOT LPREM Review & Acknowledgment of Receipt:** [date]

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**1) Please provide a clear description of the project parcel(s) as it relates to real estate acquisition for new or extending sidewalk. Outline/highlight the parcel(s) in question on the plat for ease of reference.** (e.g., new sidewalk to be installed with existing right of way, but TLE is needed for construction, new or extension of sidewalk where none previously existed, etc.) **See instructions for detailed information.**

Parcel 1: 25 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 2: Whitewater Unified School District

- 300 SF TLE - The TLE is needed for replacing existing sidewalk.
- 675 SF TLE - The TLE is needed for replacing existing sidewalk.
- 600 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 3: 300 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 4: 50 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 5: 675 SF TLE - The TLE is needed for replacing existing sidewalk.

See Page 4 for the Draft Real Estate FAQ

# REAL ESTATE ASSESSMENT FOR WisDOT DOCUMENTATION

Parcel 6: 80 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 7: 125 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 8: 188 SF TLE - The TLE is needed for replacing existing sidewalk.

Parcel 9: 65 SF TLE - The TLE is needed for replacing existing sidewalk.

**2) What is the status of real estate acquisition** (e.g., offer out, JO out, partial release, no agreement, in condemnation, etc):

The DSR has been signed and the right of way plat is being recorded. Real estate will be ready to acquire at that time.

*If in condemnation, explain why?* N/A

**3) How has the LPA Legal Counsel determined to proceed?**

Proceed as indicated in Section 1.

**4) If clarifications are needed, what is the name and contact information of the legal counsel?**

Attorney Jonathan K. McDonell, Harrison, Williams & McDonell LLP, 522 W. Main St. PO Box 59, Whitewater, WI 53190. Phone: 262-473-7900. Email: jm@hmattys.com

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**Project ID(s): 3835-05-04**

**Region: Southeast**

**PS&E: 11/1/2024**

**AD: 1/7/2025**

**Project LET : 2/11/2025**

**LPA Sponsor: City of Whitewater**

**Parcel ID(s): See TLE Exhibits**

**- For Response -**

**Contact Name: Zach Decent**

**Contact Email: zach.decent@strand.com**

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**Signature of LPA approving Authority**

John Weidl

**Name of LPA Approving Authority**

See Page 4 for the Draft Real Estate FAQ



# Council Agenda Item

Meeting Date:	June 4, 2024
Agenda Item:	Ordinance 2024-O-07 Board of Absentee Canvassers (Central Count)
Staff Contact (name, email, phone):	Heather Boehm <a href="mailto:hboehm@whitewater-wi.gov">hboehm@whitewater-wi.gov</a> 262-473-0102

### BACKGROUND

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

At the May 21, 2024 the first reading of Ordinance 2024-O-07 Board of Absentee Canvasser (Central Count) was approved unanimously by Council. I am bringing this back for the second reading. There is one change in the Whitewater Central Count Plan, Clerk’s Duties (2), added (or where ever Public Notices are Posted for Public Meetings). Since the Library will be closed due to construction, Public Notices Laws will still be adhered to, and all Public Notices will be posted in 3 different locations.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

1 Jefferson County Ballot Tabulator DS-200 \$7660.00 w/\$265 yearly upkeep.  
1 Badger Book w/server \$3000.00

### STAFF RECOMMENDATION

Staff approves of the Central Count (Board of Absentee Canvassers) to uphold the integrity of the Election keeping all Absentee Ballots here in the Municipal Building for a more controlled process.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

Draft of Ordinance 2024-O-07 Board of Absentee Canvassers  
Whitewater Central Count Plan that the Wisconsin Election Board will want to see before approval.

## ORDINANCE NO. 2024-O-07

### An Ordinance Creating Board of Absentee Canvassers section 1.12.030

#### A. Purpose and Background

The purpose of this ordinance is to establish the Board of Absentee Canvassers for the City of Whitewater per state statutes governing elections. This ordinance serves these purposes:

1. **Delegation of Authority:** The ordinance delegates the authority to canvass absentee ballots to the designated Board of Absentee Canvassers, which consists of the City Clerk or a qualified elector designated by the City Clerk and two other qualified electors appointed by the City Clerk.
2. **Compliance with State Law:** The ordinance operates pursuant to Wisconsin Statutes § 7.52 and § 7.53, which ensure compliance with state laws governing the canvassing of absentee ballots and the conduct of elections.
3. **Establishment of Procedures:** The ordinance provides procedures for the canvassing of absentee ballots in lieu of canvassing at polling places, specifying requirements for meeting notice, absentee ballot reporting, and other administrative matters related to absentee voting.
4. **Transparency and Accountability:** By mandating the City Clerk to provide notice of Board meetings and to post absentee ballot statements, the ordinance robustly promotes transparency and accountability in the absentee ballot canvassing process, ensuring that the public has full access to information regarding the handling of absentee ballots.
5. **Effective Date and Enforcement:** The ordinance establishes the effective date of its provisions and authorizes the City Council to enforce its requirements, ensuring that the provisions are implemented in a timely and effective manner.

#### B. Composition of the Board

(1) The Board of Absentee Canvassers shall be composed of the City Clerk or a qualified elector of the city designated by the City Clerk, and two other qualified electors of the city appointed by the City Clerk for a term of two years commencing **on January 1** of each odd-numbered year. The City Clerk may appoint additional inspectors under § 7.30

(2) (a), Wis. Stats., to assist the Board of Absentee Canvassers in the absentee ballots canvassing process under this section.

#### C. Powers and Duties

(1) The Board of Absentee Canvassers shall operate according to the provisions of Wis. Stats. § 7.52 and § 7.53, as applicable.

(2) In lieu of canvassing absentee ballots at polling places, the City Council hereby provides for the canvassing of absentee ballots by the Board of Absentee Canvassers, which shall canvass all absentee ballots at all elections held in the city pursuant to procedures established by the state division governing elections.

(3) The City Clerk shall give at least 48 hours' notice of any meeting of the Board of Absentee Canvassers under this section.

(4) Not later than the closing hour of the polls, the City Clerk shall post at the City Clerk's office and on the city's website a statement of the number of absentee ballots that the City Clerk has mailed or transmitted to electors and that have been returned by the closing hour on Election Day. The Clerk shall also make such statement available to any person requesting the same.

**D. Effective Date and Implementation**

This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

ABSENT:

ADOPTED:

\_\_\_\_\_  
John Weidl, City Manager

\_\_\_\_\_  
Heather Boehm, City Clerk





## **City of Whitewater Procedures for Canvassing of Absentee Ballots by the Board of Absentee Ballot Canvassers**

### **City Clerk's Duties**

1. Shall give at least 48-hour notice of the meeting of the Board of Absentee Ballot Canvassers under s.7.52, Wis Stats.
2. Notice shall be posted at the City Municipal Building, City Website, City Senior Center- Starin Park Community Building, and the Irvin L Young Memorial Library (or where ever Public Notices are Posted for Public Meetings) and include where absentee ballot canvassing is to take place. Additionally, the notice will be provided to any media that has requested City of Whitewater meeting notices in accordance with Wisconsin Statute 19.84(1)(b) and City policy.
3. Will appoint the Board of Absentee Ballot Canvassers in accordance with Wisconsin Statute 7.53(2m).
4. The Clerk will ensure that all members of the Board of Absentee Ballot Canvassers take an oath of office prior to performing their duties.
5. Send for each polling place, a log of absentee ballots for each Ward by reporting unit.
6. Bring absentee ballots to the location of the Board of Absentee Ballot Canvassers.
7. Post on the City website and in the office, the number of absentee ballots issued, and the number returned prior to 8:00 pm on Election Day.
8. Issue to the Board of Absentee Ballot Canvassers the supplies necessary to complete the canvassing of absentee ballots.

### **Board of Absentee Ballot Canvassers' Duties**

1. Convene the Board of Absentee Ballot Canvassers between 7 a.m. and 10 p.m. on the Election Day to canvass absentee ballots in accordance with Wisconsin Statute 7.52 (1)(a).
2. Canvass all absentee ballots received before 8:00 p.m. in accordance with Wisconsin State Statutes as explained in the Election Day Manual.
3. Complete a log of all activity that occurred during the Board of Absentee Ballot Canvassers Meeting.

## Operating Procedures

### Set-Up

1. Verify that the tamper-evident seal's numbers on the two (2) memory card doors match with the numbers provided by the municipal clerk on the EL-104 Inspector's Statements by initialing on both of the tabulating machines. DS-200 for Jefferson County and the ImageCast Evolution (ICE) for Walworth County.
2. Turn on the ImageCast Evolution (ICE) machine and the DS-200 and wait for the zero tape to print.
3. Verify that all wards display zero (0) totals and sign the bottom of both of the tapes.
4. Announce that the Central Count Absentee Ballot Processing is open for the specified election, and record the time of the opening on the Incident Log of the EL-104 Inspector's Statement.

### Procedures for Processing of Absentee Ballots

1. Absentee Ballot Canvassers will follow the same procedures for processing ballots as they normally would, e.g., reading the voter's name and address, verifying the certificate is sufficient, etc. Tabulators will be programmed to accept ballots for all Wards (11-13) DS-200 Jefferson County and the ICE for Walworth County Wards (1-10).
2. Users must then search for absentee records to process by either manually searching by voter's name/mailling ID in the search fields or by scanning the mailing ID barcode on the absentee certificate envelope.
3. A user may select up to 10 absentee records at one time. Once you have the selected records you wish to process, click submit button. This will open a pop-up window showing the selected records.
4. Review the records that have selected. Review name and address for each record one more time and, when ready, hit Process.
5. After you hit process, the Badger Book will assign each voter a number and the pop-up window will update accordingly. With a red pen, write the corresponding voter number on the Absentee Envelope.
6. Begin processing ballots:
  - Announce the voter's name out loud; carefully examine the certificate envelope to the list of ineligible voters provided by the DOC; if the name appears, challenge the absentee ballot (follow procedures)
  - Open the absentee envelope and remove the ballot (Do not examine how the elector voted).
  - Verify there is only one ballot; briefly inspect it for any tears or stray marks.
  - Verify it contains the municipal or deputy clerk's initials.
  - Record the voter number in red pen on the back of the ballot, upper right corner.
  - Place it in the absentee ballot transporting folder.
7. Once you have 10 ballots in the transport folder, begin inserting the ballots into the ICE (Walworth Co. Wards 1-10) or DS-200 (Jefferson Co. Wards 11-13). Never leave

absentee ballots unattended. As you are feeding the ballots, announce that you are processing absentee ballots.

8. All the carrier envelopes may be placed in a single *Used Certificate Envelopes of Absentee Electors Bag EL-103*. Sign the Certificate. Record the Bag number on the Incident Log of the EL-104 Inspector's Statement.
9. If there are errors with the ICE or DS-200 machine reading the ballot, a message will appear on the screen; follow the instructions to remedy the issue. See 'Processing of Absentee Ballots-Special Situations' below, for remaking the ballot.
  - When a paper copy of a ballot is received (Military, Permanent Overseas, Presidential Only), follow the instructions for remaking the ballot.
10. If there is an error and voter intent cannot be determined, you may use the override function to count all readable offices on the ballot. The tabulator will advance the voter number by one and any vote that can be counted will be counted. You should also use the override function for blank ballots.
11. At the conclusion of processing ballots for that reporting unit, remove the ballots from the ballot box.
12. Carefully sort through the ballots to search for any write-in votes.
13. Complete the write-in tally sheet for that reporting unit. (If there are none, write "none" on the tally sheet provided). Sign the write-in tally sheet.
14. Bundle all of the ballots (Chief and one inspector), those with write-ins on top; band them together and place them into the respective ballot bag. Complete the Certificate and seal the ballot bag.
  - If a ballot arrives at central count **prior** to 8:00 p.m. and the ballot bag is sealed, process ballot, place into a new ballot bag. Record new seal number, and log explanation on the Inspector's statement.
  - If an absentee ballot arrives after 8:00 p.m., place the late ballot(s) in the canvas bag and return to the clerk's office. These should be rejected.
15. Place the Absentee Ballot Log and related forms to the side and continue with the next reporting units' absentee ballots until you are through processing all available ballots.

### **Processing of Absentee Ballots—Special Situations**

1. **Ballot Missing Municipal/Deputy Clerk's Initials.**
  - Make note of this on the Incident Log and process the ballot as you normally would.
2. **Remade Ballots**

Ballots may need to be remade for any of the following reasons:

  - ✓ Ballot is torn or not readable by the DS-200 or ICE machine
  - ✓ Ballot is a paper ballot and needs to be remade onto an official ballot
  - ✓ The ICE or DS-200 is unable to read the ballot, but voter intent can be determined.
  - ✓ Voter received the incorrect ballot for their Ward.

### **Steps for Remaking a Ballot:**

Poll workers must attempt to determine voter intent and remake the ballot if necessary. Two (2) absentee ballot canvassers must participate in remaking a ballot.

- Retrieve a new paper ballot for that Ward from the municipal clerk's office; duplicated ballots must be initialed by two members of the Absentee Board of Canvass.
- Assign the Remade ballot a number (sequential for each Ward beginning with #1); note this number on the new Remade ballot and the Original voted ballot in the space provided.
- Document the Remade Ballot # on the Incident Log.
- Carefully copy votes from the Original ballot to the new Remade ballot and have your partner verify accuracy and consistency.
- Initial and note the reason for the Remade ballot in the space provided on both ballots.
- Place the Original Ballot in the Recreated Ballots Envelope.
- Send the new Remade ballot through the ICE or DS-200 voting machine.

### **3. Rejected Ballots Procedures**

Absentee ballots with an incomplete certification (missing the voter or witness' signature, or missing witness' address) should be rejected after 8:00 p.m., which is the deadline for voters to rectify their incomplete certification.

- Note the number of rejected absentee ballots on the Incident Log.
- All rejected absentee ballots may be placed together in one sealed and signed carrier envelope after 8:00 p.m.

### **4. Return of Absentee Ballots to the Central Count Location**

Voters attempting to return their absentee ballot to a polling place on Election Day other than the place designated for Central Count, should be advised to return their ballot to the Central Count Location (Municipal Building Community Room). Verify the absentee ballot and call the City Clerk's office to report the voter's name and address so it may be marked returned in WisVote. Check the name off on the Absentee Ballot list and record the date of the election as the returned date. Do not accept the ballot without providing notice to the office of the City Clerk, it is ok to process absentee ballots until 10 p.m.

### **Closing Procedures**

1. Closing the polls on the ICE and DS-200 voting machines may not occur until after 8:00 pm.
2. Ensure all ballots have been processed and accounted for.
3. Announce the closing of the Absentee Ballot Canvass out loud.
4. Verify that the seal numbers on the two (2) memory card doors match with the seal numbers verified at the convening of the Absentee Ballot Canvass\* on each tabulator machine (ICE and DS-200) and initial on the Inspector's Statement. *\*If there is a discrepancy in seal numbers, contact the City Clerk immediately.*

5. Use the tech key (i-button), login and wait for a prompt to “Close Polls” on the ICE machine. Push the “Close Polls” button on the DS-200 next to the memory stick under sealed door.
6. Three (3) election results tapes will print per tabulator machine.
7. Verify totals on the on the results tapes with each reporting unit’s Absentee Ballot Log/Badger Book report totals and record the total number of absentee ballots processed on the Inspector’s Statement. *\*If any discrepancies are noticed, they should attempt to be resolved at this time.*
8. Once the results have been verified and totals recorded, sign the following:
  - a. Results Tape
  - b. Used Certificate Bags of the Absentee Electors envelope(s).
  - c. Rejected Absentee Ballots Envelopes
  - d. Recreated Ballots Envelopes
  - e. Ballot Container Certificate
9. Modem results to Walworth County and Jefferson County (be sure to wait for the *Results Sent* Confirmation). Results must still be called into Walworth County as well.
10. Shut down the ICE and DS-200, properly lock and seal the machine; Badger Book and server must be broken down and properly packed back into the tote.
11. Deliver all materials and both tabulators and Badger Book tote to City Clerk’s office after all ballots are processed. (Can process Absentee Ballots until 10 p.m.)





# Council Agenda Item

Meeting Date:	June 4, 2024
Agenda Item:	Title 19 and Title 20 Ordinance Discussion/Re-Write
Staff Contact (name, email, phone):	Allison Schwark, Zoning Administrator/Code Enforcement

## BACKGROUND

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

Title 19, and Title 20 have previously been amended in the last year by the City of Whitewater Common Council. The Zoning Department was asked to bring this back to review, and clean up each ordinance section so that both are consistent with one another.

Amendments have been made with the direction of the Common Council, and the two ordinances are now being brought back for a second reading.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Council Action December 2023, January 2024-Ordinance 2080 an ordinance amending 19.51.180 Truck, Trailer, Mobile Home and Equipment Parking Restrictions, and Ordinance 2082 an ordinance amending Title 20 Property Maintenance.

May 21, 2024 first reading.

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

Staff recommends that the City of Whitewater Common Council:

1. Review amendments made to both Title 19 and Title 20 that were suggested at the May 21, 2024 Council Meeting
2. Approve and adopt Title 19 and Title 20 to match exactly.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

Red Line and Clean Title 20  
Red Line and Clean Title 19

## TITLE 20 PROPERTY MAINTENANCE

### A. INTENT, PURPOSES.

- (1) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (2) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the City as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the City.

### B. APPLICABILITY.

- (1) **General.** The provisions of this Chapter shall apply to all properties and buildings within the City and its jurisdiction.

### C. GENERAL MAINTENANCE REQUIRED; DEFINITION.

- (1) The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse.
- (2) “Debris and refuse” shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the City in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor.



- (3) The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable City ordinance including but not limited to fire, building and zoning code requirements and restrictions.

**D. SPECIFIC MAINTENANCE REQUIRED.**

(1) **Exterior Walls and Foundations.**

- (a) Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (b) Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (c) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

- (2) **Paint and Other Preservatives.** Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

(3) **Doors, Windows and Basement Hatchways.**

- (a) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.
- (b) Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.

- (c) **Insect screens.** During the period from April to October, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly fitting screens.
  - i. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (d) **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (4) **Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios.** Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.
  - (a) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (5) **Roofs and Drainage.**
  - (a) All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.
  - (b) All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible and shall not cause nuisance water to flow onto neighboring properties.
- (6) **Fence and Retaining Wall Requirements.**
  - (a) All fences shall be properly maintained and kept in a good and sound state of repair.
  - (b) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

- (7) **Exterior Property Areas.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.
- (8) **Grading and Drainage of lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (9) **Landscaping.** All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
  - (a) Landscaping material. No person shall accumulate, allow to accumulate or store landscaping material in an unused state and open to the public view for a period exceeding ten days.
- (10) **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (11) **Overhand extensions.** Overhand extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (12) **Accessory structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- (13) **Motor Vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles, or motor vehicle parts shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
  - (a) **Exception.** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a

structure or similarly enclosed area designed and approved for such purposes.

(14) **Residential yard parking regulations.** The parking of any vehicle upon a residential lot shall be in compliance with the following standards:

- (a) The parking of any vehicle within the front yard or (street) side yard shall be on an improved surface driveway or parking pad. Improved surface shall mean a surface of concrete, asphalt, or other material other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water. The remainder of the required front yard setback, and the streetside yard setback on any corner lot, shall not be considered a part of the permitted parking area and shall be landscaped.
- (b) No parking pad shall be allowed in the minimum front yard setback or minimum street side yard setback established for the district except that one additional parking pad up to ten feet wide may be added directly abutting a single-width or double-width driveway leading to an approved parking area, provided the parking pad shall not be located in front of a home.
- (c) Parking is prohibited within a driveway right-of-way.

(15) **Pools, Spas and Hot Tubs.**

- (a) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (b) **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.
  - i. **Exception.** If a hot tub is outfitted with a securely locking, tightly fitted cover, the hot tub will not require an enclosure.

(16) **Storage and parking of recreational vehicles and trailers.** In all residential and commercial districts provided for in this chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:

- a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.
- b) One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;

- c) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line and on an improved surface. Improved surface shall mean a surface of concrete, asphalt, paver, ~~treated wood, treated plywood, or other similar~~ material other than grass, such as crushed rock, or other materials, laid over subsoil, which provides a hard ~~parking driving~~ surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.
  - 1. An exemption to the five-foot setback requirement shall be granted by the Neighborhood Services Department if the parking is approved in writing by the current adjacent property owners in which the recreational vehicle encroaches, and the parking is in accordance with all other requirements set forth.
- d) ~~The A part of the unit, front or rear, may extend over the improved surface in which it is parked, however, the improved surface shall cover the entire area in which the recreational vehicle, or trailer is driven on for parking purposes.~~ Additionally, the unit shall not extend over the public sidewalk or public right-of-way.
- e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding ~~72~~ 48 hours.
- f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
  - 1. Used for dwelling or cooking purposes.
  - 2. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - 3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- g) Notwithstanding the above, camper trailers and boats shall only be permitted to park in front yards for the purposes of active loading, unloading, and servicing. , and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- h) The unit shall be owned by the resident on whose property the unit is parked for storage.
- i) The number of units on any property within City jurisdiction shall not exceed two (2)., ~~and units shall not exceed 30 feet in length.~~
- j) The Neighborhood Services department may issue a permit to a person with a disability allowing a recreational vehicle, camper, trailer, watercraft or boat and boat trailer ~~not exceeding thirty feet in length~~ to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the neighborhood services manager with a statement by a health care specialist verifying that the party needs a front yard parking permit, for a stated period of time, to allow that person reasonable access to their recreational vehicle, camper, trailer, watercraft or boat and boat trailer.

**E. ACCESS TO PROPERTY.**

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

**F. ENFORCEMENT.**

(1) **Enforcement.**

- (a) **Order to correct conditions.** Whenever the City, through its agents or employees shall, upon inspection of the premises within the City, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.
- (b) Contents of the order shall include:
  - i. A description of the premises and the violation of the Chapter;
  - ii. A statement of the correction necessary to bring the property into compliance;
  - iii. A statement specifying the time within which the owner and occupant shall comply with the order; and
  - iv. A statement of the penalty section of the ordinance for noncompliance.
  - v. A statement specifying accessibility needs, and request for language translation.

**G. SERVICE.**

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises and by regular mail to the owner and occupant of the premises.

**H. FAILURE TO COMPLY; DECLARATION OF PUBLIC NUISANCE.**

(1) **Failure to comply.**

- (a) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code found in Section 1.20 of the City's Code of Ordinances. A citation may be issued pursuant to Sec. 1.20 of the City's Code or Ordinances.
- (b) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the City may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.
- (c) **Injunctive Relief.** In addition to other applicable enforcement procedures the City shall have the right to abate any violation of this Chapter by an action for injunctive relief in Walworth or Jefferson County Circuit Court.

(2) **Abatement**

- (a) **Enforcement.** The chief of police, the chief of the fire department, the building inspector, neighborhood services officer, or other designee shall enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon compliant to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.
- (b) **Summary abatement.** If the inspecting officer shall determine that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the president may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement after notice.** If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (b) of this section.

- (d) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.
  - (e) Court order. Except when necessary under subsection (b) of this section, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (3) **Cost of abatement.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**I. REINSPECTION FEES**

The following fees shall be imposed for the administration of this Chapter.

- (1) First re-inspection fee of \$75.00 per property upon verification of continued violation by City Building Inspector, Neighborhood Services Officer, Code Enforcement Officer or designee.
- (2) For a second reinspection, a fee of \$200.00
- (3) For a third reinspection a fee of \$400.00, and for each subsequent reinspection for the same condition.

If a property owner fails to pay such fees after billing, the City may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.

**J. APPEAL**

Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Common Council. Requests for such hearing will be filed with the Clerk no later than 5 business days from the date of the final notice of the order.



## TITLE 20 PROPERTY MAINTENANCE

### A. INTENT, PURPOSES.

- (1) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (2) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the City as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the City.

### B. APPLICABILITY.

- (1) **General.** The provisions of this Chapter shall apply to all properties and buildings within the City and its jurisdiction.

### C. GENERAL MAINTENANCE REQUIRED; DEFINITION.

- (1) The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse.
- (2) “Debris and refuse” shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the City in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor.

- (3) The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable City ordinance including but not limited to fire, building and zoning code requirements and restrictions.

**D. SPECIFIC MAINTENANCE REQUIRED.**

(1) **Exterior Walls and Foundations.**

- (a) Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (b) Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (c) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

- (2) **Paint and Other Preservatives.** Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

(3) **Doors, Windows and Basement Hatchways.**

- (a) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.
- (b) Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.

- (c) **Insect screens.** During the period from April to October, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly fitting screens.
  - i. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (d) **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (4) **Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios.** Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.
  - (a) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (5) **Roofs and Drainage.**
  - (a) All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.
  - (b) All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible and shall not cause nuisance water to flow onto neighboring properties.
- (6) **Fence and Retaining Wall Requirements.**
  - (a) All fences shall be properly maintained and kept in a good and sound state of repair.
  - (b) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

- (7) **Exterior Property Areas.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.
- (8) **Grading and Drainage of lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (9) **Landscaping.** All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
  - (a) Landscaping material. No person shall accumulate, allow to accumulate or store landscaping material in an unused state and open to the public view for a period exceeding ten days.
- (10) **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (11) **Overhand extensions.** Overhand extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (12) **Accessory structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- (13) **Motor Vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles, or motor vehicle parts shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
  - (a) **Exception.** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a

structure or similarly enclosed area designed and approved for such purposes.

- (14) **Residential yard parking regulations.** The parking of any vehicle upon a residential lot shall be in compliance with the following standards:

- (a) The parking of any vehicle within the front yard or (street) side yard shall be on an improved surface driveway or parking pad. Improved surface shall mean a surface of concrete, asphalt, or other material other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water. The remainder of the required front yard setback, and the streetside yard setback on any corner lot, shall not be considered a part of the permitted parking area and shall be landscaped.
- (b) No parking pad shall be allowed in the minimum front yard setback or minimum street side yard setback established for the district except that one additional parking pad up to ten feet wide may be added directly abutting a single-width or double-width driveway leading to an approved parking area, provided the parking pad shall not be located in front of a home.
- (c) Parking is prohibited within a driveway right-of-way.

- (15) **Pools, Spas and Hot Tubs.**

- (a) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (b) **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.
  - i. **Exception.** If a hot tub is outfitted with a securely locking, tightly fitted cover, the hot tub will not require an enclosure.

- (16) **Storage and parking of recreational vehicles and trailers.** In all residential and commercial districts provided for in this chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:

- (a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.
- (b) One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;

- (c) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line and on an improved surface. Improved surface shall mean a surface of concrete, asphalt, paver, treated wood, treated plywood, or other similar material other than grass, such as crushed rock, or other materials, laid over subsoil, which provides a hard parking surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.
  - 1. An exemption to the five foot setback requirement shall be granted by the Neighborhood Services Department if the parking is approved in writing by the current adjacent property owners in which the recreational vehicle encroaches, and the parking is in accordance with all other requirements set forth.
- (d) The unit shall not extend over the public sidewalk or public right-of-way.
- (e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding 72 hours.
- (f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
  - 1. Used for dwelling or cooking purposes.
  - 2. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - 3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (g) Notwithstanding the above, camper trailers and boats shall only be permitted to park in front yards for the purposes of active loading, unloading, and servicing, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (h) The unit shall be owned by the resident on whose property the unit is parked for storage.
- (i) The number of units on any property within City jurisdiction shall not exceed two (2).
- (j) The Neighborhood Services department may issue a permit to a person with a disability allowing a recreational vehicle, camper, trailer, watercraft or boat and boat trailer to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the neighborhood services manager with a statement by a health care specialist verifying that the party needs a front yard parking permit, for a stated period of time, to allow that person reasonable access to their recreational vehicle, camper, trailer, watercraft or boat and boat trailer.

**E. ACCESS TO PROPERTY.**

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

**F. ENFORCEMENT.**

(1) **Enforcement.**

- (a) **Order to correct conditions.** Whenever the City, through its agents or employees shall, upon inspection of the premises within the City, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.
- (b) Contents of the order shall include:
  - i. A description of the premises and the violation of the Chapter;
  - ii. A statement of the correction necessary to bring the property into compliance;
  - iii. A statement specifying the time within which the owner and occupant shall comply with the order; and
  - iv. A statement of the penalty section of the ordinance for noncompliance.
  - v. A statement specifying accessibility needs, and request for language translation.

**G. SERVICE.**

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises and by regular mail to the owner and occupant of the premises.

**H. FAILURE TO COMPLY; DECLARATION OF PUBLIC NUISANCE.**

(1) **Failure to comply.**

- (a) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code found in Section 1.20 of the City's Code of Ordinances. A citation may be issued pursuant to Sec. 1.20 of the City's Code or Ordinances.
- (b) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the City may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.
- (c) **Injunctive Relief.** In addition to other applicable enforcement procedures the City shall have the right to abate any violation of this Chapter by an action for injunctive relief in Walworth or Jefferson County Circuit Court.

(2) **Abatement**

- (a) **Enforcement.** The chief of police, the chief of the fire department, the building inspector, neighborhood services officer, or other designee shall enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon compliant to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.
- (b) **Summary abatement.** If the inspecting officer shall determine that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the president may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement after notice.** If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (b) of this section.



- (d) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.
  - (e) Court order. Except when necessary under subsection (b) of this section, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (3) **Cost of abatement.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## I. REINSPECTION FEES

The following fees shall be imposed for the administration of this Chapter.

- (1) First re-inspection fee of \$75.00 per property upon verification of continued violation by City Building Inspector, Neighborhood Services Officer, Code Enforcement Officer or designee.
- (2) For a second reinspection, a fee of \$200.00
- (3) For a third reinspection a fee of \$400.00, and for each subsequent reinspection for the same condition.

If a property owner fails to pay such fees after billing, the City may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.

## J. APPEAL

Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Common Council. Requests for such hearing will be filed with the Clerk no later than 5 business days from the date of the final notice of the order.

**19.51.180 - Truck, trailer, mobile home and equipment parking restrictions.**

In all residential and commercial districts provided for in the zoning chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:

(a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.

(b) One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;

(c) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line and on an improved surface. Improved surface shall mean a surface of concrete, asphalt, paver, ~~treated wood, treated plywood, or other similar~~ material other than grass, such as crushed rock, or other materials, laid over subsoil, which provides a hard ~~parking driving~~ surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.

1. An exemption to the five-foot setback requirement shall be granted by the Neighborhood Services Department if the parking is approved in writing by the current adjacent property owners in which the recreational vehicle encroaches, and the parking is in accordance with all other requirements set forth.

(d) ~~The A part of the unit, front or rear, may extend over the improved surface in which it is parked, however, the improved surface shall cover the entire area in which the recreational vehicle, or trailer is driven on for parking purposes. Additionally, the~~ unit shall not extend over the public sidewalk or public right-of-way.

(e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding ~~72~~ 48 hours.

(f) Parking is permitted only for storage purposes. Recreational vehicles or boats

shall not be:

1. Used for dwelling or cooking purposes.

2. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.

3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

(g) Notwithstanding the above, camper trailers and boats shall only be permitted to park in front yards for the purposes of active loading, unloading, and servicing, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

(h) The unit shall be owned by the resident on whose property the unit is parked for storage.

(i) The number of units on any property within City jurisdiction shall not exceed two (2), ~~and units shall not exceed 30 feet in length.~~

(j) The Neighborhood Services department may issue a permit to a person with a disability allowing a recreational vehicle, camper, trailer, watercraft or boat and boat trailer ~~not exceeding thirty feet in length~~ to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the neighborhood services manager with a statement by a health care specialist verifying that the party needs a front yard parking permit, for a stated period of time, to allow that person reasonable access to their recreational vehicle, camper, trailer, watercraft or boat and boat trailer.

### 19.51.180 - Truck, trailer, mobile home and equipment parking restrictions.

In all residential and commercial districts provided for in the zoning chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:

- (a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.
- (b) One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;
- (c) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line and on an improved surface. Improved surface shall mean a surface of concrete, asphalt, paver, treated wood, treated plywood, or other similar material other than grass, such as crushed rock, or other materials, laid over subsoil, which provides a hard parking surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.
  1. An exemption to the five-foot setback requirement shall be granted by the Neighborhood Services Department if the parking is approved in writing by the current adjacent property owners in which the recreational vehicle encroaches, and the parking is in accordance with all other requirements set forth.
- (d) The unit shall not extend over the public sidewalk or public right-of-way.
- (e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding 72 hours.
- (f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
  1. Used for dwelling or cooking purposes.
  2. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (g) Notwithstanding the above, camper trailers and boats shall only be permitted to park in front yards for the purposes of active loading, unloading, and servicing. , and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (h) The unit shall be owned by the resident on whose property the unit is parked for storage.
- (i) The number of units on any property within City jurisdiction shall not exceed two (2).
- (j) The Neighborhood Services department may issue a permit to a person with a disability allowing a recreational vehicle, camper, trailer, watercraft or boat and boat trailer to be parked in the front yard driveway of their residence from April

through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the neighborhood services manager with a statement by a health care specialist verifying that the party needs a front yard parking permit, for a stated period of time, to allow that person reasonable access to their recreational vehicle, camper, trailer, watercraft or boat and boat trailer.

DRAFT



# Council Agenda Item

Meeting Date:	June 4, 2024
Agenda Item:	Class A & B Alcohol License Applications
Staff Contact (name, email, phone):	Heather Boehm <a href="mailto:hboehm@whitewater-wi.gov">hboehm@whitewater-wi.gov</a> 262-473-0102

## BACKGROUND

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

Per Chapter 5.20 of the Whitewater Municipal Code, alcohol licensees must submit renewal applications yearly. Part of the renewal process consists of the completion of police background check, fire inspection, building code inspection and submission of an outdoor café/sidewalk permit if alcohol is served outside. City ordinance states that applicants can not have any outstanding debt owed to the city.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Alcohol Licensing Committee and the Police Department are looking to revise the ordinance 2081- the window ordinance so there is a moratorium on the windows at this time.

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

Staff recommends approval for those businesses that applied, with the exception of Hawk Bowl. Tokyo Japanese Cuisine, Whitewater Petro, and Casual Joes, have not applied to renew their licenses. Hawk Bowl, however, is subject to review by the Alcohol Licensing Committee because there is no bona fide premise for the liquor license, no plan for continuance of use as required by law, and the license is the subject of a previous agreement between the ALC and DLK, requiring that the license come into compliance before June 30th of this year.

Council cannot deny an alcohol license without a hearing at the Alcohol Committee, these businesses, Hawk Bowl, Tokyo Japanese Cuisine, Whitewater Petro, and Casual Joes, will be on the agenda for the June 6, 2024 ALC meeting and come back to Council 6/18/24 for final discussion and action.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

City of Whitewater Ordinance Chapter 5.20  
2024 Inspection Spreadsheet  
Police Background Check Memos

## Chapter 5.20 ALCOHOL BEVERAGES\*

### Sections:

For the statutory provisions regarding municipal licenses for the sale of nonintoxicating beverages, see WSA § 66.053; for the provisions regarding licenses for the manufacture of fermented malt beverages, see WSA § 66.054; for the provisions regarding wholesale and retail sales licenses, see WSA § 66.054(5)—(13).

### **5.20.010 Statutes adopted.**

The provisions of Chapter 125 of the Wisconsin Statutes and also all acts amendatory thereof and supplementary thereto relating to alcohol beverages are adopted as a portion of this chapter so far as applicable, except as otherwise lawfully provided by city ordinance.

(Ord. 1396 § 1, 1998; Ord. 1035 § 2(part), 1984).

### **5.20.011 Class "B" license sale in original package or container election.**

The City of Whitewater elects to be governed under Wisconsin State Statute 125.51(3)(b) as opposed to State Statute 125.51(3)(a).

(Ord. 1127 § 1, 1988).

### **5.20.012 "Class C" licenses authorized.**

The City of Whitewater is hereby authorized to issue "Class C" wine licenses, which shall authorize the retail sale of wine by the glass or in an open original container for consumption on the premises where sold. A "Class C" license may be issued to a person qualified under Wis. Stat. 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. "Class C" license holders shall abide by the terms of Wis. Stats 125.51 (3m) and any amendments thereto. In this section a barroom means a room that is primarily used for the sale or consumption of alcohol beverages.

(Ord. No. 1699A, § 1, 10-21-2008)

### **5.20.015 Temporary "Class B" (picnic) beer and wine licenses.**

Pursuant to Wisconsin Statutes Section 125.26(6) and Section 125.51(10), the city manager, or his designee, is authorized to issue temporary "Class B" fermented malt beverage and wine licenses.

(Ord. 1670 § 1, 2007).

### **5.20.020 License—Application—Investigation—Inspection.**

- (a) The city clerk shall notify the neighborhood services director, the chief of police and the fire department of any application for an alcohol license for an establishment.

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- (b) The chief of police, or his or her designee, shall investigate the applicant's arrest and conviction record and furnish the information to the city council in writing.
  - (c) The neighborhood services director or his or her designee shall inspect the premises to determine whether the premises sought to be licensed complies with the State Building Code, the State Plumbing Code, City of Whitewater Zoning Ordinances, and other applicable city ordinances, and shall furnish the information to the city council in writing.
  - (d) The applicant shall supply the city clerk with proof that the premises to be licensed has passed a City of Whitewater Fire Department fire inspection within six months of the date the license will be issued.
  - (e) The applicant shall supply the city clerk with the following:
    - (1) Proof, supplied by the Wisconsin Department of Health Services, that the establishment has a current valid restaurant or food service license issued by the Wisconsin Department of Health Services, or
    - (2) Proof, supplied by the Wisconsin Department of Health Services, that the establishment complies with the sanitation regulations of the State of Wisconsin Department of Health Services related to service of alcohol beverages for the type of license requested.
  - (f) In determining the suitability of the applicant, consideration shall be given to the moral character and the financial responsibility of the applicant, appropriateness of the location and premises where such licensed business is to be conducted, and generally the applicant's fitness for the trust to be reposed.
  - (g) No retail Class "B" or "Class B" license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code, and the rules and regulations of the State Board of Health applicable to restaurants, and also conform to all ordinances and regulations adopted by the city.
  - (h) Each premises for which a Class "B" or "Class B" license is granted must be connected with the city water and sewerage facilities, must be properly lighted and ventilated and supplied with separate sanitary toilet and lavatory facilities, equipped with running water, for each sex.

(Ord. 1035 §2(part), 1984).

(Ord. No. 1815A, § 1, 5-3-2011)

### **5.20.025 Alcohol license review committee.**

The city council may establish an alcohol license review committee (hereinafter "committee").

- (a) The committee shall be comprised of three councilmembers.
- (b) The committee shall conduct hearings concerning the revocation, suspension, refusal to issue or renew alcohol licenses or permits which are granted under Chapter 125 of the Wisconsin Statutes.
- (c) After the hearing the committee shall submit a report to the city council including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license.
- (d) The committee's findings of fact, conclusions of law and recommendation shall be presented to the council and the council pursuant to Chapter 125 of the Wisconsin Statutes shall determine what action if any the city council should take with respect to the license.

(Ord. 1311 § 1, 1995)



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### 5.20.030 Licensee—Conditions.

- (a) All retail Class "A" and "B" licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of this chapter are subject to all other ordinances and regulations of the city applicable thereto:
- (1) Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there had in violation of city ordinances or state laws, consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
  - (2) It is a condition of any license issued under this chapter that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the city without any warrant, and application for a license under this chapter shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued under this chapter and shall be deemed a violation of this section.
  - (3) Any licensed premises shall provide by clear glass window a clear view into the entire licensed premises. There shall be no partitions, boxes, stalls, screens, curtains or any other devices which shall obstruct the view of the room from the general observation of persons; provided, however, that partitions, subdivisions or panels not higher than forty-eight inches from the floor shall not be construed as in conflict with the foregoing. But, such partitions, boxes, stalls, screens, curtains or other devices shall not be so constructed as to interfere with the clear view of the entire premises.
  - (4) No retail Class "A" or "B" licensee shall sell or offer for sale any alcohol beverage to any person on credit excepting credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with their other business. It is unlawful for any licensee to sell intoxicating liquors or wines to any person on a passbook or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquor.
  - (5) No licensee shall sell, offer for sale or give away any alcohol beverage to any underage person.
  - (6) Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
  - (7) No gambling or games of chance of any sort shall be permitted in any form upon the licensed premises. Slot machines or any devices of chance are prohibited and shall not be kept upon the premises.
  - (8) No alcohol beverage shall be given away free by the licensee or any employee of the licensee or member of his family at any time.
  - (9) No alterations, changes, or additions shall be made to such designated licensed premises without first securing a permit for such alterations, changes or additions from the inspector of buildings.
  - (10) Wearing Apparel.
    - (A) All persons involved in the operation of any licensed premises under this section, whether as a licensee, member of the immediate family of licensee, licensed operator, unlicensed operator under supervision of the licensee or licensed operator, officer or agent of the licensed corporation, waiter, waitress, entertainer, dancer, or any other employee, shall observe the following applicable minimum standards for such licensed premises:

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- (i) The costume, uniform, or attire of any female shall completely cover the breasts, the mons veneris genitals, and the buttocks at all times. Those areas to be covered shall be covered with a nontransparent material.
  - (ii) The costume, uniform, or attire of any male shall completely cover the mons pubis genitals and buttocks at all times. Those areas to be covered shall be covered with a nontransparent material.
- (B) It shall be the responsibility of the licensee to maintain such minimum standards on the licensed premises. Any violation taking place upon a licensed premises shall be deemed to be a violation of both the violator and the licensee.

(Ord. 1177 §1, 1990; Ord. 1135 §3, 1988; Ord. 1035 §2(part), 1984).

### **5.20.027 Licensing standards for considering new alcohol license applications.**

- A. Alcohol License Review Committee Review. All new (as opposed to renewal) applications for open "Class A" sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and open "Class B" sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the alcohol license review committee (at times hereafter referred to as the ALRC) before the application is acted upon by the common council. The ALRC shall recommend that the council grant, deny, or grant with conditions each license. The common council shall consider the recommendation of the ALRC when considering license applications. The term "open" in this subsection shall mean an application for a license that has not been issued for at least twenty-four hours, and therefore is an open and available license. This section is not intended to apply when a license holder surrenders a license pursuant to a contract to transfer the business associated with the license, and the same license is issued immediately to the purchasing party.
- B. Staff input. The ALRC and the common council shall consider the below listed factors in reviewing and judging the adequacy of applications. Appropriate city staff shall review the application in the context of these factors and report to the committee. The city staff may include the city manager, the police department, the fire department, the community development authority, the city clerk's office, the city attorney's office, the neighborhood services director's office, the department of public works office, and any other staff as deemed necessary or desirable. It shall not be required that all of the foregoing participate in any particular recommendation, rather it is the intent that the make-up of the staff involved be flexible to meet the needs of each particular situation.
- C. Factors to be considered. The ALRC in making its recommendation, and the council in making its decision, shall consider the following factors:
  - 1. Factors to be considered for reviewing new license applications:
    - a. Economic development considerations. The council finds that while all of the factors listed below are important considerations in licensing issuance decisions, economic development consideration should be a primary factor in the decision. In considering the economic development impact of an application, the ALRC and the council will favor license applications that support important additional desirable development, such as businesses that provide high quality employment opportunities, businesses that provide attractive entertainment opportunities, or establishments that feature high quality restaurants.

The council also finds that establishments whose primary purpose is to serve alcohol, and that do not support other important additional developments should be given low priority in the application process because the city has an excess supply of similar establishments and those establishments do not foster economic

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development. Also, such businesses' tend to cause more police enforcement related problems, and often detract from the immediate neighborhood and at times diminish the quality of life in the City of Whitewater.

The council also finds that it is appropriate and in the public's best interest to at times hold in reserve one or more licenses that are limited by quota so that there will be a license or licenses available if a highly desirable development that needs a license seeks to locate in the City of Whitewater.

- b. Character of applicant, agent, managerial personnel, and owners.
  - c. Experience of applicant and manager in operating a licensed establishment.
  - d. History of applicant and manager in operation of licensed establishments.
  - e. History of premises.
  - f. Design, type, and size of the proposed establishment.
  - g. Proximity to other licensed establishments.
  - h. Proximity to residential buildings or areas.
  - i. Ability of police department to ensure public safety at this location.
  - j. Condition of building/premises.
  - k. Compatibility of proposed use with the surrounding neighborhood.
  - l. Zoning and land use considerations.
  - m. Likely impact on property values.
  - n. Any other relevant considerations.
- D. Ranking applications. When deciding between applications, those applications which best meet the listed factors shall be judged as superior to other applications. If there are multiple applications pending for licenses, whether the licenses are available or not, the timing of the filing of the application shall not create any preference. If more than one license application is pending for any particular license, the alcohol licensing committee shall recommend which application, if any, in order of priority, should be granted.

(Ord. No. 1726A, § 1, 4-21-2009; Ord. No. 1762A, § 1, 4-20-2010)

### **5.20.031 Non-alcohol events—Underaged persons.**

The presence of underage persons on a licensed premises as provided under Section 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (1) The licensee or agent of a corporate licensee shall notify the police department at least seventy-two hours in advance of any date on which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the police department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the department in accordance with the provisions of this subsection. Regardless of date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" license.
- (2) During the period of any non-alcohol event, a notice card prescribed by the police department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol

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beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the department to a requesting licensee at no cost.

- (3) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours as specified in Section 5.20.090, Hours.
- (4) During the period of any nonalcohol event, all alcohol, all beverages not stored in a locked portion of the licensed premises, shall be stored in a secure place out of sight and physical reach of any patron present, and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.
- (5) No underage person under the age of eighteen shall be allowed on the premises at any time unless accompanied by a parent or legal guardian.
- (6) A licensed premises may only schedule one nonalcohol event per week. Said event may not last more than twenty-four hours.

(Ord. 1275 §1, 1994; Ord. 1274 §1, 1994; Ord. 1088 §1, 1986).

### **5.20.032 Cancellation.**

- A. Findings of fact and purpose. The common council finds that the nonuse of alcohol licenses that are available in limited numbers is generally contrary to the public's best interest. This is because alcohol licenses, if used responsibly, can attract and retain businesses such as restaurants and hotels, and thereby create jobs and provide non-alcohol-related entertainment and service opportunities for the general public. Furthermore, the nonuse of alcohol licenses, limited by quotas, is unfair to persons or businesses that seek to earn income through the use of a license, but are unable to receive a license because of the limited number available to be issued by the city.
- B. Cancellation for nonuse. Any "Class A" or "Class B" license granted under this chapter may be cancelled by the common council 1) if it is not used within sixty days after its initial issuance (this sixty-day nonuse provision applies only to initial license issuance and does not apply to license renewals); 2) if its usage is discontinued for a period of ninety consecutive days or more; 3) if the holder does not use the license for at least fifty days during the one-year period of the license term; 4) if the licensee does not open and use its license on the minimum days and hours it submits under subsection C three or more times during a license term.

For the purpose of this section, a day within the yearly license term shall be defined as a day during which the license grantee or holder is open for business and therein uses the license for a minimum period of six hours. Said hours shall be consecutive on the particular day. In order to be considered open, a "Class B" licensed premises must have a licensed bartender on duty and available and present on the premises to dispense alcohol. If there are two licensed premises in any one building, each premises must have a separate bartender available, present, and on duty during the time the premises is required to be open.

- C. Reporting requirements: Each "Class A" or "Class B" licensed premises shall complete a form as part of the initial and annual renewal application process that lists the specific days of the week and specific hours it represents will be open which satisfies the minimum opening and use requirements set forth above. If any licensee changes its minimum required days or hours of operation stated in the application, the licensee shall immediately report the change in writing to the municipal clerk. Licensees are not required to disclose all hours it or they expect to be open, rather only those mandatory minimum hours it will be open.

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- D. Exceptions: In the event the grantee or holder of a "Class A" or "Class B" license issued under this chapter demonstrates to the satisfaction of the city council that, due to undue hardship or unusual circumstances beyond the grantee's or holder's control, the grantee or holder could not meet the minimum use requirements set forth herein within the yearly term of the license, the license grantee or holder may request that the city council grant an exception to the requirements found in subsections B and C above. Exceptions which the city council may consider in not imposing the requirements of subsections B and C are the following:
- (1) Damage to the licensed premises rendering it temporarily unfit for safe operation under the license;
  - (2) Closing for reasonable periods of time to alter, repair, remodel or redecorate the premises;
  - (3) Certain factors of death, illness or contractual impossibility;
  - (4) Any other unusual circumstances not under the control of the license grantee or holder.
- E. Investigations and inspections to determine compliance with this section may be conducted by the City of Whitewater Police Department, or any city employee or official directed by the city manager to conduct an investigation or inspection to determine compliance. If a licensee is found to be in violation of the terms of this section, future inspections shall subject the licensee to the imposition of reinspection fees under Chapter 1.29. Violations of this section shall also subject a licensee to the imposition of the penalties set forth in Section 5.20.160.
- F. Prior to cancellation: Prior to the cancellation of any license, the city shall notify the licensee in writing of the city's intention to cancel the license for nonuse and provide the licensee with an opportunity for a due process hearing. Such hearing shall be conducted by the alcohol license review committee generally under the procedures set forth in Whitewater Municipal Code 5.20.025.

(Ord. 1106 §1, 1987).

(Ord. No. 1720A, § 1, 3-3-2009)

#### **5.20.040 License—Issuance restrictions.**

- A. Delinquent Taxes, Assessments, Etc.
- (1) Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the city are delinquent and unpaid.
  - (2) Persons. No initial or renewal alcohol license shall be granted to any person:
    - (a) Delinquent in payment of any taxes, assessments or other claims owed to the city;
    - (b) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the city;
    - (c) Delinquent in payment to the state of any state taxes owed.

It is unlawful for any person to whom a license has been granted to permit any person to leave the licensed premises with an open container containing any alcohol beverage.

(Ord. 1035 §2(part), 1984).

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### 5.20.045 Maximum number of licenses.

- A. The common council finds that limiting the number of alcohol licenses in one building is in the public's best interest because it will assure that there will not be an unnecessary use of two alcohol licenses for a building when one alcohol license could serve the building.
- B. The total maximum number of "Class A" and "Class B" licenses issued to premises in any single building shall be limited to two. Also, no building shall be allowed to have more than one "Class A" or more than one "Class B" license. Therefore, when a "Class A" or "Class B" license is issued to a building, no other license of the same class shall be issued to a premises in the same building. If the council finds that it is in the public's best interests, the council may grant exceptions to these limitations. For the purpose of this section, a combination license issued to a premises shall be considered one license.

(Ord. No. 1721A, § 1, 3-3-2009)

### 5.20.050 License—Quotas.

The number of the following described licenses to be issued by the city shall be limited to the quota established in this section:

- (1) Combined "Class A" intoxicating liquor, twelve;
- (2) "Class B" intoxicating liquor, twenty-four.

(Ord. 1183 §1, 1990; Ord. 1161 §1, 1989; Ord. 1035 §2(part), 1984).

(Ord. No. 1844A, § 1, 8-21-2012; Ord. No. 1864A, § 1, 10-15-2013; Ord. No. 2030A, § 1, 11-2-2021; Ord. No. 2050, § 1, 11-15-2022)

### 5.20.055 Reserve "Class B" liquor license fees.

- (a) Purpose. This section is enacted pursuant to Wisconsin Statutes Section 125.51(3)(e)2. (1997) which requires municipalities to establish a fee of at least \$10,000.00 for the initial issuance of reserve "Class B" licenses for the retail sale of alcohol beverages.
- (b) Establishment of Fee. Pursuant to Section 125.51 of the Wisconsin Statutes (1997), there is hereby established a \$10,000.00 fee for the initial issuance of a reserve "Class B" license as defined in Wisconsin Statutes Section 125.51(4)(a)4. (1997). This \$10,000.00 fee shall not apply to a reserve "Class B" license issued to any bona fide club or lodge situated or incorporated in this state for at least six years, or to any full-service restaurant that has a seating capacity of three hundred or more persons, or to any hotel that has one hundred or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of one hundred fifty or more persons or a banquet room in which banquets attended by four hundred or more persons may be held. The fee for these exempted "Class B" licenses shall be the same as the annual fee for regular "Class B" licenses as established by Section 5.20.060.

(Ord. 1447 §1, 2000).

### 5.20.056 Grants for certain reserve "Class B" liquor licenses.

- (a) Definition. Reserve "Class B" license shall have the meaning defined in Section 125.51(4)(a)4, Wisconsin Statutes.

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(Supp. No. 8/23)

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- (b) Findings and Purpose. The common council finds that businesses such as restaurants, hotels, and taverns make important contributions to the city's economy. These establishments serve important public purposes, including increasing the city's property tax base, providing employment and promoting tourism. Excess license fees deter new business and are contrary to the above-stated public purposes. Wisconsin Statutes 125.51(3)(e)2 imposes upon municipalities the duty to establish a minimum issuance fee of \$10,000.00 for each reserve "Class B" liquor license issued. Since the new issuance fee far exceeds the actual cost of licensing the activity, additional revenue will be available to the city. It is the purpose of this section to utilize revenue generated by Wisconsin Statutes 125.51(3)(e)2 to assist new reserve "Class B" licensees achieve the important public purposes identified herein.
- (c) Grants. Following the issuance of an original reserve "Class B" liquor license, and upon application, the community development authority may provide a grant to the licensee in an amount not to exceed the amount actually paid by the licensee to the City of Whitewater for issuance of the new reserve "Class B" liquor license, less that amount attributable to the reserve "Class B" liquor license. Prior to awarding any grant hereunder, the community development authority shall make such findings and establish such conditions to ensure that any funds awarded hereunder further the important public purposes identified herein.

(Ord. 1620A §1, 2007).

**5.20.060 License fees.**

Intoxicating beverage licenses and permits shall be as follows for fiscal year ending June 30 of each year:

(1)	Class "A" Licenses—Fermented malt beverage	\$100.00
	Intoxicating liquor	250.00
(2)	Class "B" Licenses—Fermented malt beverage	100.00
	Intoxicating liquor	500.00
(3)	Class "B" Picnic—Fermented malt beverage	10.00 per event
(4)	Wholesale beer	25.00
(5)	"Class C"—wine license	100.00

(Ord. 1035 §2(part), 1984).

(Ord. No. 1699A, § 2, 10-21-2008)

**5.20.070 Prorated licenses.**

Licenses may be granted which shall expire on the thirtieth day of June, upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30 bears to twelve.

(Ord. 1035 §2(part), 1984).

**5.20.080 License refunds upon transfers.**

Refunds shall be made of license fees only if business ownership changes in month of July.

(Ord. 1035 §2(part), 1984).

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## 5.20.090 Hours.

Every person licensed in accordance with this chapter and his employees, agents or representatives shall observe the following regulations:

Closing Hours. No premises for which a wholesale or retail liquor license has been issued shall be permitted to remain open:

- (1) If a wholesale license, between 5:00 p.m. and 8:00 a.m., excepting on Saturday, when the closing hours shall be 9:00 p.m.;
- (2) If a retail Class "A" license, between 9:00 p.m. and 6:00 a.m., except that a retail Class "A" licensed premises may remain open at any and all other times, provided there is no sale of alcohol beverages between the hours of 9:00 p.m. and 6:00 a.m.;
- (3) If a retail Class "B" license, closing hours shall be in conformity with state statute 125.32(3)(a) through 125.32(3)(c), and state statute 125.68(4)(a) through 125.68(4)(c)4, and all acts amendatory thereof and supplementary thereto so far as applicable to closing hours;
- (4) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons shall be permitted to remain open for the conduct of the regular business, but shall not be permitted to sell intoxicating liquors during the hours mentioned in subsection (3) of this section;
- (5) No seller shall permit nor shall any person carry out or remove from the Class "B" licensed premises, any alcohol beverage in an original unopened package, container or bottle for consumption away from the premises after midnight.
- (6) The licensee, employees, salespersons, and service personnel are permitted on the premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at the required closing time. Under no circumstances shall the consumption of alcohol beverages be permitted after the required closing time. The doors to the premises shall be locked during the hours that the premises is closed;
- (7) Commercial janitorial service personnel shall be permitted to enter the licensed premises for the purpose of cleaning during the time the premises is closed and the doors locked. The premises shall be well lighted during cleanup;
- (8) Prior approval must be requested and granted by the chief of police or his designee for any variation of the above for exigent circumstances.

(Ord. 1136 §1, 1988; Ord. 1125 §1, 1988; Ord. 1064 §1, 1985; Ord. 1035 §2(part), 1984).

(Ord. No. 1834A, § 1, 2-7-2012)

## 5.20.100 Beverage operator's license required.

- (a) There shall be upon premises operated under a retail Class "A" or Class "B" liquor license, at all times, the licensee or some person who has an operator's license under Section 125.17 of the State Statutes and who is responsible for the acts of all persons serving, as waiters or in any other manner, any alcohol beverage to customers. No person other than the licensee and his immediate family shall serve alcohol beverages in any place operated under a retail Class "A" or Class "B" alcohol beverage license unless he possesses such operator's license, or unless he is under the immediate supervision of the licensee or a person holding an operator's license who is at the time of such service upon the premises.

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(Supp. No. 8/23)

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- (b) The city clerk may issue an operator's license, which shall be granted only upon application in writing. Such license shall be issued only to persons who have attained the age of eighteen and meet the requirements of the state statutes and who have submitted the proper fee. The city clerk may also issue temporary licenses or provisional licenses as described in 125.17(5) of the Wisconsin Statutes. The below standards shall control the issuance of provisional operator's licenses:
- (1) After a person applies for an operator's license, the following procedure shall apply:
    - (A) An application for an operator's license shall also be considered an application for a provisional operator's license.
    - (B) The City of Whitewater Police Department shall, prior to the clerk issuing an operator's license or provisional operator's license, at its earliest convenience, conduct an investigation regarding the applicant's qualifications to hold an operator's license. If at any time the police department recommends that the operator's license be issued, the clerk shall issue the license at his or her earliest opportunity.
    - (C) If within fifteen business days of an application for an operator's license the police department has recommended denial of the operator's license, the clerk shall refuse to issue the operator's license and provisional license, and the applicant shall be advised of his or her right to appeal the decision before the alcohol licensing committee.
    - (D) If within fifteen business days of the application the police department has not made a recommendation to deny or grant the operator's license, the applicant shall be issued a provisional license upon request if he or she is enrolled in a training course required by Wisconsin Statutes 125.17(6). If a provisional license has been issued prior to the police department's recommendation, and the police department subsequently recommends denial of the license, the matter shall be set before the alcohol licensing committee for consideration of revocation of the provisional license.
  - (c) The fee for an operator's license granted pursuant to Section 125.17 of the State Statutes shall be twenty-five dollars for a license valid for two years, and fifteen dollars for a license valid for one year.
  - (d) The city clerk may issue provisional operator's licenses pursuant to Wisconsin Statutes 125.17(5)(1991-1992). A provisional license may only be issued to a person who has applied for an operator's license, and shows proof of enrollment in a beverage serving training course. A provisional license may not be issued to any person who has been denied an operator's license by the city under Wisconsin Statutes 125.17(1) (1991-1992). A provisional operator's license shall expire sixty days after its issuance or when an operator's license is issued to the holder, whichever is sooner. A provisional license is nonrenewable. The city clerk may revoke a provisional license if he or she discovers the holder of the license made a false statement on the application. There shall be no fee required for the provisional license.

(Ord. 1525 §1, 2002; Ord. 1326 §1, 1995; Ord. 1277 §1, 1994; Ord. 1115 §1, 1987; Ord. 1110 §1, 1987; Ord. 1089 §1, 1986).

### **5.20.110 Licensee responsible for acts of employees.**

A violation of this chapter by an agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this chapter violates any portion of this chapter or any regulation adopted pursuant thereto, proceedings for the revocation of the license or permit may be instituted in the manner and under the procedure established in Section 125.12 of the Wisconsin Statutes and the provisions relating to granting a new license shall likewise be applicable.

(Ord. 1443, 2000; Ord. 1035 §2(part), 1984).

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### **5.20.120 Tavern licensee—Regulations.**

Fermented malt beverages shall not be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or adult spouse. Intoxicating liquors or wine shall never be furnished to underage persons.

Every keeper of any place, of any nature or character whatsoever, for the sale of any alcohol beverage, shall not directly or indirectly suffer or permit any underage person of either sex, unaccompanied by his or her parent or guardian, who is not a resident employee or bona fide lodger or boarder on the premises controlled by the proprietor or licensee of such place and of which such place consists or is a part, to enter to be on such licensed premises for any purpose excepting the transaction of bona fide business other than amusement, the purchase, receiving or consumption of edibles or beverages, and no underage person may enter or remain on said premises as aforesaid who is not a resident, employee or a bona fide lodger or boarder on such premises, or who is not accompanied by his or her parent or guardian. This subsection shall not apply to hotels, drugstores, grocery stores, bowling alleys, premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28 of the State Statutes, parks owned or operated by agricultural societies receiving state aid, cars operated on any railroad, regularly established athletic fields or stadiums nor to premises operated under both a license granted under this chapter and a restaurant permit where the principal business conducted therein is that of a restaurant. It shall be presumed where such premises are so operated under both a license granted under this chapter and a restaurant permit, that the principal business conducted therein is that of the sale of alcohol beverages, until such presumption is rebutted by competent evidence. The prohibition shall apply to any person who is not a resident, employee or bona fide lodger or boarder on such premises, after the legal hour for closing.

(Ord. 1035 §2(part), 1984).

### **5.20.130 Tavern—Health rules.**

Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The health officer of the city is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this chapter. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this chapter and infraction thereof may be punished as a violation of this chapter.

(Ord. 1035 §2(part), 1984).

### **5.20.140 Sale of alcohol beverages to intoxicated persons.**

(a) Restrictions.

- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(b) Penalties. Any person who violates subsection (a) shall be fined not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such penalty shall be imprisoned not to exceed six months.

(Ord. 1035 §2(part), 1984).

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### **5.20.150 Alcohol beverages—Licensing or sale in or on city-owned parks or other properties.**

It is unlawful for any owner, operator of or any person employed in any place, other than a public park, where food or soft drinks are sold, or any place of entertainment or amusement, to permit any person to drink fermented malt beverages therein, and it is unlawful for any person to consume therein any fermented malt beverages unless such place is licensed to sell fermented malt beverages.

- (a) No organization shall publicly offer for sale and consumption any form of alcohol beverage (or any other form of intoxicant) in any city park or buildings located therein, without having first complied with all the requirements of this section.
- (b) The applicant shall first meet all of the requirements of the Wisconsin Statutes, federal statutes and city ordinances to be considered as a qualified recipient for the license.
- (c) All applications shall be made on forms to be provided by the state and the city clerk and shall be submitted to that office.

The city clerk shall forward the applications to the police department and the parks and recreation board within five calendar days of receipt of the application.

The parks and recreation board will review the application and make its recommendation.

The city manager or his designee will make the final decisions as to whether or not the license will be granted.

- (d) The information form will contain provisions for the following information:
  - (1) Name of the organization;
  - (2) The title of the event;
  - (3) The dates of the event;
  - (4) The name of the chairman or person in charge of event and his or her address and telephone number;
  - (5) The names of the licensed bartenders for the event;
  - (6) A statement by applicant of the intended disposition of profits from the scheduled event.
- (e) No event shall be held for more than five consecutive days.
- (f) No license shall be granted for more than two successive weekends; a weekend being defined as a Saturday or Sunday.
- (g) No license shall be granted for another event until ten calendar days have elapsed from the expiration of the last event.
- (h) No applicant may receive a license for more than two events in any license year.
- (i) Licenses are not transferable between qualified applicants.
- (j) The dispensing shall be closed between the hours of eleven p.m. and twelve noon on Sunday through Thursday each day inclusive, and from twelve midnight to twelve noon on Fridays, Saturdays or any legal holiday. If a legal holiday follows Sunday through Thursday, the council may permit dispensing until midnight on the day preceding the holiday.
- (k) Any dispensing of alcohol beverages must be dispensed in plastic or paper cups.

(Ord. 1327 §1, 1995; Ord. 1155 §1, 1989; Ord. 1035 §2(part), 1984).

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### **5.20.160 Penalty.**

The provisions of Chapter 125 of the Wisconsin Statutes, exclusive of any criminal jail penalties, and also all Acts amendatory thereof and supplementary thereto relating to penalties are adopted as a portion of this chapter so far as applicable. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be subject to a forfeiture of:

- (1) Not more than five hundred dollars if the person has not committed a previous violation within twelve months of the violation;
- (2) Not less than two hundred dollars nor more than five hundred dollars if the person has previously committed a violation within twelve months of the violation;
- (3) Not less than five hundred dollars nor more than one thousand dollars if the person committed two previous violations within twelve months of the violation; and
- (4) Not less than one thousand dollars nor more than five thousand dollars for the fourth and subsequent offenses within one year.

(Ord. 1391 §1, 1997; Ord. 1179 §1, 1990; Ord. 1091 §1, 1986; Ord. 1035 §2(part), 1984).

(Ord. No. 1826A, 9-27-2011)

	A	B	C	D	E	F	G	H	I	J	K	L
	Name of Business	Address	Alcohol License Type	Registered Agent	PD Pass/Fail	PD Issue	FIRE Pass/fail	FIRE Issue	Sidewalk/ Outdoor Cafe Permit	License Fees Owed	Fees owed to the City	
1												
2	841 Brewhouse	841 E. Milwaukee St.	Class B Beer & Liquor	Burns, James	PASS	5/22/2024	PASS	N/A	YES	\$640	\$779.24	
3	Acorn Beverage	561 E. Milwaukee St.	Class A Beer & Liquor	Hartmann, Ellie	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
4	Beer Here	612 E. Milwaukee St.	Class B Beer & Liquor	Cordio, John	PASS	5/22/2024	PASS	N/A	YES	\$740	N/A	
5	Black Sheep.. TRANSFER TO (LLOYDS)	206-210 W. Whitewater St.	Class B Beer & Liquor	Rodriguez, Daniel	PASS	5/22/2024	FAIL	Other Fire Protection Systems. Emergency Lighting. Marking of Means of Egress.	N/A	\$640	N/A	
6	Brass Rail	130W. Main St.	Class B Beer & Liquor	Bergman, David	PASS	5/22/2024	FAIL	Portable Fire Extinguishers. Commercial Cooking Equipment.	N/A	\$600	N/A	
7	Campus Quick Shop, Inc.	1134 W. Main St.	Class A Beer & Liquor	McArdle, Jason Michael	PASS	5/22/2024	PASS	N/A	N/A	\$200	N/A	
8	Casey's - Westsider Liquor	1353 W. Main St.	Class A Beer & Liquor	Mold, Robert J	PASS	5/22/2024	PASS	N/A	N/A	\$355	N/A	
9	Casey's General Store - Eastside	650 E. Milwaukee St.	Class A Beer & Liquor	Mold, Robert J	PASS	5/22/2024	PASS	N/A	N/A	\$355	N/A	
10	Casual Joes	319 W. James St.	Class B Beer & Liquor	Michael Hudec							\$307.13	
11	Cheap Shotz	214 W. Whitewater St.	Class B Beer & Liquor	Rodriguez, Daniel	PASS	5/22/2024	PASS	N/A	N/A	\$640	N/A	
12	College Pub	202 W. Whitewater St.	Class B Beer & Liquor	Rasmussen, Kirk R.	PASS	5/22/2024	PASS	N/A	N/A	\$640	N/A	
13	Coyote Grill	132 & 134 W. Center St.	Class B Beer & Liquor	Mischka, Deborah A	PASS	5/22/2024	PASS	N/A	N/A	\$600	N/A	
14	Cozumel	1139 W. Main St.	Class B Beer & Liquor	Lopez, Jose	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
15	Fanatico's	162 W. Main St.	Class B Beer & Liquor	Ademi, Teuta	PASS	5/22/2024	PASS	N/A	YES	\$0	N/A	
16	Fat Jack's	146 W. Main St.	Class B Beer & Liquor	Wokasch, Mark Thomas	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
17	Ground Zero	204 W. Main St.	Class B Beer & Liquor	Gibbs, Katherine	PASS	5/22/2024	PASS	N/A	N/A	\$640	N/A	
18	Grunzolo Pizzeria	108 S. Fremont St.	Class B Beer, Class C	Kraus, Bart J.	PASS	5/22/2024	PASS	N/A	N/A	\$230	N/A	
19	Gus' Pizza Palace	139 W. Center St.	Class B Beer & Liquor	Isbell, Anjeza	PASS	5/22/2024	PASS	N/A	N/A	\$200	N/A	
20	Hawk Bowling Lanes	1390 W. Main St.	Class B Beer & Liquor	Kachel, Michael		business					N/A	
21	Jessica's Family Restaurant	140 W. Main St.	Class B Beer & Liquor	Shabani, Urim	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
22	Kwik Trip #1065	837 S. Janesville St.	Class A Beer & Liquor	Radonski, Jacob R.	PASS	5/22/2024	PASS	N/A	N/A	\$450	N/A	
23	Kwik Trip #493	305 Elkhorn Rd	Class A Beer & Liquor	Malaise, Jeffrey J.	PASS	5/22/2024	PASS	N/A	N/A	\$450	N/A	
24	La Preferida	148 W. Main St.	Class B Beer	Islas-Martinez, Luis	PASS	5/22/2024	PASS	N/A	N/A	\$100	N/A	
25	Mad Boar Pub	123 & 125 W. Center St.	Class B Beer & Liquor	Marietta, Nicholas A.	PASS	5/22/2024	PASS	N/A	N/A	\$740	N/A	
26	Mitchells/Pumpers	158 & 162 W. Whitewater St.	Class B Beer & Liquor	Condos, Gregory A.	PASS	5/22/2024	PASS	N/A	N/A	\$600	\$218.45	
27	Raceway Food Mart II	1138 W. Main St.	Class A Beer & Liquor	Singh, Mohan	PASS	5/22/2024	PASS	N/A	N/A	\$200	N/A	
28	Rick's Eastside Pub & Grill	561 E. Milwaukee St.	Class B Beer & Liquor	Luebke, Roger A. Jr.	PASS	5/22/2024	PASS	N/A	YES	\$640	N/A	
29	Rosa's Pizza	180 W. Main St.	Class B Beer	Stemper, Sean	PASS	5/22/2024	FAIL	Other Hazardous Condition	N/A	\$100	N/A	
30	San Jose Mexican Store	148 W. Main St.	Class B Beer	Barajas, Juana	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
31	Second Salem Brewing Co.	111 W. Whitewater St.	Class B Beer & Liquor	Christon, Christ G.	PASS	5/22/2024	PASS	N/A	N/A	\$0	\$813.37	
32	Split Decision will be transferred to Hawks Tail Arcade	1398 W. Main St.	Class B Beer & Liquor	Kachel, Michael	PASS	5/22/2024			N/A	\$600	N/A	
33	Station 1	140 W. Center St.	Class B Beer & Liquor	Wellnitz, Patrick Lee	PASS	5/22/2024	PASS	N/A	YES	\$600	N/A	
34	Steve O's Flip Flops and Tank Tops	156 W. Whitewater St.	Class B Beer & Liquor	Fairchild, Stephen	PASS	5/22/2024	PASS	N/A	N/A	\$600	N/A	
35	Taco Fresco	175 W. Main St.	Class B Beer, Class C	Witterholt, Garrett W.	PASS	5/22/2024	PASS	N/A	YES	\$130	N/A	
36	Taqueria la Estrella II	1170 W. Main St.	Class B Beer & Liquor	Romero, Adolfo	PASS	5/22/2024	FAIL - THEN FAILED AGAIN	Extension Cords. Compressed Gas Storage. - 2nd Fail - Extension Cords	N/A	\$0	N/A	
37	The Station	844 E. Milwaukee St.	Class A Beer & Liquor	Sharma, Sanjeev Kumar	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
38	Tokyo Restaurant	161 W. Main St.	Class B Beer & Liquor	Zheng, En							N/A	
39	Walgreens	1041 W. Main St.	Class A Beer & Liquor	Johnson, Christopher	PASS	5/22/2024	PASS	N/A	N/A	\$350	N/A	
40	Walmart	1362 W. Main St.	Class A Beer & Liquor	Stroh, Leah R.	PASS	5/22/2024	PASS	N/A	N/A	\$0	N/A	
41	Whitewater Petroleum Company	804 W. Walworth Ave.	Class A Beer & Liquor	Ahmad, Mabin							N/A	
42	<p>*From the fire department side, we are a go for all liquor license renewals  ** Did not submit a complete application packet still missing. current restaurant license, FEIN number, and hours of operation not valid clerks office contact multiple times with no response  *** Did not submit an application for 2023 - 2024. When contacted by staff stateded does not intend to renew</p>											

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WHITEWATER POLICE DEPARTMENT  
INTEROFFICE MEMORANDUM

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TO: Heather Boehm, City Clerk  
FROM: Daniel A Meyer, Chief of Police  
SUBJECT: 2024-2025 Alcohol Beverage License Renewals  
DATE: May 28, 2024

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Effective May 28, 2024, pertinent records of the appropriate local and state agencies have been searched and no information was disclosed that would hinder the issuance of the requested licenses. The attached information is being supplied on an official basis. Only that information which would bear upon these applications is recorded.

DM/JH

**2024-2025 Alcohol License Summary  
RENEWAL APPLICATIONS**

BUSINESS	AGENT	DOB	LOCAL ARREST RECORD (violations on/after 6/01/2022)	CIB/NCIC Wants	WI CCAP & CIBR "E" CHECK (violations on/after 6/01/2022)	Convicted Felon
841 Brewhouse 841 E Milwaukee St	James R Burns	10/15/1961	No Arrests on/after 06/01/2022 - 04/19/2024 JH	No	No Arrests on/after 06/01/2022	No
Acorn Beverage 561 E Milwaukee St	Ellie L Hartmann	07/29/1952	No Arrests on/after 06/01/2022 - 04/19/2024 JH	No	No Arrests on/after 06/01/2022	No
Beer Here 617 E Milwaukee St	John A Cordio	10/30/1951	No Arrests on/after 06/01/2022 - 03/27/2024 jh	No	No Arrests on/after 06/01/2022	No
Brass Rail Saloon 130 W Main St	David L Bergman	12/16/1960	No Arrests on/after 06/01/2022 - 04/17/2024 jh	No	No Arrests on/after 06/01/2022	No
Campus Quick Shop 1134 W Main St	Jason M McArdle	03/22/1975	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Casey's General Store #3714 (Westsider) 1353 W Main St	Robert J Mold	06/21/1978	No Arrests on/after 06/01/2022 - 05/15/2024 jh	No	No arrests on/after 06/01/2022	No
Casey's General Store #3715 (Eastsider) 650 Milwaukee St	Robert J Mold	06/21/1978	No Arrests on/after 06/01/2022 - 05/15/2024 jh	No	No arrests on/after 06/01/2022	No
Cheap Shotz 214 W Whitewater St	Daniel A Rodriguez	08/12/1985	No Arrests on/after 06/01/22 - 04/12/2024 JH	No	No Arrests on/after 06/01/2022	No
College Pub 202 W Whitewater St	Kirk R Rasmussen	03/29/1973	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Coyote Grill (Lil' Debbie's) 132 W Center St	Deborah A Mischka	02/25/1964	No Arrests on/after 06/01/2022 - 05/01/2024 jh	No	No Arrests on/after 06/01/2022	No
Cozumel Mexican Restrauant 1139 W Main Street	Jose J Lopez	03/15/1983	No Arrests on/after 06/01/2022 - 05/06/2024 jh	No	No Arrests on/after 06/01/2022	No
Fanatico 162 W Main St	Teuta Ademi	06/28/1983	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Fat Jack's of Whitewater 146 W Main Street	Mark T Wokasch	07/20/1984	No Arrests on/after 06/01/2022 - 04/10/2024 jh	No	No Arrests on/after 06/01/2022	No
Grunzolio Pizzeria 108 S Fremont St	Bart J Kraus	03/19/1959	No Arrests on/after 06/01/2022 - 03-13-2024 jh	No	No Arrests on/after 06/01/2022	No
Gus' Pizza Palace 139 W Main St	Anjeza Isbell	08/09/1977	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Hawk "Tails" Arcade & Lounge 141 W Whitewater St, B	Michael S D Kachel	03/24/1971	No Arrests on/after 06/01/2022 - 04/10/2024 jh	No	No Arrests on/after 06/01/2022	No
Jessica's Restaurant 140 W Main St	Urim Shabani	01/15/1984	No Arrests on/after 06/01/2022 - 03/18/2024 jh	No	No Arrests on/after 06/01/2022	No
Kwik Trip #1065 - Janesville St 837 S Janesville St	Jacob R Radonski	04/28/1995	No Arrests on/after 06/01/2021 - 04/10/2024 jh	No	No Arrests on/after 06/01/2022	No
Kwik Trip #493 - Elkhorn Rd 305 Elkhorn Rd	Jeffrey J Malaise	01/27/1970	No Arrests on/after 06/01/2022 - 04/10/2024 jh	No	No Arrests on/after 06/01/2022	No
La Preferida 132 W Main St	Luis Islas Martinez	03/11/1971	No Arrests on/after 06/01/2022 - 03/15/2024 jh	No	No Arrests on/after 06/01/2022	No
Lloyd's 206-210 W Whitewater St	Daniel A Rodriguez	08/12/1985	No Arrests on/after 06/01/2022 - 04/17/2024 jh	No	No Arrests on/after 06/01/2022	No
Mitchell's / Pumping Station 162 / 158 W Whitewater St	Gregory A Condos	09/20/1959	No Arrests on/after 06/01/2021 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Raceway Food Mart II 1138 W Main St	Mohan Singh	08/25/1968	No Arrests on/after 06/01/2022 - 04/10/2024 jh	No	No Arrests on/after 06/01/2022	No

**2024-2025 Alcohol License Summary  
RENEWAL APPLICATIONS**

<b>BUSINESS</b>	<b>AGENT</b>	<b>DOB</b>	<b>LOCAL ARREST RECORD (violations on/after 6/01/2022)</b>	<b>CIB/NCIC Wants</b>	<b>WI CCAP &amp; CIBR "E" CHECK (violations on/after 6/01/2022)</b>	<b>Convicted Felon</b>
Rick's Eastside Pub 561 E Milwaukee St	Roger A Luebke Jr	07/20/1973	No Arrests on/after 06/01/2022 - 03-13-2024 jh	No	No Arrests on/after 06/01/2022	No
Rosa's Pizza 180 W Main St	Sean T Stemper	11/22/1978	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
San Jose Mexican Store 148 W Main St	Juana Barajas	05/27/1973	No Arrests on/after 06/01/2022 - 03-13-2024 jh	No	No Arrests on/after 06/01/2022	No
Second Salem Brewing 111 W Whitewater St	Christ G Christon	12/06/1979	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Station 1 140 W Center St	Patrick L Wellnitz	03/03/1964	No Arrests on/after 06/01/202 - 03/13/2024 jh	No	No Arrests on/after 06/01/2022	No
Steve O's Flip Flop's and Tank Tops 156 W Whitewater St	Stephen W Fairchild	04/18/1965	No Arrests on/after 06/01/2022 - 04/05/2024 jh	No	No Arrests on/after 06/01/2022	No
Taco Fresco 175 W Main St	Garrett W Witterholt	12/30/1992	No Arrests on/after 06/01/2022 - 03/27/2024 jh	No	No Arrests on/after 06/01/2022	No
Taqueria la Estrella 1170 W Main St	Adolfo Romero	08/05/1954	No Arrests on/after 06/01/2022 - 05/20/2024 jh	No	No Arrests on/after 06/01/2022	No
The Station 844 E Milwaukee St	Sanjeev K Sharma	12/06/1978	No Arrests on/after 06/01/2022 - 04/12/2024 jh	No	No Arrests on/after 06/01/2022	No
Walgreens 1041 W Main St.	Christopher K Johnson	03/05/1970	No Arrests on/after 06/01/2022 - 04/26/2024 jh	No	No Arrests on/after 06/01/2022	No
Walmart 1362 W Main Street	Leah R Stroh	04/30/1985	No Arrests on/after 06/01/2022 - 04/15/2024 jh	No	No Arrests on/after 06/01/2022	No



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WHITEWATER POLICE DEPARTMENT  
INTEROFFICE MEMORANDUM

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TO: Heather Boehm, City Clerk  
FROM: Daniel A Meyer, Chief of Police  
SUBJECT: 2024 - 2025 Alcohol Beverage License Renewals – Violations  
DATE: May 22, 2024

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Effective May 22, 2024, pertinent records of the local and state agencies have been searched concerning the applicants for alcohol beverage license renewals. The attached information is being supplied on an official basis. Only that information which would bear upon these applications is recorded.

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(a) as affected by Chapter 79 and 391, Laws of '81 effective 1/1/82 which states in part: *“Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who: 1. Do not have an arrest or conviction record, subject to s. 111.321, 111.322, and 111.335: . . .”* Statute 111.335---Arrest or conviction record: Exceptions and special cases---reads in part: *“(c) Notwithstanding s.111.322 it is not employment discrimination because of conviction record to refuse to employ or license, or to terminate from employment or licensing any individual who: 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; or . . .”*

The licensees on the attached sheet have arrests, violations, and/or convictions which substantially relate to the requested alcohol license. Please note that the department is not recommending denial of any of these licenses. This information is provided to give the common council information that it may want to consider in making its decisions. The City Attorney's office has advised us that there must be a formal hearing held before the alcohol licensing committee prior to the denial of any license renewal.

DM/JH

**2024-2025 Alcohol License Summary  
RENEWAL APPLICATIONS**

<b>BUSINESS</b>	<b>AGENT</b>	<b>DOB</b>	<b>LOCAL ARREST RECORD (violations on/after 6/01/2022)</b>	<b>CIB/NCIC Wants</b>	<b>WI CCAP &amp; CIBR "E" CHECK (violations on/after 6/01/2022)</b>	<b>Convicted Felon</b>
Mad Boar Pub 123 W Center St	Nicolas A. Marietta	10/21/1977	04/07/2024 LRAE (1st) 01/28/2023 LRAE (2nd) 11/12/2022 LRAE (2nd)-Licensee Sell Alcohol/Underage Person 10/20/2022 LRAE (1st)-Licensee Sell Alcohol/Underage Person Additional violations prior to 06/01/2022 - 05/22/2024 jh	No	No Arrests on/after 06/01/2022	No
Ground Zero 204 W Main St	Jeffrey S Schellpfeffer	06/24/1964	10/22/2022 LRAE (1st)-Lincesees Sell Alcohol/Underage Person No other violations prior to 06/01/2022 - 04/15/2024 jh	No	No Arrests on/after 06/01/2022	No



# Council Agenda Item

Meeting Date:	June 4, 2024
Agenda Item:	July 2 <sup>nd</sup> Common Council Meeting
Staff Contact (name, email, phone):	Sara Marquardt, HR Manager

## BACKGROUND

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

Historically, the first Common Council meeting in July has been cancelled due to the July 4<sup>th</sup> holiday. At this time, staff has the following items for potential consideration at the July 2<sup>nd</sup> meeting:

1. Execute Financial Assistance Agreement (Loan Document) for Clean Water Fund loan for Vanderlip Pumping Station Project.

The Loan Closing is scheduled for July 24. City’s Bond Counsel does not review the Agreement until June 18. If the Agreement is pushed to the July 16 council meeting, the closing is pushed to August 14. This is a reimbursement loan, meaning we are paying the contractor out of our own pocket to start with. In order to keep the July 24 closing date, Council must execute the Agreement at least two weeks before the closing date, thus July 10. The Finance Department would like to keep the July 24 closing date if at all possible.

2. Fitch and Associates Organizational Workload Analysis

The team from Fitch & Associates will be on site July 2<sup>nd</sup>, holding a meeting could give them an opportunity to receive public opinion at that time.

3. Network Agreement for leasing space on Water Tower.

This item is going to council on June 18 for closed session negotiations and may need to come back to council for final approval.

4. T-Mobile Renewal Agreement for leasing space on Water Tower.

This item is also going to council on June 18 for closed session negotiations and may need to come back to council for final approval.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

This year, staff has several items that require the Council's consideration. Therefore, it is recommended that the Council hold the first meeting in July to address these matters promptly. As an alternative, Council could choose to hold a special meeting to address the items.

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

1. N/A



## City Council Committee Item

Meeting Date:	June 4, 2024
Agenda Item:	Cravath & Trippe Lakes Mechanical Dredging of Cattail
Staff Contact (name, email, phone):	Michelle Dujardin, <a href="mailto:mdujardin@whitewater-wi.gov">mdujardin@whitewater-wi.gov</a> 262-473-0121

### BACKGROUND

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

The City Clerk opened bids on May 9, 2024 at 3:00 pm for 37,020 square feet (1,927 cubic yards) of mechanical dredging of Cravath Lake and 2,334 square feet (130 cubic yards) of mechanical dredging of Trippe Lake. At that time the following bid were received:

- Cravath and Trippe Lake Dredging Bid from Eco Waterway Services, \$167,630.00
- Cravath and Trippe Lake Dredging Bid from RLP Diversified, Inc, \$160,000.00

May 29, 2024 Lakes Advisory Committee Meeting: Ginny Coburn motioned to reward Eco Waterway Services the bid of \$167,630.00 for Cravath and Trippe Lake Dredging of Cattail as noted in the bid packet. Seconded by Elvira Kau. Ayes: Carol McCormick, Elvia Kau, and Ginny Coburn. Abstain: Kurt Zipp and Gayle Stettler. Noes: None. Absent: Geoff Hale.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- The City of Whitewater holds a dredge permit with the State of Wisconsin Department of Natural Resources. Permit #IP-SE-2021-65-03182. Set to expire 11/04/2026.
- The bid notice went out on April 22, 2024. Bid notice was published for two weeks in the Whitewater Register,

### FINANCIAL IMPACT

(If none, state N/A)

Monies for the project is budgeted in the 2024 & 2025 Engineering line for Lakes Capital Budget.

### STAFF RECOMMENDATION

Staff recommends moving forward utilizing the 2024 & 2025 budgeted monies with bid from, Eco Waterway Services to Common Council. Staff notes a great past working relationship with Eco Waterway Services along with the knowledge Eco Waterway Services has with the project and both lakes.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. April 22, 2024 Bid Notice
2. Cravath and Trippe Lake Dredging Bid from Eco Waterway Services
3. Cravath and Trippe Lake Dredging Bid from RLP Diversified, Inc.



Parks and Recreation Department  
312 W. Whitewater Street  
Whitewater, WI 53190

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Michelle Dujardin  
Assistant Parks, Recreation, and  
Community Events Director  
PHONE: (262) 473- 0121  
FAX: (262) 222-5901  
Email: [mdujardin@whitewater-wi.gov](mailto:mdujardin@whitewater-wi.gov)  
WEBSITE: [www.ci.whitewater-wi.gov](http://www.ci.whitewater-wi.gov)

April 22, 2024  
City of Whitewater  
Bid Notice

The City of Whitewater will be accepting bids for the following:  
37,020 square feet (1,927 cubic yards) of mechanical dredging of Cravath Lake and 2,334 square feet (130 cubic yards) of mechanical dredging of Trippe Lake. Bid packets can be obtained from the City Clerk, located at the City Municipal building, 312 W. Whitewater Street, Whitewater, WI, between the hours of 8:00 am - 4:30 pm. Bids will be accepted by the City Clerk until May 9, 2024 at 3:00 pm. At that time the bids received will be publicly opened and publicly recorded. For further information contact Michelle Dujardin, Assistant Parks, Recreation, and Community Events Director at 262-473-0121. The City of Whitewater reserves the right to reject any and all bids, waive any informalities in bidding, and to accept the bid deemed most advantageous to the City of Whitewater,

City of Whitewater  
Heather Boehm, City Clerk

CITY OF WHITEWATER  
WHITEWATER, WISCONSIN  
CRAVATH AND TRIPPE LAKE DREDGING

SPECIFICATIONS

**Bid Security** - A bid must be accompanied by Bid security made payable to OWNER in an amount of 5% of the Bidder's maximum Bid price and in the form of a certified check, bank money order, or a Bid Bond.

The Bid security of the apparent Successful Bidder will be retained until OWNER awards the contract to such Bidder, and such Bidder has executed the Contract, furnished the required Contract security, and met the other conditions of the Notice of Award, whereupon the Bid security will be released. If the Successful Bidder fails to execute and deliver the Contract and furnish the required Contract security within 15 days after the Notice of Award, OWNER may consider Bidder to be in default, annul the notice of Award, and the Bid security of the Bidder will be forfeited, in whole in the case of a penal sum bid bond, and to the extent of OWNER's damages in the case of a damages-form bond. Such forfeiture will be OWNER'S's exclusive remedy if Bidder defaults.

**Performance and Payment Bond** - Successful bidder shall furnish the OWNER with a Performance and Payment Bond equal to 100 percent of the contracted amount.

**Insurance** - Contractor shall furnish and deliver to the OWNER a certificate of insurance for worker's compensation and an umbrella certificate of liability and property insurance in the minimum amount of \$1 million before beginning work, and shall notify OWNER immediately of any cancellation or change in insurance coverage.

**Contract Award** - Bids will be opened on May 9th at 3:00 pm. The Bids will be reviewed by staff and the Contract is anticipated to be awarded at the June 2024 Common Council meeting.

**Completion** - All work shall be completed within 30 days of starting the Project. All work shall be completed by September 30, 2024. Cravath Lakefront Park will not be available June 24<sup>th</sup>- July 7<sup>th</sup> and no work shall take place during this time on Cravath Lake.

**Dredging Permit** - City of Whitewater will provide the WDNR dredging permit for the project.

**Project Site Locations:** Cravath Lake Park- 341 S. Fremont Street-Whitewater, WI 53190  
Trippe Lake Park-407 S. Wisconsin Street-Whitewater, WI 53190

**Project**

Scope of Work: Mechanically excavating cattails, phragmites, and grasses. The removal will take place on both Cravath Lake and Tripp Lake. The Project consists of dredging 4 areas along Cravath Lake Park shoreline and 1 area along Trippe Lake Park shoreline.

Quantities:

- Cravath Amphitheater – 9,766 sq ft, removing 1.5 feet of material, estimating 543 cubic yards.
- Cravath Lakefront Dock – 3,461 sq ft, removing 1.5 feet of material, estimating 192 cubic yards
- Cravath Fishing Pier – 4,248 sq ft, removing 1.5 feet of material, estimating 236 cubic yards
- Cravath East Shoreline- 17,211 sq ft, removing 1.5 feet of material, estimating 956 cubic yards
- Tripp Fishing Pier – 2,334 sq ft, removing 1.5 feet of material, estimating 130 cubic yards

Total Dredge Amount = 37,020 sq ft of material estimating 2,057 cubic yards

**Item 13. Proposal:** All materials removed and collected can be taken to City of Whitewater provided dump site located at 599 N. Jefferson Street - Whitewater, WI 53190.

CITY OF WHITEWATER  
CRAVATH AND TRIPPE LAKE DREDGING  
CONTRACT

LUMP SUM BID:

----- Dollars \$ -----  
(Words) (Numbers)

The undersigned bidder, submitting this bid, hereby declares and agrees to be bound, and perform the work, in accordance with all terms, conditions and requirements of the within and foregoing bid and specifications.

Submitted by: ..... BIDDER

Of: \_\_\_\_\_

By: -----  
(Bidders Signature)

Address: .....

Phone: \_\_\_\_\_

Email: .....

Date: \_\_\_\_\_

OWNER: \_\_\_\_\_ CITY OF WHITEWATER

\_\_\_\_\_  
(Signature and Title) (Date)

ATTEST \_\_\_\_\_

(Signature and Title) (Date)



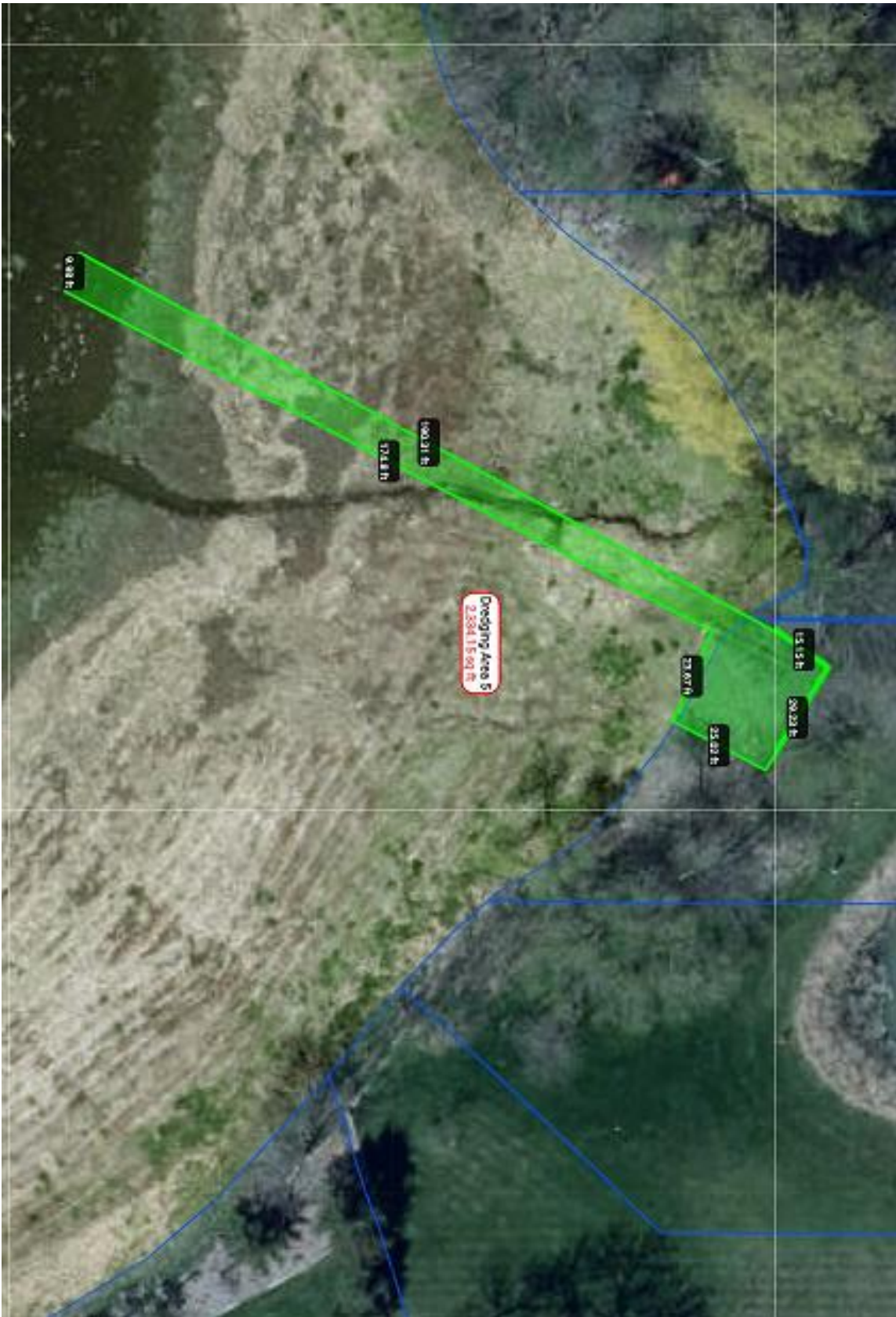


Item 13.





Item 13.



CITY OF WHITEWATER  
CRAVATH AND TRIPPE LAKE DREDGING  
CONTRACT

LUMP SUM BID:

One hundred sixty seven thousand  
Six hundred thirty dollars Dollars \$ 167,630.<sup>00</sup>  
(Words) (Numbers)

The undersigned bidder, submitting this bid, hereby declares and agrees to be bound, and perform the work, in accordance with all terms, conditions and requirements of the within and foregoing bid and specifications.

Submitted by: Owen Bulls BIDDER

Of: Ecowaterway Services

By: [Signature]  
(Bidders Signature)

Address: 111 Wilmont Dr Unit L Waukesha, WI  
53189

Phone: 262-337-0083

Email: obulls@ecowaterway.com

Date: 5-9-24

OWNER: CITY OF WHITEWATER  
Heather M Boehm <sup>city clerk</sup>  
(Signature and Title) (Date) 5/9/24

ATTEST Michelle Dyardin 5/9/24  
(Signature and Title) (Date)  
Assistant Director.

CITY OF WHITEWATER  
CRAVATH AND TRIPPE LAKE DREDGING  
CONTRACT

LUMP SUM BID:

One hundred sixty thousand Dollars \$ 160,000.00  
(Words) (Numbers)

The undersigned bidder, submitting this bid, hereby declares and agrees to be bound, and perform the work, in accordance with all terms, conditions and requirements of the within and foregoing bid and specifications.

Submitted by: RLP Diversified, Inc. BIDDER

Of: Burlington, WI 53105

By: [Signature]  
(Bidders Signature)

Address: 207 Front Street Burlington, WI 53105

Phone: (262) 206-1297

Email: rlpinc@live.com

Date: May 3, 2024

OWNER: CITY OF WHITEWATER

Deborah M Bohm, City Clerk 5/9/24  
(Signature and Title) (Date)

ATTEST Michelle Dyerlein, Assistant Director, 5/9/24  
(Signature and Title) (Date)

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## MEMORANDUM

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0104  
Fax: (262) 222-5901

To: Common Council  
From: John Weidl, City Manager  
Date: May 29, 2024  
Re: Discussion on Task Force to Evaluate Spring Splash

There is a recognized interest from the community, the university, and our elected officials to reimagine Spring Splash as an event that brings the university and the community closer together. Historically, Spring Splash has been an unsanctioned, off-campus party primarily associated with excessive drinking. From a law enforcement perspective, this event is extremely costly in terms of manpower and reliance on other agencies for mutual aid.

With that, there seems to be an opportunity to reimagine Spring Splash into something more community focused and offering additional event options.

### Proposal:

Given the community input and the expressed desire by elected officials to address this topic, I propose that we discuss the creation of a task force to evaluate and provide recommendations for Spring Splash.

### Composition:

- Determine the appropriate number of members for the task force (suggested range: 5-7 members).
- Ensure representation from key stakeholders, including community members, university officials, city representatives, and law enforcement.

### Application and Vetting Process:

- Discuss the process for selecting task force members.
- Historically, applicants interview with the City Manager and Common Council President for recommendation to the governing body.

### Goals and Objectives:

- Identify the primary goals for the task force, such as enhancing community-university relations and ensuring the event is safe and inclusive.

### General Rules and Structure:

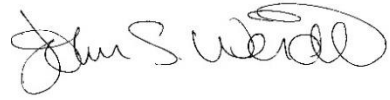
- Consider how the task force will operate, including meeting frequency and reporting requirements.

### Action Requested:

I request the Common Council to discuss the formation of a task force to evaluate Spring Splash, focusing on the points outlined above. Your input will be essential in facilitating this discussion and determining the best approach to proceed.

Thank you for your consideration.

Best-

A handwritten signature in black ink, appearing to read "John S. Weidl". The signature is fluid and cursive, with the first name "John" and last name "Weidl" clearly distinguishable.

John S. Weidl, City Manager

JSW/RLM



# 2024 Spring Splash After Action Report

## General Event Summary

The Law Enforcement preparation and response to “Spring Splash” in 2024 was similar to that of previous years. The event requires a tremendous amount of planning and coordination because of the need to request assistance from a number of outside entities to maintain safety and public order.

Again in 2024, the City’s Emergency Operations Center (EOC) was stood up to host unified command consisting of representatives from the City Administration, Whitewater Police Department, Whitewater Fire and EMS, UW-Whitewater Police Department, Walworth County Sheriff’s Office, Mobile Field Force Command, and Drone Command.

The following information summarizes the event:

- Cool temperatures likely played a role in reducing activity.
- Heavy foot traffic began prior to noon and lasted throughout the day with a significant lull after approximately 6:00pm and lasting until approximately 8:00pm.
- We again utilized mobile field force teams to disperse large crowds that were disorderly or upon request of property owners.
- Crowds moved primarily to the downtown around 8-9pm which was similar to what we saw in 2023.
- The most disorderly activities encountered in 2024 involved a real and a facsimile firearm. One incident involved an individual who displayed a handgun in his waistband after an argument with individuals outside his residence. The gun was recovered and he was transported to the Walworth County Jail. A second incident involved an individual who was waiving a facsimile firearm (BB gun) around as well as aiming it at one of the law enforcement drones.
- Overall it was a very successful event, with reduced disorder compared to previous years. This is a testament to the enforcement efforts of staff year-over-year.
- The following cost statistical and cost summaries provide information into the direct activity and costs for law enforcement. These numbers do not reflect activity of the Wisconsin State Patrol which handled all of their workload internally, and it does not include costs of other City Departments (i.e. Fire & EMS).
- The total event cost to the WPD budget between staffing and food/materials was \$17,367.53.

## Statistical Summary

	WPD Stats 2019	WPD Stats 2021	WPD Stats 2022	WPD Stats 2023	WPD Stats 2024
<b>Arrests (individuals)</b>	117	79	43	31	68
<b>Misdemeanor Arrests</b>	6	4	15	5	11
<b>Felony Arrests</b>	6	1	4	0	5
<b>Ordinance Violations</b>	162	119	50	49	89
<b>Charges</b>	174	124	69	54	105
<b>Total Confined in Jail</b>	8	Not Recorded	7	0	2
<b>Total Admitted for First Aid</b>	15	Not Recorded	0	N/A	N/A

\*Spring Splash did not occur in 2020 due to COVID-19.

## Law Enforcement Personnel Hours/Cost Summary

<b>WPD Staff Hours Worked</b>	428	<b>WPD Personnel Costs</b>	\$14,876.85
<b>Outside Agency Hours Worked</b>	904	<b>Outside Agency Personnel Costs</b>	\$49,720.00
<b>Total Hours</b>	1332	<b>Total Personnel Costs</b>	\$64,596.85

\*Outside agency personnel were provided free of charge under a mutual aid response.

\*Actual cost to the PD personnel budget is \$14,876.85.

\*We thank the following law enforcement agencies for their assistance:

- Delavan PD
- Town of East Troy PD
- Elkhorn PD
- Janesville PD
- Jefferson County Sheriff's Office
- Lake Geneva PD
- Lake Mills PD
- Town of Linn PD
- Mukwonago PD
- Rock County Sheriff's Office
- Sharon PD
- UW-Whitewater PD
- Walworth County Sheriff's Office
- Watertown PD
- Wisconsin State Patrol

## Materials/Food Cost Summary

Walmart Subs	\$980.00
Walmart Snack items	\$361.76
Dominos Pizza	\$653.65
Walmart Meat/Condiments	\$495.27
<b>Total Cost</b>	<b>\$2,490.68</b>



**Office of the City Manager**  
312 W. Whitewater Street, P.O. Box 178  
Whitewater, Wisconsin 53190

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## MEMORANDUM

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0104  
Fax: (262) 222-5901

To: Common Council  
From: John Weidl, City Manager  
Date: May 28, 2024  
Re: Ordinance 2.48.080-Removal of PARC

This memo serves to address the removal of a member from the Plan and Architectural Review Commission (PARC) under the authority provided by Ordinance 2.48.080.

Ordinance 2.48.080 The council, by a majority vote, shall have the authority to remove any member of the commission from office for just cause when the best interests of the city shall be served thereby. It shall be considered just cause for the removal of a commission member his failure to attend two consecutive regular or special meetings with unexcused absences. Members may be excused from attendance of any meeting only by the city manager. In order that the above definition of just cause for removal shall not be exclusive, a commission member may be removed for malfeasance, misfeasance, or nonfeasance in office at the discretion of the city manager.

Mr. John Beerman has failed to attend two consecutive regular meeting without obtaining an excused absence from the city manager. He has not attended any meeting in 2024. This non-compliance constitutes just cause for removal under ordinance 2.48.080.

Best-

A handwritten signature in black ink, appearing to read "John S. Weidl".

John S. Weidl, City Manager

JSW/RLM



# Plan & Architectural Review Meeting

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

**Monday, January 08, 2024 - 6:00 PM**

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
Citizen participation is welcome during topic discussion periods.

Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.

## MINUTES

### CALL TO ORDER AND ROLL CALL

### HEARING OF CITIZEN COMMENTS

*No formal Plan Commission action will be taken during this meeting although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Council discusses that particular item.*

1. Approval of Minutes for December 11, 2023 Plan Commission Meeting

### PUBLIC HEARING FOR REVIEW AND POSSIBLE APPROVAL

2. Public Hearing Regarding Consideration of a Conditional use Permit(CUP) for the Proposed Sign Package for Starbucks to be located at 1280 W. Main Street, Parcel #/A170900002.

Jo from Starbucks explained their sign package. They are requesting 3 wall signs, 2 pre order boards, one illuminated order board two clearance bars. They also have a monument sign. Planner explained that due to the drive thru and the three wall signs they need a conditional use permit. McCormick didn't see an issue with the signs since this was not a residential area. Crone was concerned about the monument sign. Brad Marquardt stated there is no issue related to an engineering stand point.

3. Public Hearing Regarding Consideration of a Conditional Use Permit (CUP) to allow for zero lot line condominiums located at NE 1/4 & NW 1/4 SE 1/4 Sec. 6 T4N, R15 E in the City of Whitewater, Walworth County, Wisconsin(Parcel #'s MM 00001 through MM 00021)

Member Hicks brought up that Member Crone lives adjacent to the property in questions and asked in all transparency whether he had a bias than he should sit in the audience. Crone answer he thought he could be fair.

John Sorenson for US Shelter the developer for the owner JM Meadow View presented the project to the plan commission.

### Citizen Comments

Mike Smith 327 E. Clay St Unit 29 asked whether the CDA housing money would be using for this project. The money is coming from the TID. No CDA housing money is being used for this project per Brad Marquardt.

Greg Meyer 356 Woodlawn Drive needs more explanation how no zero lot line and buffering to existing properties. Also utilities, snow removal and grass mowing.

Kim Dana 240 S Woodland Drive Questioned the purpose of the project as to who the properties would be geared toward seniors, families or students. These properties are being geared toward families and seniors as there are two story and ranch style.

Susan Crone 225 S Woodland Drive Was concerned about the additional traffic that would be on Indian Mound Parkway. Brad Marquardt commented that the traffic increase can be handled on Indian Mound Parkway as this is an arterial road there is no issue with traffic from an engineering stand point.

Tom Vaughn 1614 Wildwood Road Wanted to know if these units were rentals or sale. The properties are to be sold for upper \$200,000 to low \$300,000.

Hicks brought up the the street. Brad Marquardt stated that there is a binder layer on currently that is in poor condition that will be replaced. Both the binder and the final layer will be replaced this summer. The utilities are installed.

Stanek asked about landscaping. Brad Marquardt stated that this is a subdivision and boulevard trees will only be required and will be done as the homes are built.

Jeff Sorenson stated that everything will be graded and seeded. He stated that they will not be building all units at once. Listing price will be upper \$200,000 to low \$300,000.

Crone asked about the fence that will be on the two stories. Crone asked Allison Schwark, planner about where a fence can be. She stated they can be on the lot line. He mentioned that the last time the project was brought to the commission that there was a restriction on blasting. John stated that they were unaware of restriction on blasting. They have done multiple borings and the excavator has a jackhammer tool for the rock. Half will have foundations and the half slabs.

Hicks had a questions about the replat about the sheds that are over the lines. Allison stated that they sheds that are too close to the property lines will need to be moved. The Lot 19 owner Lyons and lot 20 Montoe trust. it will be between the builders and the property owners to work it out.

Crone stated he thought that the current restrictions state that they can't blast. Attorney Jonathan McDonnell wasn't sure that it ran with the land.

Hicks made a motion to approve with planners recommendations and requiring and blasting of bedrock should come to the common council this motion was seconded by Stanek.

Jeff Sorenson stated that they have not intention to blast he understood that the City of Whitewater allowed blasting with a permit. He stated that going to Common Council would hold up construction for weeks.

Crone stated that the condition to bring blasting to the common council was known that a business person should be diligent in when he purchases a property to do their research.

Brad Marquardt recommended to leave it to his authority than provide an update to Council. Allison added that another possibility to put in safeguards is to have Zoning, Building and DPW director look at the project.

Parker add that at the time of the original development there was a firm from Dodgeville with a trencher on steroids.

Stanek's had seconded but it was incomplete. Parker seconded the first motion.

Mark Larkin stated there is a policy to blast.

Brad mentioned stated there are strict State statues on blasting. McCormick stated that she has full confidence in Brad Marquardt.

Schanen moved to make and amendment to the motion change the common council approval to be the Director of Public Works and Zoning Administrator. Second was by Parker. Voting to Amended the motion was as Miller, Parker, Schanen, Stanek, Hicks, McCormick-Yes; Crone No.

4. Public Hearing for Possible Consideration and Approval of the Preliminary Plat and Possible Consideration and Approval of Final Plat. Parcel #'s MM 00001 through MM 00021)

Allison Schwark, Planner explained that this is already platted they are just adding a lot line to sell each side separately. Brad Marquardt stated that all easements are still in place and from engineering stand point we are good.

Final Plat was motioned by Schanen with a second from Parker.

Ayes: Hicks, Parker, Schanen, Crone, Stanek, Miller, McCormick this motion passed unanimously.

### Plan Reviews

5. Site Plan Review and possible Approval of Proposed zero lot line duplexes located on Meadow View Court Tax Parcel #'s MO 00001 to MO 00021 for US Shelter Homes.

Allison stated that site plan meets the requirements with the Conditional Use Permit. Brad Marquardt stated the grading plan works with stormwater.

6. Continuation of Site Plan Review and Possible Approval of Proposed Contractor Shops located at the corner of N. Prospect and Endeavor Tax Parcel #292-0515-3434-0001 for Becker & Bolton.

Ben Bolton was present to his presented to the board. Allison present the concern about the units that didn't have plumbing. McCormick asked whether any of the tenants would be retail. Ben stated that the tenants would be an ambulance service, machine

shop. McCormick asked about need for these development. Ben stated that yes there is a fair demand.

There will be one cold storage building. This would be for existing tenants storing excess items.

Parker asked about the masonry bottoms on buildings and outside storage.

Crone asked about how the cold storage would be allocated.

Ben Bolton stated that he would get the updated plans to us.

Motion to approve with planners recommendations.

**FUTURE AGENDA ITEMS**

Hicks would like a discussion and possible consideration for public notices and notification list in future packets.

**NEXT MEETING DATE**

- 7. Next Meeting is February 12, 2024.

**ADJOURNMENT**

**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. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to**

**send their comments to:**

c/o Neighborhood Services Director  
312 W. Whitewater Street  
Whitewater, WI 53190  
or ldostie@whitewater-wi.gov

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



# Plan & Architectural Review Meeting

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

**Monday, February 12, 2024 - 6:00 PM**

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
Citizen participation is welcome during topic discussion periods.

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## MINUTES

### CALL TO ORDER AND ROLL CALL

#### CALL TO ORDER

Meeting was called to order at 6:00 p.m.

#### ROLL CALL

##### PRESENT

Councilmember Neil Hicks  
Board Member Bruce Parker  
Board Member Brian Schanen  
Board Member Andrew Crone  
Chairperson Tom Miller  
Councilmember Brienne Brown

##### ABSENT

Vice Chairperson Sherry Stanek  
Board Member John Beerman  
Board Member Jeffery Weigel  
Board Member Michael Smith

##### STAFF

Brad Marquardt  
Allison Schwark-Planner/Zoning Administrator  
Attorney Jonathan McDonnell  
Llana Dostie

Board Member Carol McCormick was seated in the audience.

### APPROVAL OF MINUTES

#### 1. APPROVAL OF MINUTES



Motion made by Councilmember Hicks, Seconded by Board Member Schanen.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

### HEARING OF CITIZEN COMMENTS

*No formal Plan Commission action will be taken during this meeting although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Council discusses that particular item.*

No Citizen Comments were made.

### PUBLIC HEARING FOR REVIEW AND POSSIBLE APPROVAL

2. Discussion and possible approval of a Conditional Use Permit for a proposed arcade and lounge and sale of alcohol by the drink located at 141 W Whitewater Avenue #B, Parcel # /TR00008 for DLK Enterprise, Inc d/b/a Hawk's Arcade & Lounge.

Applicant Michael Kachel 408 Panther Ct on behalf of DLK Enterprise. Looking to reopen a store front that has been closed for a number years. They are moving items from Hawk Bowl to this location. There will be beer and liquor on site. No food except for Emil's frozen pizza's like the bowling alley had.

Brown asked about how many machines would there been. Kachel stated about 30 machines. There is about 1700 square feet of floor space. They are adding a bathroom. Removing an office. Trying to model themselves after one in Mukwonago.

Hicks asked about pinball machines.

Crone asked about how the liquor license would work with the middle school and high school kids. And separation about the alcohol and games. Kachel stated there were will bar area with seating that will be more of a restaurant atmosphere. And that he will work with staff about appropriate separation.

Kachel stated they would have alternate times where there would be no alcohol.

Miller stated that he has an issue with the alcohol and arcade together and how that would be policed. Miller feels like the age should be 21.

Brown stated she went to one in Austin TX that used wrist bands and different types of cups and and was very obvious the difference.

Motion made by Councilmember Brown, Seconded by Councilmember Hicks.

Miller asked about hours. Kachel answered close time of about 10:00 p.m.

Parker asked of the motion included the planners report. He felt that letter could be removed and the plan for letter B. And on letter C just the building only.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Councilmember Brown  
Voting Nay: Chairperson Miller

- 3. Discussion and possible approval of a Conditional Use Permit for a new Wireless Telecommunication Facility to be located on the water tower located at 797 Indian Mound Pkwy, Parcel # /A277200001 for Netwurx.

David Roller represented the applicant Netwurx. The facility was built for the dual purpose for wireless antenna.

Allison stated that this is a fairly easily request. They meet all the criteria.

Schannen asked about how high above the hand rail will the antenna be.

Roller stated that they would not be higher than the obstruction light. Roller did state that sometimes the obstruction light is not put in according to the drawings if that is the case. They will raised the obstruction light to the plan height and keep the antennas below that obstruction light.

Hicks asked about whether they were using licensed ISM band. And will you file the necessary paperwork.

Roller responded in the affirmative.

Motion made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

**DISCUSSION AND REVIEW**

- 4. Discussion and possible approval of Preliminary Right of Way Plat for Starin Road for Parcels /WUP 00018D; /WSS00060; /WUP 00033; /WSS 00061; /A326000001.

Motion made by Board Member Schanen, Seconded by Board Member Parker.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

- 5. Discussion and possible approval of Final Right of Way Plat for Starin Road for for Parcels /WUP 00018D; /WSS00060; /WUP 00033; /WSS 00061; /A326000001.

Motion made by Board Member Schanen, Seconded by Board Member Parker.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

- 6. Review and possible approval of a Certified Survey Map for Parcel #/WUP 00018D.

Brad explained that Certified Survey Map (CSM). This area was all right of way. This CSM carves out these lots for future sale. One caveat is that we will have the City Attorney draft an affidavit of correction that will go to the County Register of Deeds notifying them

that the intentions was not to have all this area as right of way when it was purchased and we are creating these lots as right of way is not needed through these lots.

Hicks asked about the watermain easement. Brad stated that watermains are easier to move.

Motion made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

- 7. Discussion and possible consideration for public notices and notification list in future packets.

Hicks would like to see a list of addresses and maps on all public notices.

Brad asked for clarification if all or just public hearings. Hicks stated all public hearings.

Hicks made a motion to require the list address and the maps within the packets.

Motion made by Councilmember Hicks, Seconded by Councilmember Brown.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

**FUTURE AGENDA ITEMS**

**NEXT MEETING DATE IS MARCH 11, 2024.**

**ADJOURNMENT**

Motion made by Councilmember Brown, Seconded by Councilmember Hicks.

Voting Yea: Councilmember Hicks, Board Member Parker, Board Member Schanen, Board Member Crone, Chairperson Miller, Councilmember Brown

Meeting adjourned at 6:35 p.m.

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c/o Neighborhood Services Director  
312 W. Whitewater Street  
Whitewater, WI 53190  
or ppronce@whitewater-wi.gov



## Plan & Architectural Review Meeting

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

**Monday, March 11, 2024 - 6:00 PM**

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Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
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### MINUTES

**CALL TO ORDER AT 6:00 P.M.**

**ROLL CALL**

PRESENT:

Councilmember Brienne Brown  
Board Member Andrew Crone  
Chairperson Tom Miller  
Board Member Bruce Parker  
Board Member Brian Schanen  
Board Member Michael Smith

ABSENT:

Councilmember Neil Hicks  
Board Member Carol McCormick  
Board Member John Beerman  
Board Member Jeffery Weigel  
Board Member Sherry Stanek

STAFF

Taylor Zeinert, Interim Economic Director  
Allison Schwark, Planner and Zoning Administrator  
Jonathan McDonnell, City Attorney  
Llana Dostie, Neighborhood Services Administrative Assistant

**APPROVAL OF FEBRUARY MINUTES**

- 1. Minutes for February 12, 2024.

Motion made by Schanen to approve minutes for February 12, 2024 meeting. Motion was with a second by Miller.

Ayes: Crone, Miller, Parker, Schanen, Smith, Brown this motion passed unanimously

**HEARING OF CITIZEN COMMENTS**

Citizen Daniel Kitstle stood up to make a comment he was at the wrong meeting date.

- 2. Discussion and possible approval of a Conditional Use Permit for a second wall sign and an 18 foot pylon sign for Aldi's located at 1380 W Main Street, Parcel # /A513300001.

Planner provide a summary of the request. Aldi is requesting two all signs which is one sign over the ordinance and one pylon sign.

John Doyle representative for Aldi's signs stated the summary provided by planner was correct. Pylon would be set back 45 feet from road.

Planner did mention that the comprehensive plan recommends the monument sign not a pylon. City felt that the pylon was a good fit. Approval was recommended.

Parker as about the set back of the east property line.

Doyle didn't have the east lot line on the drawing it is in the area of 15 to 18 ft.

Schanen about the visual triangle. Planner confirmed that it would not create any vision triangle issues.

Crone asked about other pylon signs in the area.

Motion made by Brown to approve Conditional Use Permit with Planners recommendation with a second from Schanen.

Ayes: Crone, Miller, Parker, Schanen, Smith, Brown this motion passed unanimously.

**FUTURE AGENDA ITEMS**

**NEXT MEETING DATE IS APRIL 8, 2024.**

**ADJOURNMENT AT 6:13 P.M.**

Motion made by Parker with a second from Schanen.

Ayes: Crone, Miller, Parker, Schanen, Smith and Brown this motion passed unanimously.

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c/o Neighborhood Services 312 W. Whitewater Street  
Whitewater, WI 53190  
or [ldostie@whitewater-wi.gov](mailto:ldostie@whitewater-wi.gov)



## Plan & Architectural Review Meeting

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

**Monday, April 08, 2024 - 6:00 PM**

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Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
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### MINUTES

#### CALL TO ORDER

Meeting called order at 6:00 pm.

#### ROLL CALL

##### PRESENT

Councilmember Neil Hicks  
Board Member Bruce Parker  
Vice Chairperson Sherry Stanek  
Chairperson Tom Miller  
Councilmember Brienne Brown  
Board Member Jeffery Weigel  
Board Member Michael Smith

##### ABSENT

Board Member Brian Schanen  
Board member Carol McCormick  
Board Member John Beerman

##### STAFF

Taylor Zeinert, Economic Director  
Allison Schwark, Municipal Code Enforcement, Planner  
Llana Dostie, Administrative Assistant

#### APPROVAL OF AGENDA

Motion to table items 5 and 6 on the agenda moved by Board Member Parker with a second from Councilmember Hicks. Board Member Smith asked what the reason for the attorney. Economic Director Zeinert explained the attorney is on vacation, the back up is on vacation and we had reached out to numerous attorneys for a replacement and none was found. Board Member Smith asked specifically why these two items. Planner Schwark responded that since these two items are

conditional use permits and that legal present. We want to make sure that if we are acting on conditional use permits and adding conditions it is good for use to have legal present to guide us.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Councilmember Brown,

Voting Nay: Chairperson Miller, Board Member Weigel, Board Member Smith

### **APPROVAL OF MARCH MINUTES**

1. Approval of Minutes for March 8, 2024

Motion made by Councilmember Hicks, Seconded by Councilmember Weigel.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Board Member Smith, Chairperson Miller, Councilmember Brown, Board Member Weigel

### **HEARING OF CITIZEN COMMENTS**

*No formal Plan Commission action will be taken during this meeting although issues raised may become a part of a future agenda. 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 Commission discusses that particular item.*

John Wallace from LLC telecom services. They provide services to cell phone industry. He asked if there was any additional information that the plan commission would want. Board did not provide feedback since this was just a comment session. Economic Director Zeinert commented to the Board that if there was something they would like to contact Staff member Llana for that information.

Becky Jones 1277 E Bluff Road Unit 5 concerned about Dog facility not sure how big it will be. It is right in a residential area, right in my back yard. With the train coming through it is going to get loud. All the dogs are going to hear it and the dogs are going to start barking. She is requesting clarification about the tax parcel id. Since it is incorrect on the notice.

J. Kisel asked about what can be discussed. Economic Director Zeinert explained she discuss the project but no formal comments can be made.

### **SITE PLAN REVIEWS**

2. Conceptual Plan Review of a possible multi-family development to be located on vacant land Tax Parcel # WPB 00044 for Chris Slater.

Cory Kreuzer is a partner with Chris. Putting in a multifamily unit development. It would be about 128 units. It would be a two-phase project geared toward larger units mostly two bedrooms with some three bedrooms as well. It would not require any tax credit. They will be applying for a TIF. Nice quality housing that a growing community's needs. Chris stated the property is zoned for apartments and that they are at less density from a prior approval. The project would be as proposed in conceptual plan. Councilmember Hicks stated that this would be a great project to fill in some of the housing gaps we have in the City. In general, has a minor issue. He wants to request a second entrance into the lot. Either on the north side of Moraine View Parkway or not sure about accessing



through Bluff Ridge Drive which a private drive. There is a specific fire code regarding this. The fire chief is concerned about fire hoses or apparatus across Moraine View Parkway could cause an access issue. Councilmember Brown wants to make sure there are some trees and vegetation in there. Board member Parker asked about the parking requirements. Planner Schwark stated that it does currently meet all of the R-3 zoning district at a preliminary review. Just to be clear that the vote tonight would be to accept the concept plan but that they would come back for a site plan review and conditional use permit. Parker asked about whether park fees would be figured into this project. Planner Schwark confirmed that they would.

Motion was brought by Councilmember Hicks to approve with Stipulation of addition of second driveway and to have landscape plan to Urban Forestry. Second was received from Board Member Smith.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Chairperson Miller, Councilmember Brown, Board Member Weigel, Board Member Smith

3. Site Plan Review and possible approval of Addition and Renovations for the Irvin L. Young Library located at 431 W Center Street Tax Parcel #'s /OT 00196 and /OT 00197.

Planner Schwark stated this is a site plan review for a large renovation project of our library here in the city. They will be adding an addition and a new parking lot. The site plan follows our zoning ordinance. The only thing that was noted was in the review it is recommended that the library sits on two separate parcels and it is in the City's best interest to combine those into one and in addition, the parcel is actual zoned residential right now, so to keep things consistent and up to date. We should have this property rezoned to institution to reflect it's use. Board Member Smith asked about taxpayer money. Economic Director Zeinert answered she believed so but would have to double check. Councilmember Brown stated that Library has matched it. Councilmember Hicks asked about the new meeting space but there is no IT closet accounted for on plans. Marisa for StudioGC they have been working with the technical engineers to make sure there is an area that will fit an IT closet and working with Tim Neubeck. Board Member Stanek stated that Urban Forestry stated that they requested this be reviewed prior to coming to the Plan Commission. Board Member Stanek asked if this was conceptual or final. Planner Schwark confirmed that this was final. Board Member Stanek is bothered by the removal of the Oak trees and vegetation. The Plans look like it is all pavement but it could be grass. Councilmember Hicks mentioned he would hate to see the two massive trees cut down for firewood and would like something do with them like furniture. Marisa stated that the trees have been dropping branches they are looking at have benches made. They are creating a new walk way that is a nature path area. Board member Parker asked about the pavers for stormwater and how that will act in the winter. Matt Whisler from RTM stated that they require less salt and are set up for our winter environment. Board member Parked raised concern about the ice damming issues that are currently associated with the building. Council Member Brown asked about why the project was decided to not move East. Marisa confirmed that this was explored this and it would need to be a 2-story building. Jennifer Mascto it was more expense to go to the East. It would cause service point issues. The library owned those properties but in the

last year they have been sold off to raise funds towards this project. Board Member Parker asked if we owned the property east of the parking lot. Planner Schwark stated that none of that property is City owned anymore. Councilmember Hicks asked if it is not feasible to build a new roof line over the current building and expand it. Marisa stated that it is not feasible with the type of programming the Library requires. The meeting room is currently not meeting the needs for programming.

Motion made by Councilmember Brown to approve this plan with landscaping plan going to Urban Forestry Commission and approved by Urban Forestry and the conditions from the planner’s report, Seconded by Board Member Weigel.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Chairperson Miller, Councilmember Brown, Board Member Weigel

Voting Abstaining: Board Member Smith

**PUBLIC HEARING FOR REVIEW AND POSSIBLE APPROVAL**

- 4. Discussion and possible approval of a Certified Survey Map (CSM) for Land Division creating two new lots for Tax Parcel # /HAS 00067 located at 218 Elkhorn Road for Knudson-East Troy, LLC.

Planner Schwark stated that this is a two-lot proposal. The CSM does meet all of the requirements all of the B-1 zoning area. They applicant knows that they can not build on the easements. Board member Parker asked if the private easements need to be shown on the CSM. Planner Schwark stated no.

Motion made by Councilmember Hicks, Seconded by Vice Chairperson Stanek.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Chairperson Miller, Councilmember Brown, Board Member Weigel, Board Member Smith

- 5. Discussion and possible approval of a Conditional Use Permit for a proposed Dog Daycare Facility located on a vacant lot on Bluff Road Tax Parcel Id # /A 353600002 for Daniel and Janiel Kistle d/b/a The Royal Hounds of Whitewater.

**ITEM WAS TABLED UNTIL LEGAL COUNCIL CAN BE PRESENT**

- 6. Discussion and possible approval of a Conditional Use Permit for a new Wireless Telecommunication Facility and Free-Standing Tower to be located at 312 Elkhorn Road, Tax Parcel # /A919 00003 for LCC Telecom Services.

**ITEM WAS TABLED UNTIL LEGAL COUNCIL CAN BE PRESENT**

**FUTURE AGENDA ITEMS**

Items 5 and 6 will be on May agenda. There will be a few Conditional Use permits in relationship to alcohol licenses.

Hicks would like that the library be rezoned and combined lots.

**NEXT MEETING DATE MAY 13, 2024.**

**ADJOURNMENT**

Meeting was adjourned at 6:40 p.m.

Motion was made by Councilmember Brown and second by Council Member Hicks.

Voting Yea: Councilmember Hicks, Board Member Parker, Vice Chairperson Stanek, Chairperson Miller, Councilmember Brown, Board Member Weigel, Board Member Smith

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