



# Common Council Meeting

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

**Tuesday, August 06, 2024 - 6:30 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.**

Please click the link below to join:

<https://us06web.zoom.us/j/82331395004?pwd=9pMq2zCqmvKLtVQQ6dGMP21ClcPwdb.1>

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

**Webinar ID:** 823 3139 5004

**Passcode:** 530135

**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.**

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## **AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

*A councilmember can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Council to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.*

**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 July 16, 2024.
2. Plan and Architectural Review Commission June 10, 2024 Minutes.
3. Library Board Minutes from May 20, 2024.
4. Lakes Advisory Meeting Minutes from May 1, 2024, May 21, 2024, May 29, 2024 and June 19, 2024.
5. Appointment of additional 2024-2025 Election Inspectors.

- [6.](#) CDA Meeting Minutes from May 16, 2024, June 20, 2024 and Special Meeting Minutes from July 2, 2024.
- [7.](#) Approval of new Class A liquor License for Aldi's.
- [8.](#) Alcohol Licensing Committee Meeting Minutes from June 6, 2024 and June 18, 2024.

## CITY MANAGER REPORT

## STAFF REPORTS

- [9.](#) WAFC update- **Parks Department**
- [10.](#) Mobile Home Special Assessment-**Finance**

## HEARING OF CITIZEN COMMENTS

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

***To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial \*6 to unmute your phone and dial \*9 to raise your hand.***

## RESOLUTION

- [11.](#) Part-time Salary Resolution Amendment 4 - **Finance**

## ORDINANCES

### First Reading

- [12.](#) **Ordinance 2024-O-12** an ordinance regarding revisions to Chapter 12.22 Construction Standards Adopted, Sidewalk Ordinance-**Public Works**

## CONSIDERATIONS

- [13.](#) Discussion and Possible action regarding making the Common Council meeting at UWW Campus 9/17/24 at 6:30 in the University Center 259 an annual meeting-**City Clerk**
- [14.](#) Discussion and Possible Action regarding forming a Spring Splash Task Force-**Community Development Director**
- [15.](#) City Manager Performance Evaluation Policy-**HR**
- [16.](#) Discussion and Possible Action regarding Revised Procurement Policy-**Finance**
- [17.](#) Discussion and Possible Action regarding Budget Amendment Policy-**Finance**
- [18.](#) Discussion and Possible Action regarding CDA and Water Utility MOU-**Finance**
- [19.](#) Discussion and Possible Action regarding wording for Advisory Referendum Question regarding expenditures to maintain the Starin Park Water Tower-**Public Works**

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

### **FUTURE AGENDA ITEMS**

21. Brown Cab update-**Finance Q3**
22. Review the reference to Chapter 10 in Ordinances 2024-O-05, 2024-O-06 Title 19 and 20.-  
**Dawsey Smith Q2**
23. Library Construction Costs and Financing-**Library**
24. Turning radius on Franklin and Main-**Dawsey Smith**
25. Comparison of Public Comments-**City Manager Q3**
26. Financial Outcomes with Walworth County TLE.
27. WAFC year-end financial update.- **Hicks Q4**

**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 and (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

### **Items to be discussed:**

- CS-28. Petition received from Janesville Fire Fighters IAFF Local 580.
- CS-29. Settlement agreement between the City of Whitewater and Jill Gerber.

### **CONSIDERATIONS**

- [30.](#) Discussion and Possible Action regarding Petition received from Janesville Firefighters IAFF Local 580.
31. Approval of the settlement agreement between the City of Whitewater and Jill Gerber.

### **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  
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**Tuesday, July 16, 2024 - 6:30 PM**

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Citizen participation is welcome during topic discussion periods.**

Please click the link below to  
join: <https://us06web.zoom.us/j/81241037644?pwd=b5ZNKzbvXGurJoCnj4zl3tHaCbmNIQ.1>

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

**Webinar ID:** 812 4103 7644

**Passcode:** 215759

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## MINUTES

### 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

1. Add item number 16 Resolution authorizing the Whitewater Community Development Authority to sell lot A323600002 located on Bluff Road.

### CALL TO ORDER

Council President Singer called the meeting to order at 6:30 pm.

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

1. Add item number 16 Resolution authorizing the Whitewater Community Development Authority to sell lot A323600002 located on Bluff Road.

Motion made to add the above item to the agenda by Councilmember Schanen, Seconded by Councilmember Hicks.

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

**ROLL CALL**

**PRESENT**

Council President Patrick Singer  
Councilmember Neil Hicks  
Councilmember Brienne Brown  
Councilmember Lisa Dawsey Smith  
Councilmember Greg Majkrzak  
Councilmember Orin Smith  
Councilmember Brian Schanen

City Manager John Weidl

City Attorney Jonathan McDonell

Public Works Director Brad Marquardt

Economic Development Director Taylor Zeinert

Chief of Staff Becky Magestro

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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Motion made to approve the agenda by Councilmember Schanen, Seconded by Councilmember Smith.  
Voting Yea: Council President Singer, Councilmember Hicks, Councilmember Brown, Councilmember Dawsey Smith, Councilmember Majkrzak, Councilmember Smith, Councilmember Schanen

**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 Schanen.

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

1. Approval of Common Council Minutes from May 28, 2024, June 4, 2024 and June 18, 2024.
2. Landmarks Commission Minutes April 8, 2024.

3. Finance Committee Meeting Minutes from May 28, 2024.
4. Police and Fire Commission Meeting Minutes from June 3, 2024
5. EOC Meeting Minutes from June 3, 2024.
6. Appointment of Penelope Alwin to the Landmarks Committee.
7. Public Works Committee Meeting Minutes from June 11, 2024.
8. Parks and Recreation Board Meeting Minutes from March 25, 2024 and April 17, 2024.
9. Approval of the Employee Handbook/Policies- **HR**
10. May 2024 Financial Statements
11. June 2024 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.

### STAFF REPORTS

12. Whitewater Middle School pick-up and drop-off. - **Public Works**  
Public Works Director Marquardt gave an update on the Middle School pick up and drop off. The School District will explore further with their own Transportation Committee.
13. Core Services-**HR**  
HR Director Marquardt gave an update on Core Services.

### HEARING OF CITIZEN COMMENTS

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### RESOLUTION

14. Resolution Authorizing the Public Works Director to approve payments up to \$2,000 for the Walworth Ave Temporary Limited Easement purchases.- **Public Works**  
Motion made to approve the Resolution to authorize the Public Works Director to approve payments up to \$2000 for the Walworth Ave Temporary Limited Easement purchases 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

15. Resolution authorizing the issuance and sale of up to \$2,169,225 waterworks and sewer system revenue bonds, series 2024c, and providing for other details and covenants with respect thereto, and approval of related \$4,269,225 financial assistance agreement-  
**Public Works**

Motion made to approve the Resolution authorizing the issuance and sale of up to \$2,169,225 waterworks and sewer system revenue bonds, series 2024c, and providing for other details and covenants with respect thereto, and approval of related \$4,269,225 financial assistance agreement by Councilmember Majkrzak, Seconded by Councilmember Brown.

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

16. Resolution authorizing the Whitewater Community Development Authority to sell lot A323600002 located on Bluff Road- **Economic Development Director**

Motion made approve the Resolution authorizing the Whitewater Community Development Authority to sell lot A323600002 located on Bluff Road by Councilmember Hicks, Seconded by Councilmember Schanen.

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

## ORDINANCES

### First Reading

17. **Ordinance 2024-O-11** an Ordinance to amend Title 20 Right to Entry language-  
**Neighborhood Services**

Motion made to approve Ordinance 2024-O-11 an Ordinance to amend Title 20 Right to Entry language by Councilmember Hicks, Seconded by Councilmember Schanen.

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

Motion made to waive second reading of Ordinance 2024-O-11 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

**18. Ordinance 2024-O-08** Creating Section 5.30 Mobile Food Establishments (MFE's)-  
**Economic Development Director**

Motion made to approve Ordinance 2024-O-08 Creating Section 5.30 Mobile Food Establishments (MFE's) 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 waive second reading of Ordinance 2024-O 08 Creating Section 5.30 Mobile Food Establishments 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

**19. Discussion and Possible Action regarding Server Replacement RFP-IT**

Motion made approve the RFP to Digicorp's Hyper-V option along with the additional equipment for a total of \$174,037.00 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

**20. Discussion and Possible Action regarding Alternate Policy- Round Robin- **City Manager****

Motion made to approve the Round Robin to the Alternate Policy for Committees by Councilmember Hicks, Seconded by Councilmember Brown.

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

**21. Discussion and Possible Action regarding reaffirming the Public Art Committee and appointing a Common Council Representative to sit on the committee- **Economic Development Director****

Motion made to reaffirm the Public Art Committee and appoint Brienne Brown by Councilmember Hicks, Seconded by Councilmember Smith.

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

Voting Abstaining: Councilmember Dawsey Smith

**22. Discussion and Possible Action regarding the "Class B" Hawk Bowl Alcohol License held by DLK Enterprises, Inc.- **City Clerk****



Motion made approve the agreement between the City of Whitewater and DLK regarding their Hawk Bowl alcohol Class B license by Council President Singer, Seconded by Councilmember Schanen.

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

23. Discussion and Possible Action regarding approving an easement with WE Energies for underground distribution at Southwest Water Tower site. -**Public Works**

Motion made to approve an easement with WE Energies for underground distribution at Southwest Water Tower site 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

24. Discussion and Possible Action regarding the City Manager review of Goals- **HR**

City Manager John Weidl gave the Council update on the 2023-2024 Budget Goals.

25. Discussion and Possible Action regarding Strategic Plan Modifications-**City Manager**

City Manager Weidl gave the Council an update on the Strategic Plan modifications.

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

Councilmember Smith would like to see the Council meeting held on UWW Campus an annual meeting.

Councilmember Hicks would like to hear an update on the WAFC since the agreement has been signed and a financial update at the end of the year.

## FUTURE AGENDA ITEMS

27. Brown Cab update-**Finance Q3**
28. Tentative date to hold Common Council meeting at UWW Campus 9/17/24-**City Manager/Singer Q3**
29. Review the reference to Chapter 10 in Ordinances 2024-O-05, 2024-O-06 Title 19 and 20.-**Dawsey Smith Q2**
30. Mobile Home Special Assessments-**Hicks Q3**
31. Part-time and Seasonal Salaries amendment-**Schanen-Q2**
32. Library Construction Costs and Financing-**Library**
33. Turning radius on Franklin and Main-**Dawsey Smith**
34. Comparison of Public Comments-**City Manager Q3**

**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:**

**Did not go into Closed Session.**

CS-35. Park Crest Development Agreement

CS-36. Developers Agreement for Royal Hounds Project (Lot /A323600002) located on Bluff Road.

**CONSIDERATIONS**

37. Discussion and Possible Action regarding the Park Crest Development Agreement-  
**Economic Development Director**

Motion made approve the Park Crest Development Agreement 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

38. Discussion and possible action regarding Developers Agreement for Royal Hounds Project (Lot /A323600002) located on Bluff Road.- **Economic Development Director**

Motion made approve the Developers Agreement for Royal Hounds Project (Lot A323600002) located on Bluff Road 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

**ADJOURNMENT**

Motion made to adjourn at 7:35 pm 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

**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.**





# Plan & Architectural Review Meeting

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

**Monday, June 10, 2024 - 6:00 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.**

**Plan & Architectural Review Commission**  
Jun 10, 2024, 6:00 – 8:00 PM (America/Chicago)

**Please join my meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/179052037>

**You can also dial in using your phone.**

Access Code: 179-052-037

United States: +1 (408) 650-3123

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## MINUTES

### CALL TO ORDER AND ROLL CALL

Called to order at 6:00 p.m.

#### PRESENT

Chairman, Councilmember Neil Hicks  
Board Member Bruce Parker  
Vice Chairperson Tom Miller  
Board Member Carol McCormick  
Board Member Lynn Binnie

#### ABSENT

Board Member Michael Smith

#### STAFF

Taylor Zeinert, Economic Director  
Allison Schwark, Planner

Attorney Jonathan McDonell  
Llana Dostie, Neighborhood Services Administrative Assistant

**APPROVAL OF AGENDA**

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**APPROVAL OF MINUTES**

- 1. Approval of May 13, 2024 Minutes.

Motion made by Vice Chairperson Miller, Seconded by Board Member McCormick.  
Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

**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

**UPDATES / REPORTS**

- 2. Update on Bower's House.

Michael Peine, architect for the Bower's House project provided an update on the project at this time. The current scope of work has been structural. During demolition there was a lot of structural issue exposed. They have added more structural beams to carry the load. The roof has been redone. New water and sanitary lines have been added to the building. The ongoing plan is to have commercial on the bottom and apartments on the 2nd and 3rd floor most units will be 1 bedroom units, with 1 two bedroom unit on each floor. There will be a total of 10 units. Continued goal is to maintain historical look on the outside.

**PUBLIC HEARING FOR REVIEW AND POSSIBLE APPROVAL**

- 3. **This item has been moved to the July 8, 2024 meeting at the request of the applicant.**

Discussion and possible approval of a Conditional Use Permit for a New Wireless Telecommunication Facility and Free Standing Tower to be located at 1002 S Janesville Street Tax Parcel # /WUP 00341 for LCC Telecom Services.

- 4. Discussion and possible approval to change zoning of the Irvin L Young properties to reflect the correct zoning use.

Planner Schwark noted there was an error in address on her planners report. Library address is 431 W Center St. Board Member Binne requested clarification on that this would be a recommendation to common council. Board Member Parker asked whether this would be a spot zone situation. Planner Schwark confirmed this would not be. Board Member stated that this use will need to be added to ordinance. Attorney McDonell stated that the ordinance should be updated.

Motion by Board Member Binne to have the attorney and planner come back with a proposed revision to the definition of Institutional zoning and than have this matter be heard with the updated ordinance.

Motion made by Board Member Binnie, Seconded by Board Member Parker.  
Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

- 5. Discussion and possible approval to change zoning of the Municipal Building properties to reflect the correct zoning use.

Motion by Board Member Binne to have the attorney and planner come back with a proposed revision to the definition of Institutional zoning and than have this matter be heard with the updated ordinance.

Motion made by Board Member Binnie, Seconded by Board Member Parker.  
Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

- 6. Discussion and possible approval of a Certified Survey Map(CSM) for Land Division creating two new lots for Tax Parcel # /CAH 00007 located at 1207 W Carriage Drive for Keystone Real Estate Investments, LLC.

Planner Schwark explained this is a two lot proposed CSM. No plans for development plans for back lot. Board Member Binnie asked paving that portion of road was not in the scope of work of the current project. Planner Schwark confirmed it was not. Owner Matt Kuehl commented that the condition about paving to the gravel road. He felt that it would be a better taking up the condition when the city decides to pave Carriage Drive.

Motion by Board Member Binnie moved approval with the planners recommendations:

- A. All requirements of the R-3 zoning district shall be met for both Lot 1 and Lot 2. Specifically, for Lot 1, the applicant shall provide setbacks and the area of the existing multifamily building in order to demonstrate the requirements of the R-3 zoning district are met.
- B. The CSM shall be corrected to label Carriage Drive as a platted, public road. This is necessary to ensure that Lot 2 meets minimum street frontage requirements.
- C. Any other conditions stipulated by the PARC.

Motion made by Board Member Binnie, Seconded by Board Member McCormick.  
Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson

Miller, Board Member McCormick, Board Member Binnie

7. Discussion and possible approval of a Conditional Use Permit for a New Wireless Telecommunication Facility and Free Standing Tower to be colocated on the Water Tower located at 797 Indian Mound Parkway Tax Parcel #/A277200001 for Verizon.

Planner Schwark explained this is the second to last spot on the water tower. Verizon will be co-located on the top of the water tower. Infrastructure is already on the site. Chris Lee from Mountain Ltd they represent Verizon he provided a brief presentation on project. Board Member Hicks asked for some changes to the the following:

-A 1.0 and A-1.1 the 8 inch stub ups at the pad drawing shows them outside fence needs covered to stop water penetration.

-Inside tower would like to see properly waterproofed at base of tower.

-A 2.0 doesn't make any mention of tower lights and would like to see those raised 6 inches above the highest antenna

-A 4.12 for the protection of our workers an RF Guideline sign placed at the top of the water tower right before the exit

-E-2.1 if paint and steel is being ground down, would like that inspected by our DPW Director.

Motion by Chairman Hicks to approve co-location of Verizon on the water tower located at 797 Indian Mound Pkwy with the planners recommendation except with the removal of f and the addition of the comments he made as well.

Motion made by Chairman Hicks, Seconded by Board Member Binnie.

Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

8. Discussion and possible approval of Conditional Use Permit to allow for the conversion of dwelling into a duplex for Tax Parcel # /WUP 00096 located at 452 W Main Street for BCN Rentals, LLC.

Board member Parker asked if we had a floor plan of second floor. Planner Schwark stated that the second floor is not included in this approval. Attorney McDonell confirmed that there is a separate entrance to the second floor from the parking lot.

Matt Stever and Dixie Stever from BCN Rentals. The plans state that there will be locking fireproof door.

Motion made to approve with planners recommendations with addition that the emergency fire exit be added to the plans.

Brian Furthmuth spoke about the applicant.

Motion made by Board Member Binnie, Seconded by Board Member McCormick.

Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

**FUTURE AGENDA ITEMS**

- 9. Discussion and possible referral to Common Council for Changes to 19.55.070(f)-July

**NEXT MEETING DATE JULY 8, 2024**

**ADJOURNMENT**

Motion made by Vice Chairperson Miller, Seconded by Board Member McCormick.

Voting Yea: Chairman, Councilmember Hicks, Board Member Parker, Vice Chairperson Miller, Board Member McCormick, Board Member Binnie

Adjourned at 7:04 p.m.

**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  
312 W. Whitewater Street  
Whitewater, WI 53190  
or Idostie@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.*





## Library Board of Trustees

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

**Monday, May 20, 2024 - 6:30 PM**

### Minutes

**CALL TO ORDER** at 6:32 pm.

#### **ROLL CALL**

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

Absent: Doug Anderson

Staff: Diane Jaroch, Rachel Clift

Guests: None

#### **ELECTION OF OFFICERS**

Jennifer Motszko - President

Jaime Weigel - Vice President

Kathy Retzke - Treasurer

Alyssa Orłowski - Secretary

MSC Diebolt-Brown/Berndt to approve officers for 2024-2025.

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

Nays: none

#### **APPROVAL OF AGENDA**

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MSC Diebolt-Brown/Retzke to approve Consent Agenda without April meeting minutes.

Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke, Sallie Berndt, Jaime 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 April 15, 2024 meeting

MSC Diebolt-Brown/Weigel to approve Consent Agenda April meeting minutes amended.

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

Nays: none

2. Approval of Payment of Invoices
3. Acknowledgement of Receipt of March 2024 Statistical report
4. Acknowledgement of Receipt of April 2024 Statistical report
5. Acknowledgement of Receipt of the Treasurer's report
6. Acknowledgement of Receipt of Financial reports

Library Board of Trustees Agenda May 20, 2024 Page 2

### **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.***

### **OLD BUSINESS**

7. Review and approval of the revised Partnership Policy

MSC Diebolt-Brown/Weigel to approve revised Partnership Policy.

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

Nays: none

8. Library Building Project update.

- a. Bids open June 18th. Plans went to state for approval. Ground will be broken in late July.

## **NEW BUSINESS**

9. Approval to close the library on June 19, 2024 from 11:00 a.m. until 1:00 p.m. for the City Staff Picnic.

MSC Diebolt-Brown/Orlowski to approve closing the library on June 19th for City Staff Picnic.

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

Nays: none

10. Review and approval of the Materials Replacement Policy.

MSC Weigel/Diebolt-Brown to approve Materials Replacement Policy as written.

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

Nays: none

11. Discussion of FLSA (Fair Labor Standards Act) changes to the exempt minimum wage starting January 1, 2025.

## **CONSIDERATIONS / DISCUSSIONS / REPORTS**

12. Library Director's report

- a. Hoopla being discontinued at this library this year. Overdrive will be used.

13. Assistant Director's report

14. Youth Educational Services report

- a. Deana had a table at Dia de las Ninos!

15. Programming & Makerspace report

16. Board reports

## **FUTURE AGENDA ITEMS**

## **CONFIRMATION OF NEXT MEETING**

17. June 24, 2024 at 6:30 pm.

MSC Diebolt-Brown/Retzke to adjourn.

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

Nays: none

**ADJOURNMENT** at 7:26 pm.

Next meeting is June 24, 2024 at 6:30 p.m.

Minutes respectfully submitted by Alyssa Orłowski on Monday, May 20, 2024.



**Lakes Advisory Committee Meeting Minutes  
Wednesday, May 1, 2024 – 4:00 pm  
Cravath Lakefront Room  
312 W. Whitewater Street  
Whitewater, WI 53190  
Hybrid Meeting**

**1. Call to Order and Roll Call**

Present: Carol McCormick, Elvira Kau, Kurt Zipp, Gayle Stettler, and Ginny Coburn.

Absent: Geoff Hale

Staff: Michelle Dujardin, and Kevin Boehm

Guest: Don Huntington

**2. Approval of Agenda**

Motioned by Carol McCormick. Seconded by Elvira Kau. Ayes: Carol McCormick, Elvira Kau, Kurt Zipp, Ginny Coburn and Gayle Stettler . Absent: Geoff Hale

**3. Approval of Minutes from Wednesday, April 3, 2024**

Motioned by Carol McCormick. Seconded by Elvira Kau. Ayes: Carol McCormick, Elvira Kau, Kurt Zipp, Ginny Coburn, and Gayle Stettler . Absent: Geoff Hale

Geoff Hale Arrived at 4:10pm

**4. Hearing of Citizen Comments**

No Citizens Comment

**5. Considerations/Discussions/Reports**

**a. Discussion and Presentation on attendance at the 2024 Wisconsin Lakes and Rivers Convention April 10-12, 2024.**

- i. Presentation given by staff member Michelle Dujardin and Lakes Advisory Committee Member Kurt Zipp.

**b. Discussion and Possible Action Regarding Approval of Proposed Scope of Work to be performed by SEWRPC for phase one of the Comprehensive Lakes Management Plan for Cravath and Trippe Lakes**

As requested during a March 4, 2024, meeting of the City of Whitewater lake committee (“City”), the Southeastern Wisconsin Regional Planning Commission (“Commission”) has prepared this scope of work examining a variety of management issues that the City believes are important to the continued health and vitality of Cravath and Trippe Lakes (“Lakes”). This scope of work provides most of the technical, schedule, and budget information regarding fieldwork and data collection efforts as the first phase of a two phase process in preparing a comprehensive lake management plan for the lakes. A subsequent phase and scope of work will cover data analysis, plan writing, and management plan activities; the City may elect to apply for a grant through the Wisconsin Department of Natural Resources (“WDNR”) Surface Water Grant program to help fund some of this subsequent phase.

The fee for the 2024 comp plan phase one is up to but not to exceed \$11,500. Monies for the project is budgeted in the Feasibility line for Lakes Capital Budget.

Motioned by Geoff Hale to approve the Cravath and Trippe 2024 Comp Plan Phase One Agreement with Wisconsin Regional Planning Commission with recommendation to Common Council, Seconded by Carol McCormick . Ayes: Carol McCormick, Elvira Kau, Kurt Zipp, Ginny Coburn, Geoff Hale, and Gayle Stettler.

McCormick advised the spelling of Trippe should always contain an (e) .

**6. Future Agenda Items**

- a. May 21st: Presentation/ Q & A from Extension Lakes Director, Eric Olson. Subject: Creating a Lakes District
- b. May 29<sup>th</sup>. Southeastern Wisconsin Regional Planning Commission Presentation

**7. Adjournment**

- c. Motioned by Geoff Hale at 5:05pm.

Respectfully Submitted,

*Michelle Dujardin*



**Lakes Advisory Committee Meeting Minutes**  
**Wednesday, May 29, 2024 – 4:00 pm**  
**Cravath Lakefront Room**  
**312 W. Whitewater Street**  
**Whitewater, WI 53190**  
Hybrid Meeting

**1. Call to Order and Roll Call**

Present: Carol McCormick, Kurt Zipp, Elvira Kau, and Gayle Stettler, and Ginny Coburn.

Absent: Geoff Hale

Staff: Michelle Dujardin

Guest Speakers: Justin Poinatte, Danielle Matuszak, and Hanna Helker

**2. Hearing of Citizen Comments**

No Citizens Comment

**3. Considerations/Discussions/Reports**

**a. Discussion and possible action regarding presentation from Southeastern Wisconsin Regional Planning Commission**

- i. Presentation of current timeline, scope of work and discussion given by Justin Poinatte and Danielle Matuszak.

Presentation Notes:

**Plan: Short-Term**

- Aquatic plant survey of Cravath and Tripp lakes (**Scheduled for week of July 15<sup>th</sup>, 2024**)
  - This survey would inform an updated aquatic plant management plan for the lake
- Shoreline survey (**Scheduled for week of July 15<sup>th</sup>, 2024**)
  - Complete survey of both lakes' shorelines using WDNR protocol
  - Conducting in 2024 would help document current problems with cattail encroachment
    - Conducting in 2025 or beyond may better document "typical" conditions if cattails begin to die off
- Fisheries
  - Request information from WDNR fisheries biologist regarding next fishery survey for lakes (already completed)
- Water quality monitoring in 2024
  - Cravath and Tripp lakes (**UW-Whitewater Professor Dale Splinter will work with SEWRPC starting in June to collect data**)

- Water clarity (secchi disk), temperature, dissolved oxygen, specific conductance, chloride, total phosphorus, and chlorophyll-a
  - Bluff Creek, Spring Brook, Whitewater Creek upstream, and Whitewater Creek downstream (UW-Whitewater and SEWRPC)
    - Water clarity (transparency tube), temperature, dissolved oxygen, specific conductance, total phosphorus, and total suspended solids
  - Note: we (SEWRPC) have automated water temperature and specific conductance loggers that could be installed into the lakes and creeks (**Scheduled to be in place June or July 2024**)
- Recreational use
  - Incidental monitoring while completing other surveys on lake – no intensive survey efforts

### Plan: Long-Term

- Aquatic plant management plan
  - Informed by aquatic plant survey
  - Would enable City/District to apply for aquatic plant management permits as a single entity rather than individual homeowners
- Fisheries
  - Enhance warmwater sport fishery (bass, crappie, perch, etc.)
  - Develop long-term plan to help reduce carp population
- Water quality
  - Could request funds to analyze water quality constituents not covered in 2024 monitoring or to continue 2024 monitoring efforts
  - Incorporate 2024 and beyond data with historical data to examine conditions and trends in lakes, tributaries, and Whitewater Creek downstream
- Shorelines
  - Ensure that City/District has permit to address shoreline restoration problems instead of individual homeowners
- Stormwater management
  - Incorporate major elements and actions from 2017 stormwater management plan
  - Investigate potential impact of stormwater pollutants on lake water quality as part of pollutant load modeling
- Recreational use
  - Install signs with QR codes asking lake users about how they recreate, fish that they catch, etc.
  - Ensure that water quality goals for fishable and swimmable lakes are met
    - Tie in with plans to increase recreational activities on lakes through handicap access for fishing, trails, swimming hole in Tripp
- Lake and watershed characterization
  - Lake size, bathymetry, and brief review of dam infrastructure and operations
    - Using available information – no new surveys of dam
  - Characterize land use, civil divisions, households and urban growth, wetlands, etc. within watershed



- These elements inform the pollutant load modeling as well as other aspects of plan development, e.g. recommending areas where wetland enhancement can trap nutrients
- Pollutant loading
  - Conduct watershed pollutant load modeling (e.g., STEPL model) to examine major pollutant sources and source areas
  - Recommend practices and programs to help reduce pollutant loading
    - Agricultural practices, wetland enhancements, stormwater management, lawn and shoreline care, etc.
- Grants and Funding Opportunities
 

We will recommend grants, programs, and other funding opportunities to help implement the practices and programs that we recommend within the plan. These will include grants that the City, District, and individual homeowners are eligible applicants for
- **SEWRPC will be drafting scope of second phase along with budget to submit for review**

#### **4. Considerations/Discussions/Reports**

##### **a. Discussion and possible action regarding bids for mechanical dredging of Cravath and Trippe Lake Cattail.**

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 Big from RLP Diversified, Inc, \$160,000.00

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.

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

Kurt Zipp noted the success of the Swamp Devil Cattail Shredding on his property in 2023. Zipp noted he made contact with the owner of the company to inquire on possible return to both lakes to help water quality.

Motioned by Ginny Coburn to award RLP Diversified the bid contract \$160,000.00 for Cravath and Trippe Lake Dredging of cattail with recommendation to Common Council, Seconded by Elvira Kau .

Discussion:

Stettler questioned the working relationship with Eco Waterway Services in 2023. Dujardin replied with great working relationship.

McCormick stated a great working relationship with Eco Waterway Services on her personal property project  
Zipp commented the benefit of having a previous working relationship

Ayes: None. No's: Carol McCormick, Elvira Kau, Kurt Zipp, Ginny Coburn, and Gayle Stettler.  
Absent: Geoff Hale.

Motion Failed

Motioned by Ginny Coburn 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.

Motion Passed

**5. Future Agenda Items**

- a. Storm Water Information Requested by Kurt Zipp
- b. Lake District Creation Discussion
- c. Lake District Marketing Campaign

**6. Adjournment**

- d. Motioned by Kau to adjourn, seconded by McCormick. Unanimous voice vote.  
Adjournment at 5:35pm.

Respectfully Submitted,

*Michelle Dujardin*



**Lakes Advisory Committee Meeting Minutes**  
**Wednesday, June 19, 2024 – 4:00 pm**  
**Cravath Lakefront Room**  
**312 W. Whitewater Street**  
**Whitewater, WI 53190**  
Hybrid Meeting

**1. Call to Order and Roll Call**

Present: Carol McCormick, Kurt Zipp, and Elvira Kau.

Absent: Geoff Hale, Gayle Stettler, and Ginny Coburn.

Staff: Michelle Dujardin

Guests: Don Huntington and Jeff Weigel

**2. Consent Agenda:**

**Lakes Advisory Committee Meeting Minutes, May 1, 2024**

**Lakes Advisory Committee Meeting Minutes, May 21, 2024**

**Lakes Advisory Committee Meeting Minutes, May 29, 2024**

Committee did not have a quorum, agenda items were not able to be approved.

**3. Staff Reports**

Dujardin reported: Cattail removal contract was awarded to RLP Diversified, start date after July 8<sup>th</sup>. SEWRPC installed continuous water temperature and water level loggers. They were installed at six locations: one in each of Cravath and Trippe lakes, one in Spring Brook, one in Bluff Creek, and two in Whitewater Creek (upstream and downstream of lakes). These loggers will be monitoring water temperature and water levels in the lakes and creeks every hour until they are removed – the plan is to keep them in for at least the summer and potentially for the next year.

**4. Hearing of Citizen Comments**

Jeff Weigel, Whitewater Creek Coalition expressed interested to the committee in partnering with weekly clean up events, public education, invasive species control, water testing, improving Whitewater Creek Nature Area, and dovetail together in future planning.

## **5. Considerations/Discussions/Reports**

### **a. Discussion and possible action regarding Whitewater Stormwater Management Plan Budget Questions**

- i. Dujardin presented Fund 630 Stormwater Utility Budget to committee.
- ii. Committee formulated questions and asked for Public Works Director Brad Marquardt to the next meeting.
  1. The last report/plan was done in 2017. What is the status of the new and updated version?
  2. Can you update the group on the Starin Park project and where that water goes?
  3. The property owners are charged a storm water fee, can you explain the uses of that fee and does that strictly go to maintenance or is there a fund for improvements? (Any that benefit the lakes/streams)
  4. If you had to pick a project in the storm water plan that isn't being done that you would like to see done, what is that project? Could the Lakes Advisory Committee help make that happen through combination efforts with grant funding?
  5. Is it possible to increase the stormwater fee and save in a fund that helps with lake improvements?
  6. Does all the city stormwater go into the lakes?

## **6. Considerations/Discussions/Reports**

### **a. Discussion and possible action regarding creation of a Lakes District.**

The committee directed Dujardin to reach out to Eric Olson and other similar communities to obtain sample resolutions.

## **7. Considerations/Discussions/Reports**

### **a. Discussion and possible action regarding Lake District Marketing Campaign.**

Dujardin presented the opportunity to create a Summit and allow the community to come in and learn about the Lakes and the benefits of creating a Lake District. Local location of 841 was suggested. Possible dates would include first two weeks of October.

The committee directed Dujardin to reach out to 841 for possibilities. McCormick offered to attend conversation with 841. Future planning to take place after date set.

## **8. Future Agenda Items**

- a. Storm Water Updates
- b. Lake District Creation Discussion
- c. Lake District Marketing Campaign
- d. Geese Concerns

**9. Adjournment**

- e. Motioned by Kau to adjourn, seconded by McCormick. Unanimous voice vote.  
Adjournment at 5:15pm.

Respectfully Submitted,

*Michelle Dujardin*



**Special Lakes Advisory Committee Meeting Minutes**  
**Tuesday, May 21, 2024 – 9:00 am**  
**Cravath Lakefront Room**  
**312 W. Whitewater Street**  
**Whitewater, WI 53190**  
Hybrid Meeting

**1. Call to Order and Roll Call**

Present: Carol McCormick, Kurt Zipp, and Ginny Coburn.  
Absent: Geoff Hale, Elvira Kau, and Gayle Stettler  
Staff: Michelle Dujardin  
Guest: Eric Olson

**2. Approval of Agenda**

No quorum, no action taken

**3. Approval of Minutes from, May 1, 2024**

No quorum, no action taken

**4. Hearing of Citizen Comments**

No Citizens Comment

**5. Considerations/Discussions/Reports**

- a. **Discussion and Presentation on Creating Lakes District by Extension Lakes Director, Eric Olson**
  - i. Presentation given by Eric Olson

Presentation Notes:

- Budget is the main power of the Lake District
- Lakes Districts can be formed in two different ways
  - Creating a resolution that goes to City Council ( If passed the City Council becomes the governing body)
  - 51% Petition
- Important questions to think about:
  - Boundary lines- What makes sense
  - Urban Management Run Off
  - How to collaborate with the community

- How to collaborate with Storm Water
- Storm Water incentives for the community
- Set an example of positive storm water practices on City Property
- Education is key ( Brochures, Educational Signs, Videos, Social Media Campaign)
- Lake District help fund season staff person to take care of positive storm water projects ( Rain Gardens)
- New Developments- Do they have in their designs how to help storm water
- Create and simulate an annual budget to demonstrate benefits to community
  - Is the fee based on Mill Levy or Special Charges?
- Suggested Idea
  - Create a Public Planning Event- Invite the Community to learn why a Lake District is beneficial. Blend in professionals such as SEWRPC and Eric Olson to help answer specific questions.

**6. Future Agenda Items**

- a. Storm Water Information Requested by Kurt Zipp

**7. Adjournment**

- b. Adjournment at 10:05am.

Respectfully Submitted,

*Michelle Dujardin*



# Common Council Agenda Item

Meeting Date: August 6, 2024

Agenda Item: Appointment of Additional 2024-2025 Election Inspectors

Staff Contact (name, email, phone): Heather Boehm [hboehm@whitewater-wi.gov](mailto:hboehm@whitewater-wi.gov) 262-473-0102

## BACKGROUND

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

Appointment of poll workers is governed by Wisconsin statutes. Clerks must use those nominees, and if there are an inadequate number of nominees, the Clerk may than use unaffiliated workers. At the December 19, 2023 Common Council meeting, Council approved a list of Election Inspectors that included the Party nominees. This is a list of people who volunteered after the first list was approved already. A list of individuals being nominated to serve as poll workers is attached.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

Request for approval of the list of election inspectors as presented.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

Election Inspector listing.



Name	Affiliation	Address
Chandler, Sue	Unaffiliated	369 Lakeview Dr
Dawsey-Smith, Lisa	Unaffiliated	273 N Fremont St
Dorn, Mike	Unaffiliated	400 S Rice St Unit 34
Erickson, Jon	Unaffiliated	
Fassl, Jeanine	Unaffiliated	675 S Franklin St
Hansen, Russ	Unaffiliated	
Heidenreich, Lori	Unaffiliated	630 S Janesville St
Hicks, Neil	Unaffiliated	1254 Tower Hill Pass
Johnson, David	Unaffiliated	250 Indian Mound Pkwy
McCormick, Carol	Unaffiliated	555 E Clay St
Oster, Carrie	Unaffiliated	132 N Esterly Ave
Rocha, Ramone	Unaffiliated	
Stanek, Sheryl A	Unaffiliated	415 S Douglas Ct
Thomas, Jeremiah	Unaffiliated	312 W Whitewater St
Telfer, Veronica	Unaffiliated	304 Woodland Dr

# Community Development Authority Board of Directors Meeting (In-Person & Virtual)



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

**Thursday, May 16, 2024**

## MINUTES

### CALL TO ORDER

Interim Chair Neil Hicks called the meeting order at 5:33 p.m.

### ROLL CALL

PRESENT: Joe Kromholz, Jon Kachel, Neil Hicks, Christ Christon, Greg Majkrzak, Jeff Knight, Thayer Coburn. STAFF: Taylor Zeinert (Economic Development Director); John Weidl (City Manager).

### APPROVAL OF AGENDA

Moved by Knight to amend the Agenda to cancel the executive session due to the subject matter that has significantly changed and has the potential to make a huge impact on property taxes and should be vetted by the community and the City Council. Seconded by Neil Hicks. City Manager Weidl stated that the normal order for all previous projects has been submitted first to the CDA and then to City Council and that the City Attorney had vetted the process. Roll Call vote: AYES: Kachel, Hicks, Knight; NOES: Christon, Kromholz, Majkrzak, Coburn; ABSENT: None. Motion failed to pass. Moved by Majkrzak to approve the Agenda; seconded by Coburn. Roll Call Vote: AYES: Majkrzak, Coburn, Christon, Kromholz, Hicks NOES: Knight, Kachel.

### CONSIDERATION & ELECTION OF CHAIR & VICE CHAIR

Coburn nominated Greg Majkrzak to serve as Chair; seconded by Kromholz. Hicks called for any other nominations for Chair. Kachel nominated Jeff Knight to serve as Chair; Knight declined. Hearing no other nominations, roll call vote was taken. AYES: Coburn, Hicks, Christon, Kachel, Kromholz, Knight, Majkrzak. Interim Chair Hicks declared Majkrzak the duly-elected Chair and turned the meeting over to Chairman Majkrzak.

Chairman Majkrzak then opened nominations for Vice Chair. Coburn nominated Joe Kromholz to serve as Vice Chair; seconded by Majkrzak. Kachel nominated Hicks to serve as Vice Chair; seconded by Knight. Hearing no other nominations, roll call was called for the nomination of Joe Kromholz to serve as Vice Chair. AYES: Maj, Hicks, Christon, Coburn, Kromholz, Kachel. Noes: Knight. Chairman Majkrzak declared Joe Kromholz as the duly-elected Vice Chair.

**DECLARATION OF CONFLICT OF INTEREST.** None declared.

**HEARING OF CITIZEN COMMENTS.** None.

### APPROVAL OF MINUTES

2. The Minutes of the April 18, 2024 CDA Board of Directors Meeting were unavailable. Chairman Majkrzak moved to table this item until the June 20, 2024 CDA Board of Directors Meeting; seconded by Kromholz. Motion passed by unanimous roll call vote.

#### ACKNOWLEDGE FINANCIAL STATEMENTS

3. Moved by Hicks to approve the CDA Financial Statements for Period Ending April 30, 2024; seconded by Kromholz. Motion passed by unanimous roll call vote.

#### ACTION ITEMS

4. **Consideration and possible action regarding appointment of Economic Development Director Taylor Zeinert to serve as CDA Director.** Chairman Majkrzak opened discussion of this item. **Jim Heckendorf (Fontana, WI)** question: Was the position posted for the public? City Manager Response: Yes; Question: How many responses were received? City Manager response: two (2). Question: Were they interviewed? City Manager response: Yes. Question: What was the experience of those candidates? City Manager response: I would need to ask the Human Resources Director who is not present at this meeting. Question to Taylor Zeinert: What is your experience? Zeinert response: Did undergraduate work at Carroll; holds a Masters in Public Administration from UW-Oshkosh; took classes specific to economic development; worked for the Wisconsin Towns Association (consisting of 1,260 towns) responding to legal questions, including fielding TIF district related questions; worked for the City of Clintonville assisting the City Administrator and Assistant City Administrator, including extensive TIF work; worked for two law firms both specializing in municipal law; grew up in small town and fell in love local government and economic development.

Moved by Kromholz to approve the appointment of Economic Development Director Taylor Zeinert to serve as the CDA Director; seconded by Coburn. Motion passed by unanimous roll call vote.

#### UPDATES & DISCUSSION

5. **Update and discussion regarding Innovation Center M.O.U.** Board Member Kromholz provided an update regarding the structure and status of the Memorandum of Understanding. The purpose of the current MOU is to replace the prior one and create a streamlined one where the City is essentially operating the facility with space reserved to continue the presence of the University at the Center. Kromholz expressed support for the CDA hiring their own attorney to advise the CDA regarding this and other matters. Kachel questioned the existing CDA advisory board and how that would function going forward. Director Zeinert responded to a request from the Board regarding the status of the search for a dedicated CDA Attorney.
6. **Update and discussion regarding status of Whitewater WindUp business competition.** Director Zeinert provided an update regarding the upcoming WindUp finale on May 18<sup>th</sup> and provided a list of businesses moving forward in the competition: The Grocery Cooperative, The Book Teller, Uptown Revive, Stellar Vintage, The Wellnest Shop, The Poppy Seed Company, Barista Cats Café and BHE Events. Zeinert then fielded questions from the Board, including a brief discussion regarding limiting future competitions to start-up businesses.

7. **Economic Development Activities Update.** Director Zeinert noted that the office has been really business with Bonnie out of the office. The ED Office completed five (5) Business Retention and Expansion (BRE) visits with local businesses and continue to schedule others. The WindUp is finishing up and Zeinert reported that she attended WEDA Basics of Economic Development Training where she made many connections with other municipalities for networking purposes. Zeinert finished up by fielding questions from the Board regarding the BRE Program. City Manager provided basic details about the questionnaire that is used and welcomed any suggestions or additions from the Board. Board Member Coburn expressed interest in feedback from those visits. Board Member Knight suggested providing employers with information about activities in Whitewater to share with their employees.
  
8. **Update and discussion regarding April 25th Housing Round Table.** Director Zeinert thank all who were able to attend the Housing Round Table. Zeinert reported that there were 67 attendees that the City has never seen before and summarized studies and information shared by the presenters, including the need for single family housing, multi-family and mixed-use housing. Larry Kachel (457 S. Buckingham Blvd.) expressed concern about using TID money for multi-family housing projects and offered his opinion regarding some of the conclusions represented in the Doersching report. Jeff Knight also commented on what he considered conflicting data between the three presentations.

#### EXECUTIVE SESSION

Chairman Majkrzak moved to adjourn to Closed Session, TO RECONVENE, pursuant to Wisconsin Statutes 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. Item to be discussed: Consideration and possible action regarding proposed multi-family development to be located on Moraine View Parkway (Tax Parcel No. WPB 00044) for Chris Slater. Motion seconded by Coburn/Kachel. Roll Call Vote: AYES: Hicks, Coburn, Kachel, Kromholz, Christon, Majkrzak. NOES: Knight. ABSENT: None. Motion passed.

**RECONVENE INTO OPEN SESSION.** Moved by Majkrzak to reconvene to open session to take action on closed session item; seconded by Kachel. Motion passed by unanimous voice vote. Majkrzak moved to approve a recommendation to the Common Council for approval of the proposed multi-family development to be located on Moraine View Parkway (Tax Parcel No. WPB 00044) for Chris Slater. Seconded by Coburn. Knight expressed his concern for moving forward with a project that does not meet the "but for" provision when considering use of TIF funds to support a multi-family housing project. Kromholz offered his rebuttal of comments made by Knight and stated his support for the project. Kachel stated his support for development of multi-family housing but expressed concern for using TIF funds. Chairman Majkrzak restated his support for recommending approval to the Common Council. Roll Call Vote: AYES: Christon, Majkrzak, Coburn, Kromholz; NOES: Kachel, Knight Hicks; ABSENT: None. Motion passed.

#### FUTURE AGENDA ITEMS

10. Update regarding status of Action Fund Loan Loss Reserves.
11. Update regarding why Meeper Loan was written off.
12. Update regarding status of Scanalytics Capital Catalyst Loan.

13. Follow up on summary of Capital Catalyst original loan amounts.
14. Cost of amending a TIF District.
15. Update regarding ongoing litigation, if any.
16. Knight stated he would like to see copies of the Developer Agreements for the Meadowview and Aldi's projects.
17. Coburn would like an update regarding status of Slipstream Loan.
18. Coburn requested an update regarding education and recruitment of developers

**ADJOURNMENT.** Moved by Coburn and seconded by Kromholz to adjourn the meeting. Motion passed by unanimous roll call vote. Chairman Majkrzak adjourned the meeting at approximately 6:40 p.m.

Respectfully submitted,

Bonnie Miller, Recorder

Minutes approved at June 20, 2024 CDA Meeting.



**Special Meeting - Community Development  
Authority Board of Directors**

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

**Tuesday, July 02, 2024 - 6:00 PM**

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**MINUTES**

**CALL TO ORDER**

Vice-Chair Joe Kromholz called the meeting to order at 6:00 p.m.

**ROLL CALL**

PRESENT: Christ Christon, Joe Kromholz, Jeff Knight, Jon Kachel, Thayer Coburn. ABSENT: Neil Hicks, Greg Marjkrzak. STAFF PRESENT: Taylor Zeinert (CDA Director), Brad Marquardt (Director of Public Works), Bonnie Miller (CDA Administrative Assistant).

**APPROVAL OF AGENDA**

Moved by Board Member Knight to approve the Agenda; seconded by Board Member Coburn. Motion passed by unanimous voice vote (5).

**EXECUTIVE SESSION**

Moved by Board Member Coburn and seconded by Board Member Knight to adjourn to Closed Session, TO RECONVENE, pursuant to Wisconsin Statutes 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. Item to be discussed: Development Agreement for Phase 4B - Park Crest Subdivision. Roll Call Vote - AYES: Coburn, Kachel, Knight, Kromholz, Christon. NOES: None. ABSENT: Hicks, Majkrzak. Motion passed. Moved by Board Member Knight and seconded by Board Member Kachel to reconvene into Open Session to take possible action with regard to Development Agreement for Phase 4B - Park Crest Subdivision.

**RECONVENE TO OPEN SESSION**

Moved by Vice-Chair Kromholz and seconded by Board Member Coburn to approve the Development Agreement for Phase 4B of Park Crest Subdivision with Neumann Developments, Inc., including the TIF assistance in the form of pay-go as reflected on the attached TIF Worksheet for Park Crest Subdivision Phase 4B. Roll Call Vote – AYES: Christon, Kromholz, Knight, Kachel, Coburn. NOES: None. ABSENT: Hicks, Majkrzak. Motion passed.

**ADJOURNMENT**

Moved by Board Member Coburn and seconded by Board Member Kachel to adjourn. Motion passed by unanimous voice vote. Vice-Chair Kromholz adjourned the meeting at 6:20 p.m.

Respectfully submitted,  
Bonnie Miller, Recorder

Minutes approve at the July 18, 2024 CDA Board of Directors Meeting.



## Community Development Authority Board of Directors Meeting (In-Person & Virtual)

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

**Thursday, June 20, 2024**

### MINUTES

**Thursday, June 20, 2024**

**CALL TO ORDER**

Vice-Chair Joe Kromholz called the meeting to order at 5:32 p.m.

**ROLL CALL**

PRESENT: Greg Majkrzak (Virtual), Neil Hicks, Chris Christon, Thayer Coburn, Joe Kromholz, Jeff Knight (Virtual) and Jon Kachel. STAFF PRESENT: Taylor Zeinert (CDA Executive Director), Rachelle Blicht (Finance Director), Bonnie Miller (CDA Administrative Assistant).

**APPROVAL OF AGENDA**

Moved by Board Member Coburn to approve the Agenda; seconded by Board Member Kachel. ROLL CALL VOTE: AYES: Knight, Hicks, Coburn, Kachel, Kromholz, Christon, Majkrzak. NOES: None. ABSENT: None. Motion passed.

**DECLARATION OF CONFLICT OF INTEREST**

None.

**HEARING OF CITIZEN COMMENTS**

None.

**APPROVE MINUTES**

1. Moved by Board Member Hicks to approve the Minutes of the April 18, 2024 CDA Meeting; seconded by Board Member Kachel. Motion passed by unanimous voice vote.
2. Moved by Board Member Hicks to approve the Minutes of the May 16, 2024 CDA Board Meeting as amended to correct an omission of Board Member Christ Christon in the vote to approve the 04/18/2024 Agenda; seconded by Board Member Majkrzak. Motion passed by unanimous roll call vote.

**3. ACKNOWLEDGE FINANCIAL STATEMENTS**

Moved by Board Member Majkrzak to acknowledge the Financial Statements for period ending 05/31/2024; seconded by Knight. Motion passed by unanimous roll call vote.

**ACTION ITEMS**

4. **Discussion and Possible Action Regarding the Response to the Request for Proposals (RFP) to engage Legal Counsel for the CDA.**

Director Zeinert provided an update regarding the four proposals received: Lindner & Marsack (Milwaukee), Stafford Rosenbaum (Baraboo), Von Briesen (Milwaukee), West & Dunn (Madison). Staff recommended Stafford Rosenbaum. Moved by Board Member Knight to approve recommendation of Director Zeinert to select Stafford Rosenbaum; seconded by Board Member Board Member Coburn. Motion passed by unanimous roll call vote.

**5. Discussion and possible action with respect to amendment to Ordinance 5.28 regarding Mobile Food Establishments.**

Director Zeinert provided a brief summary of the changes to Ordinance 5.28 and stated that the Common Council asked for feedback from the CDA with regard to the draft presented at their Common Council Meeting. After discussion by the Board, it was moved by Board Member Hicks to approve the Ordinance as presented; seconded by Board Member Coburn. After a brief discussion, Board Member Hicks rescinded the original motion. Moved by Coburn to recommend that the Common Council approve the Ordinance 5.28 as presented; seconded by Board Member Hicks. Roll Call Vote: AYES: Majkrzak, Hicks, Christon, Coburn, Kromholz, Kachel. NOES: None. ABSENT: Board Member Knight had left the meeting. Motion passed.

**6. Update and possible action with respect to most recent draft of the Memorandum of Understanding (MOU) for the Innovation Center.**

Vice-Chair Kromholz stated that he has not heard final approval from UW-Whitewater and recommended that we table this item until CDA Legal Counsel has had a chance to review and to extend the current MOUs that are in place for another 30 days until the end of June. Coburn moved to table the discussion of the approving the Innovation Center MOU and extend the CDA's approval of the current MOU until September 30, 2024; seconded by Board Member Hicks. Roll Call: AYES: Hicks, Coburn, Kachel, Kromholz, Christon, Majkrzak. NOES: None. Absent: Knight. Motion passed.

**CONSIDERATIONS / DISCUSSIONS / REPORTS**

**7. Staff Update Regarding Why the Meeper Loan Was Written Off.**

Director Zeinert provided a brief summary of this agenda item and introduced Finance Director Rachelle Blich who provided a detailed summary of her report regarding the circumstances surrounding the write-off of the Meeper Loan, followed by questions from the Board. The report included a timeline of all of the various loans issued to four entities owned or controlled by Liz Eversoll. Patrick Singer (263 Amber Drive) offered comments regarding his recollections from the time he served on the CDA Board of Directors. Chair Kromholz would like to see a report regarding next steps to be taken by the CDA regarding its loan portfolio.

**EXECUTIVE SESSION**

Moved by Board Member Kromholz to adjourn to Closed Session, TO RECONVENE, pursuant to Wisconsin Statutes 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: **(8)** Discussion and possible action with respect to Whitewater WindUp Winner Allocations; **(9)** Discussion and Possible Action Regarding draft of Letter of Intent for Jon Tanis; **(10)** Developers Agreement for Park Crest Development (Lots 44-58 Park Crest Subdivision); **(11)** Discussion and possible action regarding Developers Agreement for Royal Hounds Project (Lot /A323600002) located on Bluff



Road. Motion seconded by Board Member Coburn Roll Call Vote: AYES: Majkrzak Hicks, Christon, Coburn, Kromholz, Kachel. NOES: None. ABSENT: Knight. Motion passed.

**RECONVENE INTO OPEN SESSION.** Moved by Board Member Coburn to reconvene to open session to take action on Closed Session Items 8 and 11.

**Item 8 – Discussion and possible action with respect to Whitewater WindUp Winner**

**Allocations.** Moved by Board Member Hicks to instruct the Attorney to create the appropriate legal documents for obtaining funds and criteria for spending said funds; seconded by Kachel. Roll Call Vote: AYES: Hicks, Christon Coburn, Kromholz, Kachel. NOES: None. ABSENT: Majkrzak, Knight. Motion passed.

**Item 9 – Discussion and Possible Action Regarding draft of Letter of Intent for Jon Tanis.** No action taken.

**Item 10 – Developers Agreement for Park Crest Development (Lots 44-58 Park Crest Subdivision).** No action taken.

**Item 11. Discussion and possible action regarding Developers Agreement for Royal Hounds Project (Lot /A323600002) located on Bluff Road.** Moved by Board Member Hicks to approve the Development Agreement for Royal Hounds project on Lot /A323600002 located on Bluff Road; seconded by Board Member Kachel. Roll Call: AYES: Coburn, Kachel, Kromholz, Christon, Hicks. NOES: None. ABSENT: Majkrzak, Knight. Motion passed.

**FUTURE AGENDA ITEMS**

- Staff update regarding ongoing Litigation.
- Staff update regarding status of Action Fund Loan Loss Reserves.
- Staff update regarding status of Scanalytics Capital Catalyst Loan.
- Staff update regarding summary of Capital Catalyst original Catalyst Loans.
- Staff Update Regarding the Cost of Amending TIF District.
- Staff Update Regarding Future Whitewater WindUp 2025.
- Staff work with newly-selected CDA Attorney regarding Meeper and come back with possible actions.
- Coburn – reach out to local developers – incentives available???
- Coburn/Joe – conflict of interest and “manual”.

**ADJOURNMENT.** Moved by Board Member Kachel and seconded by Board Member Hicks to adjourn the meeting. Motion passed by unanimous voice vote. Vice-Chair Kromholz adjourned the meeting at approximately 8:13 p.m.

**Respectfully submitted,**

Bonnie Miller, Recorder

Minutes approved at the July 18, 2024 CDA Board of Directors Meeting.



# Common Council Agenda Item

Meeting Date: August 6, 2024

Agenda Item: Approval of Class "A" Beer and Liquor License for Aldi's

Staff Contact (name, email, phone): Heather Boehm [hboehm@whitewater-wi.gov](mailto:hboehm@whitewater-wi.gov) 262-473-0102

## BACKGROUND

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

Per Chapter 5.20 of the Whitewater Municipal Code, alcohol licensees must submit applications yearly. Part of the process consists of the completion of police background check, fire inspection, and building code inspection. City ordinance states that applicants cannot 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 Aldi's provided they pass the final Fire Department Inspection and Building Code Inspection that will be done closer to completion for final occupancy.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

Police Background Check Memo.

## MEMORANDUM

TO: City Clerk

FROM: Daniel A. Meyer, Chief of Police

DATE: July 29, 2024

REF: ALCOHOL BEVERAGE LICENSE APPLICATION  
Aldi's  
1380 W Main St  
Whitewater, WI 53190  
Agent: Andrew Paul Farrow

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Effective July 29, 2024, the following information is being supplied on an official basis concerning the license application of the above named party. Only that information which would bear upon this application is recorded. Traffic Violations are excluded.

Pertinent records of the appropriate local and state agencies have been searched as of this date with the following results:

No information was disclosed that would hinder the issuance of the above requested license.

DM/jh



# Alcohol Licensing Committee Meeting

Whitewater Municipal Cravath Lakefront  
Conference Room, 2nd Floor, 312 West Whitewater  
St., Whitewater, WI 53190 \*In Person and Virtual

**Thursday, June 06, 2024 - 5:30 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.**

Please click the link below to join the webinar: [https://us06web.zoom.us/j/87513122849?pwd=rFl9a-5qA\\_WBA\\_N7GSI4nAplctVP7w.Vr98VR\\_ozl21lI3z](https://us06web.zoom.us/j/87513122849?pwd=rFl9a-5qA_WBA_N7GSI4nAplctVP7w.Vr98VR_ozl21lI3z)

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

**Webinar ID:** 875 1312 2849

**Passcode:** 468921

**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.**

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## MINUTES

### CALL TO ORDER

City Clerk Boehm called the meeting to order at 5:30 pm.

### ROLL CALL

#### PRESENT

Patrick Singer arrive at 5:38 pm  
Greg Majkrzak  
Brian Schanen

City Attorney Jonathan McDonell

Police Chief Dan Meyer

### APPROVAL OF AGENDA

*A councilmember can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.*

Motion made to approve the agenda by Majkrzak, Seconded by Person Schanen.  
Voting Yea: Majkrzak, Schanen

**CONSIDERATION OF REQUEST**

- 1. Election of Chairperson

Motion made appoint Patrick Singer Chair Person by Majkrzak, Seconded Schanen.  
Voting Yea: Majkrzak, Schanen

- 2. Election of Vice Chair Person

Motion made to appoint Brian Schanen Vice Chair Person by Majkrzak, Seconded by Schanen.  
Voting Yea: Majkrzak, Schanen

- 3. Discussion and Possible Action regarding Ordinance 2081 "Window Ordinance"-**PD**

Motion made to change section 1(a)(3) to " Storefront windows must have a clear vision zone starting at 4 ft from the floor and extending vertically to a point of 7 ft above the floor on all glass windows. In the clear vision zone, 75% of the windows must be free of partitions, boxes, stalls, screens, curtains, signs and stickers or any other devices which shall obstruct the view of the room from the general observation of persons" by Majkrzak, Seconded by Chairperson Singer.

Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

Motion made change the last sentence of section 1(a)(3) to "Licensed premises that have no storefront windows located inside the clear vision zone, shall have a minimum 50% clear and unobstructed view in those windows" by Vice Chair Person Schanen, Seconded by Majkrzak.

Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

- 4. Discussion and Possible Action regarding WI Act 73-Class "B" establishments to close late during Republican National Convention (4 am-6am)-**PD**

Motion made to opt out of Wis Act 73 and keep closing time for Class B alcohol license holders to the regular times during the RNC by Vice Chair Person Schanen, Seconded by Chairperson Singer.

Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

- 5. Consideration of request to the City of Whitewater Alcohol Licensing Committee to make a preliminary decision to recommend to the city council to deny the application for the renewal of the "Class B" license filed by Hawk Bowling Lanes and to schedule a full hearing on the non-renewal of the license.

No action was taken. The committee asked the City Attorney to draft another agreement for the DLK Hawk Bowl Class B alcohol license for another year. The agreement will be brought back to a future ALC meeting for approval.

**RECOMMENDATION OF ALCOHOL LICENSING COMMITTEE TO THE COMMON COUNCIL**

**ADJOURNMENT**

Motion made to adjourn at 6:28 pm by Vice Chair Person Schanen, Seconded by Majkrzak.  
Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

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.**



# Alcohol Licensing Committee Meeting

Whitewater Municipal Building Cravath Lakefront  
Room 2nd Floor,, 312 West Whitewater St.,  
Whitewater, WI 53190 \*In Person and Virtual

**Tuesday, June 18, 2024 - 5:30 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.**

Please click the link below to join the webinar:

[https://us06web.zoom.us/j/82377911249?pwd=wF6tZnRg\\_p8a3P1J1b1t383vI6S1\\_Q.VDwVWxxVu7hhxu6](https://us06web.zoom.us/j/82377911249?pwd=wF6tZnRg_p8a3P1J1b1t383vI6S1_Q.VDwVWxxVu7hhxu6)

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

**Webinar ID:** 823 7791 1249

**Passcode:** 374100

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## MINUTES

### CALL TO ORDER

Chairperson Singer called the meeting to order at 5:30 pm.

### ROLL CALL

#### PRESENT

Chairperson Patrick Singer

Greg Majkrzak

Vice Chair Person Brian Schanen

City Attorney Jonathan McDonell

Police Chief Dan Meyer

City Clerk Heather Boehm

### APPROVAL OF AGENDA

*A councilmember can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.*

Motion made to approve the agenda by Majkrzak, Seconded by Vice Chair Person Schanen.  
Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

**HEARING OF APPEAL**

1. 1. Hearing of appeal of Chelsea Baker for denial of Beverage Operator's License.

Chelsea Baker was present to comment and answer questions regarding her denial of the Beverage Operator's License that she applied for.

Motion made to uphold the denial of Beverage Operator's License for Chelsea Baker by Majkrzak, Seconded by Chairperson Singer.

Voting Yea: Chairperson Singer, Majkrzak

Voting Abstaining: Vice Chair Person Schanen

**ADJOURNMENT**

Motion made to adjourn at 5:45 pm by Chairperson Singer, Seconded by Vice Chair Person Schanen.  
Voting Yea: Chairperson Singer, Majkrzak, Vice Chair Person Schanen

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.

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# Whitewater Aquatic



# and Fitness Center

COMMON COUNCIL UPDATE –  
AUGUST 2024

# WAFC STAFFING

- ▶ Overall, staffing has improved.
- ▶ We've hired 13 new lifeguards since the start of 2024.
- ▶ Still will be looking for 5:15a-1:00pm lifeguards once school starts back.

# LIFEGUARD IN-SERVICES

- ▶ Every month, Lifeguards partake in 4 hours of in-service trainings, per the aquatic industry standards dictated by the American Red Cross.
- ▶ Topics range from water saves, continued CPR and AED trainings, Emergency Action Plans, and other job related topics.
- ▶ In-services are mandatory and must be completed or made-up if excused by a designated date in order for the guard to remain on the schedule.

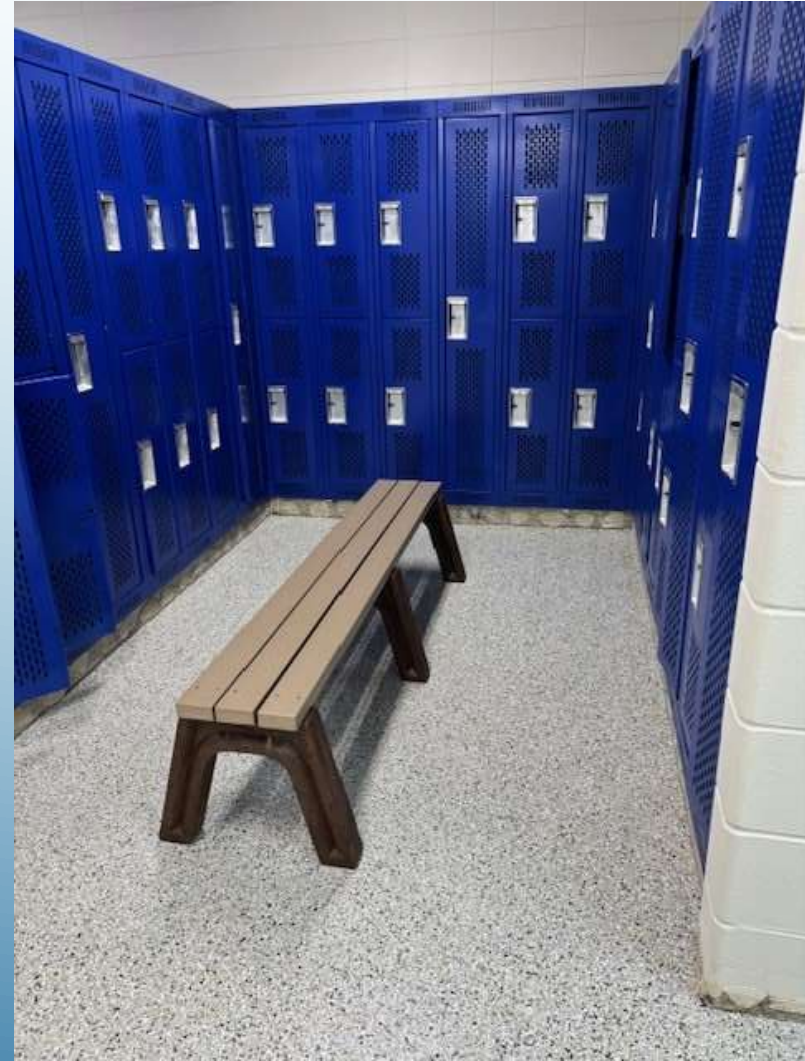
# ANNUAL SHUTDOWN/CLEANING WEEK

- ▶ July 22nd through July 29th
- ▶ The Main Upgrade was redoing the locker room floors.
- ▶ Fitness Center was repainted, Diamond Plate was installed, Fitness Studio Wall was repainted, and deep cleaned.
- ▶ Lap Pool air sock was replaced.
- ▶ Pool decks were power washed and we really hit cleaning hard in the entire facility.

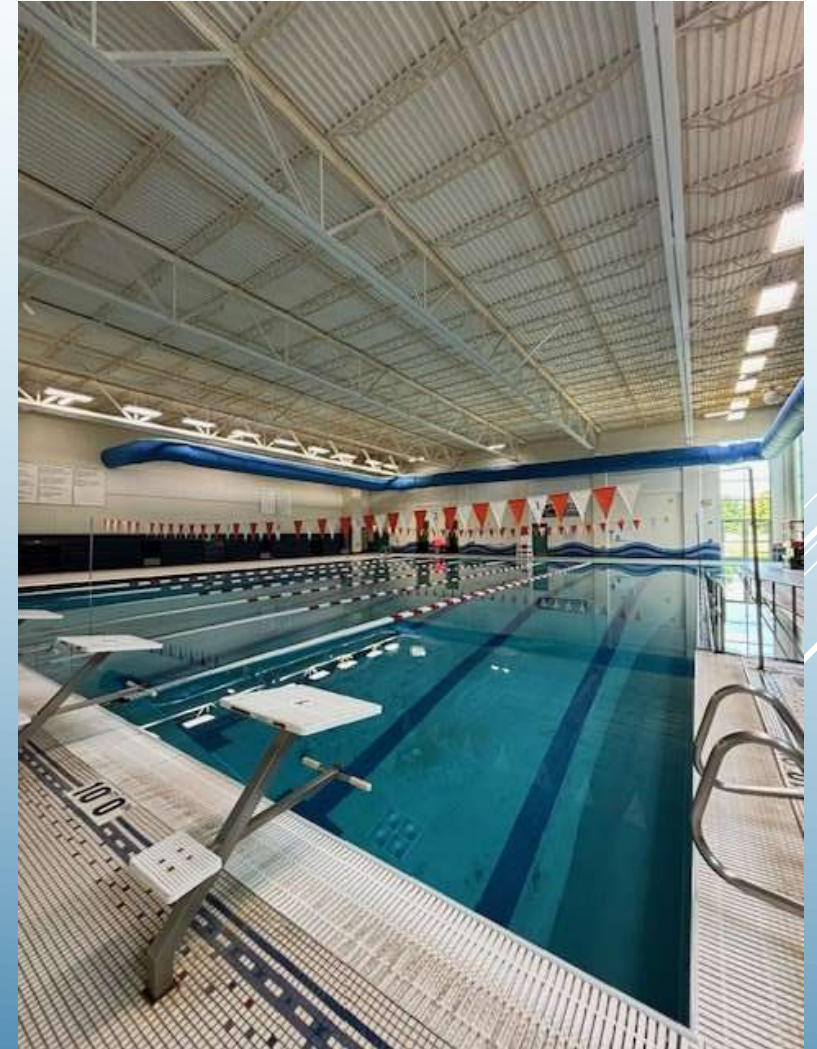
# POOL DECK BEFORE AND AFTER



# LOCKER ROOMS BEFORE AFTER



# LAP POOL UPGRADES: NEW FLOOR SOCK, FROSTED WINDOWS AND LANE LINES



Item 9.

# FITNESS STUDIO WALL BEFORE AND AFTER





# FITNESS CENTER UPGRADES DIAMOND PLATE



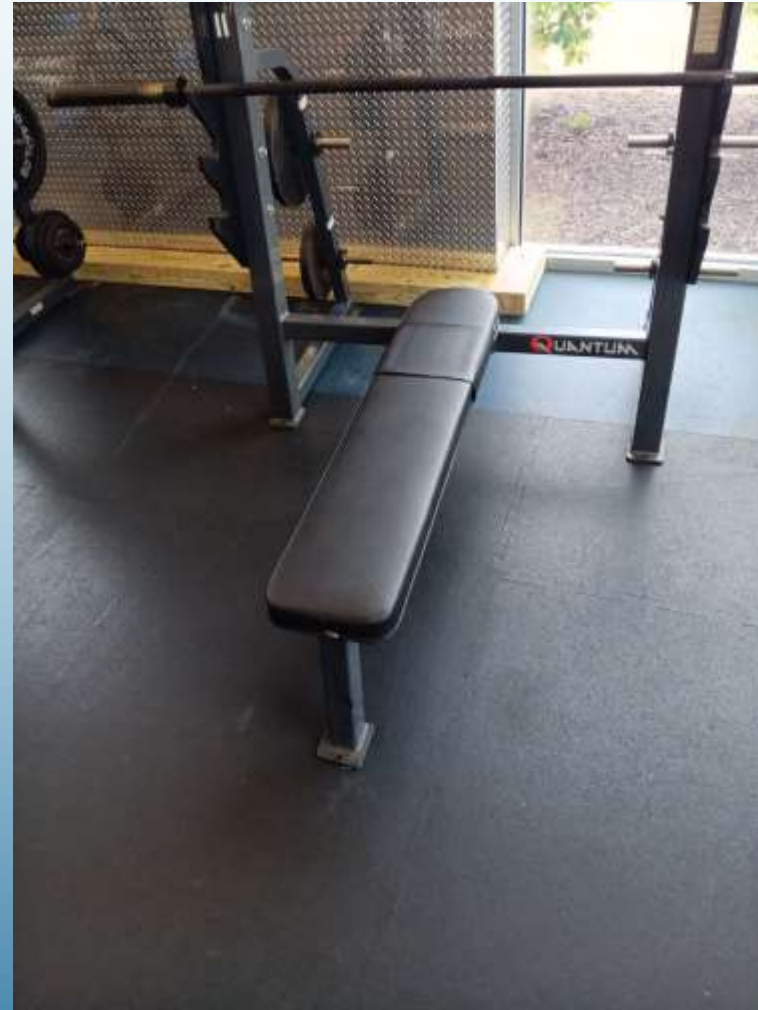
# FITNESS CENTER UPGRADES: EQUIPMENT PAD RE-UPHOLSTERY



Item 9.



# FITNESS CENTER UPGRADES EQUIPMENT PAD RE-UPHOLSTERY



# BIRTHDAY PARTIES

- ▶ 2023 Revenue:
  - ▶ \$7,599.35
- ▶ 2024 Year to Date Revenue:
  - ▶ \$14,869.96

# MEMBERSHIPS

- ▶ All active December 31<sup>st</sup> 2023: 1,761
- ▶ All active May 31<sup>st</sup>, 2024: 1,825
- ▶ Current Active Memberships July 1<sup>st</sup> - July 31<sup>st</sup>, 2024: 2,185
  - ▶ The new software, CivicRec, gives us more accurate numbers on memberships as there was a lot of clutter with the old software, RecDesk.
  - ▶ CivicRec also suspends members who don't pay their dues—RecDesk did not.
    - ▶ Currently we have 16 suspended members who have not paid their dues.
      - ▶ Members are not able to check in when in suspension.
      - ▶ Members are paying their past due amounts when they are denied access.
    - ▶ With the old system we had 67 members who did not pay their dues on October 31, 2023.
      - ▶ These members were still using their memberships as the system would not deny them access.
      - ▶ Many patrons paid their past due accounts, approximately half were sent to collections.



# Council Agenda Item

Meeting Date:	August 6, 2024
Agenda Item:	Mobile Home Special Assessment
Staff Contact (name, email, phone):	Rachelle Blitch, <a href="mailto:rblitch@whitewater-wi.gov">rblitch@whitewater-wi.gov</a> , 262-473-1380

## BACKGROUND

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

A special assessment for mobile home parks was previously considered due to their significant use of emergency services (and costs associated), which exceeds the amount of property taxes they pay. At the time of the presentation there was growing concern that the property was not being assessed accurately. Staff followed up with the assessor and found that the sale of the park in 2020 had not been considered in determining the property's value. After further research an adjustment was subsequently made to reflect the sale price of \$8 million. While staff acknowledge that there will still be excess costs associated with providing emergency services to the park, it will be significantly reduced now that the property is being fairly assessed, thereby alleviating the burden on other taxpayers in the City.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

3/19/2024 – Common Council, 1<sup>st</sup> reading of ordinance passed.

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

It is recommended that we discontinue pursuing this ordinance, as the issue has been resolved through corrective action taken by the assessor regarding the property's valuation.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

N/A



# Council Agenda Item

Meeting Date:	August 6, 2024
Agenda Item:	Part-time Salary Resolution Amendment
Staff Contact (name, email, phone):	Rachelle Blitch, <a href="mailto:rblitch@whitewater-wi.gov">rblitch@whitewater-wi.gov</a> , 262-473-1380

## BACKGROUND

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

The Finance Committee was requested to examine the compensation rates in comparable and surrounding communities for challenging-to-fill positions within the Parks & Recreation Department, specifically for umpires/referees and lifeguards. Following the analysis of this data, the following adjustments are recommended:

Sports Officials – Current range \$25-\$35, proposed new range \$35-\$70

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- 12/5/2023, 2024 Salary Resolution approved by Common Council
- 12/19/2023, 2024 Salary Resolution Amendment 1 approved by Common Council
- 2/6/2024, 2024 Salary Resolution Amendment 2 approved by Common Council
- 5/21/2024, 2024 Salary Resolution Amendment 3 approved by Common Council
- 7/23/2024, 2024 Salary Resolution Amendment 4 recommended by the Finance Committee

## FINANCIAL IMPACT

(If none, state N/A)

The overall financial impact is influenced by several factors, including the number of games and the availability of umpires/referees; however, it remains minimal.

## STAFF RECOMMENDATION

Staff recommends adjusting the compensation range to aid with recruitment and retention efforts.

## ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Umpire Rates Data Sheet and Recommendation

- Salary Resolution currently has Sports Officials listed at \$25-35 per game
  - Big Foot - \$40 Field, \$50 Home plate, \$70-80 alone
  - Delavan - \$30 10u, \$35 12u, \$40 14u
  - Lakeland - \$30 Field, \$50 Home Plate, \$60 alone
  - Milton - \$20 Field, \$25 Home Plate
  - Palmyra - \$25 Field, \$25 Home Plate, \$50 alone
  - Mukwonago \$17.50 2<sup>nd</sup> Grade and Under, \$35 3<sup>rd</sup>/4<sup>th</sup> Grade, \$52.50 5<sup>th</sup> grade and up.
- Recommended changes (Change the Salary Resolution to \$35-\$70)
  - \$35 Field Ump, \$45 Plate Ump, \$60 alone, \$70 Tournament
  - Adult softball \$60
  - Flag Football \$30 if 2 refs, \$45 if one
  - All prices are per game



**Salary Resolution 2024 Amendment 4: Exhibit A**  
**Wages for Part-Time, Seasonal, and Limited Term Employees**

Department:		Minimum	Maximum	
Department: Parks & Recreation				
	Activity Instructors	9.37	12.68	Per hour
	Activity Leaders / WSI Aide	10.83	14.12	Per hour
	Certified Instructors	18.15	24.55	Per hour
	Head Lifeguard/Front Desk Lead	16.00	18.41	Per hour
	Desk Staff & Lifeguards	13.00	18.41	Per hour
	Tournament Manager	16.45	20.24	Per hour
	Rental Attendant	25.00		Per Occurrence
	<b>Sports Officials</b>	<b>35.00</b>	<b>70.00</b>	<b>Per Game</b>
	WIAA Sports Officials	70.00	70.00	Per Game
Department: Law Enforcement				
	Community Service Officer	16.00	17.00	Per hour
Department: Administration				
	Election Inspectors	11.00		Per hour
	Chief Election Inspectors	13.00		Per hour
	Intern	10.82	15.48	Per hour
	Bailiff	25.00		Per hour
Department: Public Works				
	Seasonal Laborer	12.10	17.92	Per hour
Department: Fire/EMS				
	Firefighter	16.00		Per hour
	EMT Basic / Firefighter	17.00		Per hour
	AEMT / Firefighter	20.00		Per hour
	Paramedic / Firefighter	22.00		Per hour
	EMS /Fire All Call	30.00		Per hour



# Council Agenda Item

Meeting Date:	August 6, 2024
Agenda Item:	Sidewalk Ordinance
Staff Contact (name, email, phone):	Brad Marquardt, <a href="mailto:bmarguardt@whitewater-wi.gov">bmarguardt@whitewater-wi.gov</a> , 262-473-0139

## BACKGROUND

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

The Public Works Committee started reviewing Chapter 12.12 last year as it relates to sidewalk repair and replacement and the costs associated with it. The Committee approved changes to the ordinance to bring it in line with current practices and recommended property owners pay 50% of the cost through assessments. Currently, the City pays 100% of the costs. The Council approved the first reading of the ordinance but asked for additional information pertaining to sidewalk cutting/grinding and City of Edgerton’s Sidewalk Utility. City staff met with a company that performs sidewalk cutting and in general there is about a 33 – 40% cost savings over a full replacement. City staff also talked to Edgerton’s Public Works Director who said the Utility was established in 2022. There was not much controversy over its creation. And felt it was a better way for everybody to contribute to the improvement of sidewalks since not everybody has them, but everybody can use them. At the second reading of the proposed ordinance, the ordinance was not approved and council directed staff to work on a Sidewalk Utility. Staff reached out to the League of Wisconsin attorneys and asked them about instituting a Sidewalk Utility. The League attorney was apprehensive as there are currently lawsuits against the legality of Transportation Utilities that were recently formed. Based on this discussion staff does not believe instituting a Sidewalk Utility at this time is the way to go. Staff would still like to update the sidewalk ordinance and brought it back to the Public Works Committee for discussion. At the meeting it was noted that approximately half of the properties in the City don’t have sidewalk, yet residents of those properties still benefit from being able to use the sidewalk and not have to maintain it. Also, the Committee was reminded of the updated Resolution from 2015 where the Council did not want to special assess for items such as sidewalk replacement.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

At the October 10, 2023 Public Works Committee meeting, the Committee voted 2-1 to approve the updates to Chapter 12.22. This included special assessing the property owners 50% of the cost of repair/replacement, unless the repair/replacement is the result of a city terrace tree. Then the City would pay 100% of the repair/replacement. The dissenting vote was not in favor of special assessing the property owners. At the December 5, 2023 Council meeting the Council approved the first reading of the new ordinance which included assessing property owners 50% of the cost, unless if damage was caused by a terrace tree. At the March 12, 2024 Public Works Committee meeting it was recommended that the proposed ordinance not be approved at the second reading of the March 19, 2024 Council meeting and that staff be directed to work on establishing a Sidewalk Utility. Council did not approve the second reading at their March 19, 2024 meeting and directed staff to work on a Sidewalk Utility. The Public Works Committee, at their July 9, 2024 meeting, recommended to Council to update the ordinance with the provision of not special assessing property owners in line with the 2015 Special Assessment Resolution.

**FINANCIAL IMPACT**

(If none, state N/A)

The estimated cost to remove and replace concrete sidewalk is \$10/sq. ft. One square of sidewalk at five feet by feet would be 25 sq. ft or \$250. For sidewalk cutting it depends on the height of the displacement and if it is uniform across the sidewalk square. For estimating purposes, staff used a one-inch uniform height. The estimate for this work is \$160 for a five-foot width.

**STAFF RECOMMENDATION**

Staff is in favor of updating Chapter 12.22 as attached, with no special assessment being levied to property owners. This would be in line with spot curb and gutter replacements done in conjunction with asphalt overlay, curb and gutter replacement on street reconstruction projects, and with sidewalk replacement on street reconstruction projects where the City pays 100% and consistent with the 2015 Special Assessment Resolution currently in place.

Staff recommends a motion to approve amending Chapter 12.22 Construction Standards Adopted for Sidewalks as presented.

**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

1. Amending Chapter 12.22 Construction Standards
2. Redlined Changes to Chapter 12.22
3. Sidewalk Map
4. 2015 Special Assessment Resolution

ORDINANCE No. 2079

AN ORDINANCE AMENDING SUBSECTION 12.22 CONSTRUCTION STANDARDS ADOPTED

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 12.22 is hereby amended to read as follows:

**Chapter 12.22 CONSTRUCTION STANDARDS ADOPTED**

Sections:

**12.22.010 Appointment of administrator—Duties.**

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

(Ord. 1015 §2(part), 1983).

**12.22.020 Permit not required—Compliance with chapter.**

No permit is required for the construction or repair of sidewalks.

(Ord. 1015 §2(part), 1983).

**12.22.030 Specification for sidewalks.**

- (a) Placement of Sidewalks.
  - (1) All sidewalks shall be laid within the street right-of-way and shall be laid one foot from the property line, and shall be four to five feet in width unless otherwise specified in this chapter.
  - (2) The requirements of subsection (1) of this section shall not apply to:
    - (A) Main Street from the intersection of Fremont Street on the west and to the intersection of Wisconsin on the east;
    - (B) Center Street from the intersection of Whitewater Street on the east and the intersection of Fremont Street on the west;
    - (C) First Street from the intersection of Center Street on the south to North Street on the north;

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- (D) Second Street from the intersection of Whitewater Street on the south to North Street on the North;
  - (E) Fremont Street from the intersection of Whitewater Street on the south to Main Street on the north;
  - (F) Any other street specified by the common council. All sidewalks built or relaid on the described portions of these streets shall run from the line of the property to the curb.
- (b) Materials.
- (1) All sidewalks shall be constructed and repaired with portland cement concrete.
  - (2) The concrete used shall meet the following requirements:
    - (A) The minimum compressive strength of the concrete must not be less than three thousand pounds per square inch at twenty-eight days;
    - (B) The cement content of the concrete shall not be less than five and one-half bags per cubic yard;
    - (C) The concrete shall be air entrained;
    - (D) The water content shall not be more than five and one-half gallons per bag of cement;
    - (E) The sand and gravel aggregate shall be separate and shall be washed material;
    - (F) The concrete shall be consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing;
    - (G) All concrete work done after November 1st and before March 1st shall be protected against freezing for seventy-two hours;
    - (H) During cold weather a maximum of two pounds of calcium chloride per sack of cement may be added to accelerate the setting of the concrete;
    - (I) The concrete shall be cured for a minimum of three days using impervious plastic or paper, wet fabric, or a liquid impervious membrane; and
    - (J) All sidewalk shall be sealed per the sealer manufacturer's recommendation.
- (c) Preparation of Subgrade.
- (1) All sidewalk shall be placed on a minimum of three-inch compacted, granular subgrade material. Obstructions such as rocks, stumps, or sod shall be removed. Voids caused by the removal of obstructions shall be filled with gravel and thoroughly compacted to prevent future settlement.
  - (2) After forms are in place, the subgrade shall be tamped in its entirety to assure a solid and even surface.
  - (3) The subgrade shall be wetted down immediately prior to the placement of the concrete.
  - (4) The subgrade shall be accurately graded to assure a uniform thickness of concrete.
  - (5) Lot stakes are not to be disturbed during sidewalk construction or repair. One who disturbs a lot stake during sidewalk construction or repair shall be responsible for having the disturbed lot stake replaced by a surveyor and shall be subject to a penalty under Section 236.32 of the Wisconsin Statutes.
- (d) Formwork and finishing.
- (1) The elevation measured at the edge of the sidewalk nearest the property line shall not be less than two percent above the top of the adjacent curb. For all practical purposes the sidewalk shall be located at a higher elevation than the curb as stipulated above, and shall follow the uniformity of the curb and not the fluctuating lot elevations.

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- (2) Forms shall be set to obtain a minimum of four-foot wide sidewalk at a minimum thickness of four inches. Sidewalks across driveways shall be a minimum of six inches in thickness.
  - (3) Forms shall be securely staked and braced to prevent movement during the placement of concrete. Form rails shall be rigid and straight, and if wood, must be a minimum size of two inches by four inches (nominal). Forms shall be oiled and cleaned before each use.
  - (4) The transverse slope of the sidewalk shall not exceed one quarter inch per foot, sloping toward the public street.
  - (5) Dummy joints shall be installed either by sawing or grooving at approximately the same width of the sidewalk constructed at right angles to the centerline. Expansion joints shall be installed at a maximum of one hundred foot intervals.
  - (6) The edges of the sidewalk shall be rounded with an edger having a radius of one quarter inch.
  - (7) Form removal should be carefully done without damage to green concrete and shall not be done within twenty-four hours after the placing of the concrete.
  - (8) After forms are removed, the sidewalk edges shall be properly backfilled and graded.
  - (9) The seeding of the backfilled and graded areas shall be the responsibility of the property owner.
- (e) The requirements of Section 66.616 of the Wisconsin Statutes are adopted by reference. The curb ramping requirements of Section 66.616 of the Wisconsin Statutes shall apply to all new curb and sidewalk construction and to all replacement curbs and sidewalks construction at locations considered to be legal crosswalks.
- (f) Unless otherwise herein specified, all sidewalk shall be constructed in accordance with applicable provisions of the most current State of Wisconsin Standard Specifications for Highway and Structure Construction.

(Ord. 1015 §2(part), 1983).

### **12.22.040 Sidewalk repair and replacement—When required.**

- (a) The sidewalk administrator shall order any sidewalk which is unsafe, defective, or insufficient to be repaired or replaced so that said sidewalk meets the specifications set forth in this chapter.
- (b) Whenever the following sidewalk defects are found to exist by the sidewalk administrator, an appropriate order for the repair or replacement of the sidewalk shall be made:
  - (1) When a sidewalk has a three-quarter inch or greater height difference between blocks, it shall be required that the entire block which is out of alignment be replaced and realigned. Topping the lower slab with concrete or blacktop and/or using concrete or blacktop to ramp from the lower slab to the higher slab is not permitted.
  - (2) When a horizontal alignment variance of one inch per foot or greater exists the entire block which is out of alignment shall be required to be replaced or realigned.
  - (3) When one or more cracks exist in a block with openings which are of three-quarters of an inch or larger, it shall be required that the entire block be replaced.
  - (4) When the scaling or cracking of a block makes the block unsafe, the entire block shall be required to be replaced.
  - (5) When a block has a corner missing, and the size of the missing corner is less than six inches by six inches, the block may be repaired by patching unless the condition is repetitive on three or more blocks, in which case the blocks shall be replaced.

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

### **12.22.050 New sidewalk construction—When required.**

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

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

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

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

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

- (a) Per Resolution dated May 19, 2015, the city will not special assess property owners for construction of new sidewalk or replacement of existing sidewalk in already developed areas. Developers are required to build and pay 100% for the costs of required public improvements, including sidewalks, in new developments unless a different agreement is approved by the Common Council.

(Ord. 1015 §2(part), 1983).

### **12.22.070 Variance procedure.**

- (a) No sidewalk shall be installed in such a manner so as to include a tree, utility pole or any other structure within the area of actual sidewalk construction, unless a variance has been granted by the council to permit such an intrusion into the sidewalk area.



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- (b) When the owners of more than fifty percent of the tax parcels along a given street sign a petition requesting a variance or an exception from the requirement of having sidewalk installed on their street, the sidewalk administrator shall submit said petition to the common council. Petitioners will be required to show just cause why sidewalks are not necessary above and beyond merely not wanting a sidewalk.
- (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
  - (2) Those submitting said petition must do so within thirty days after receiving notification that sidewalk is required on their street.
- (c) Individual property owners, upon receipt of an order from the sidewalk administrator, shall have the right to petition the council for a variance or exception from this chapter. Variances may be not requested by individual property owners by reason of merely not wanting sidewalk.
- (d) All exceptions or variances from this chapter shall require a two-thirds vote of the council.
- (Ord. 1015 §2(part), 1983).

## Chapter 12.22 CONSTRUCTION STANDARDS ADOPTED

### Sections:

#### 12.22.010 Appointment of administrator—Duties.

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

(Ord. 1015 §2(part), 1983).

#### 12.22.020 Permit not required—Compliance with chapter.

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

(Ord. 1015 §2(part), 1983).

#### 12.22.030 Specification for sidewalks.

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

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

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

#### **12.22.040 Sidewalk repair and replacement—When required.**

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

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(7) When the sidewalk has not been set to the required grade or line or does not comply with other specifications of this chapter, it shall be required to be repaired or replaced.

(~~cd~~) When a portion of an old sidewalk is repaired or replaced and the original width of said sidewalk was less than or greater than four feet, the original width of the sidewalk shall prevail, provided that the original width is uniform within the entire block and also that less than all of the sidewalk on the entire block will be replaced. ~~In all other circumstances the four foot width regulation shall be applicable.~~

(~~de~~) Although minor streets are not required to install new sidewalk where none had previously existed, they are required to maintain existing walk and to install new sidewalk in blocks in which there is sidewalk along fifty percent of the street frontage within the block. There are no provisions which allow removal of sidewalk unless a variance would be granted by the council.

(Ord. 1015 §2(part), 1983).

### **12.22.050 New sidewalk construction—When required.**

(a) Sidewalk shall be required in all new developments unless a different agreement is approved by the Common Council.

(b) Sidewalk shall be required on all major streets with the following exceptions:

- (1) Sidewalk will not be required when the nature of the terrain creates insurmountable engineering problems.
- (2) Sidewalk will not be required where there is insufficient right-of-way.
- (3) Sidewalk will not be required if the installation would generate a safety hazard by encouraging pedestrian traffic in dangerous areas.
- (4) Sidewalks will not be required along vacant land which extends to the city limits which is not situated between areas generating pedestrian traffic, and streets on which curb and gutter has not been installed.

(~~cb~~) Streets classified as minor streets with curbs and gutter, but without sidewalks, will not be required to have new sidewalks constructed unless those constituting the ownership of more than fifty percent of the property fronting along a given street sign a petition requesting that new sidewalk be installed on their street.

- (1) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
- (2) Sidewalks may not be installed on minor streets when one or more of the exceptions listed above are applicable.

(~~de~~) Sidewalks may be required on minor streets or on streets which fall under one of the exceptions if it is determined that a severe pedestrian and/or traffic hazard exists.

(~~ed~~) The classification of streets is as follows:

- (1) Major Streets.
  - (A) East and West Main Street;
  - (B) East Milwaukee Street, South Wisconsin Street to East Elkhorn Road;
  - (C) East and West North Street;

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

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

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

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

- (a) ~~Per Resolution dated May 19, 2015, the city will not special assess property owners for construction of new sidewalk or replacement of existing sidewalk in already developed areas. Developers are required to build and pay 100% for the costs of required public improvements, including sidewalks, in new developments unless a different agreement is approved by the Common Council. Whenever the sidewalk administrator determines that the provisions in this chapter require the construction of new sidewalk or the repair or replacement of existing sidewalk, he shall prepare an order requiring that new sidewalk be constructed or that existing sidewalk be repaired or replaced. A copy of the order directing such construction, replacement or repairs shall be served upon the owner of each lot or parcel of land. The sidewalk administrator shall serve such notice. Service of the notice may be made by personal delivery, by certified or registered mail, or by publication in the Whitewater Register as a Class I notice under Chapter 985 of the Wisconsin Statutes, together with mailing by first class mail if the name and mailing address of the owner can be readily ascertained.~~
- ~~(b) Whenever any such property owner who has been notified shall neglect for a period of twenty days after such notification to lay, remove or replace, or repair any such sidewalk, the sidewalk administrator may cause such work to be done at the expense of such owner. All work for the construction of new sidewalks~~

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and the replacement or requiring of existing sidewalks shall annually be let by competitive bidding to the lowest responsible bidder, or done by public works personnel currently employed by the City of Whitewater.

- (c) ~~The sidewalk administrator shall serve the order, which is discussed in subsection (a) of this section, along with a "Notice of Owner's Intent Form." Said form shall state the options for the property owner. The property owner shall return the "Notice of Owner's Intent Form" to the sidewalk administrator within twenty days of receiving the notice and shall indicate on the notice the method of repair or replacement desired.~~
- (d) ~~Whenever a property owner elects to have the City of Whitewater personnel or contractor install, repair or replace their sidewalk, the property owner shall be required to sign a release form. The form shall be similar to the following:~~

~~CITY OF WHITEWATER~~

~~SIDEWALK CONSTRUCTION RELEASE FORM~~

~~OWNER:~~

~~ADDRESS:~~

~~Other description if required:~~

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

~~-Property Owner's Signature~~

- (e) ~~The City of Whitewater shall be responsible for the costs incurred to reconstruct curbs and sidewalk to comply with Section 66.616 of the Wisconsin Statutes when possible (Reference Curb Ramping for Handicap Accessibility).~~
- (f) ~~The cost of the sidewalk construction and/or repair may be paid by the abutting property owner as follows:~~
- (1) ~~The abutting property owner may elect to reimburse the city by paying the cost of said repair or construction within thirty days of being billed. No interest will be charged if paid within thirty days of the billing. If the cost of construction or repair is not paid within thirty days, it shall be entered by the city clerk on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like taxes upon real estate. The amount so added to the tax roll shall include interest at the prevailing rate per month from the date that the individual was initially billed to December 31st of the year in which it is placed on the tax roll.~~
- (2) ~~Whenever the amount to be levied is in excess of one hundred dollars, the property owner may elect to pay over a five-year period and to have the city clerk enter said costs, together with interest at the prevailing interest rate on the tax roll, as a special assessment against such lot or a parcel of land.~~
- (3) ~~The city shall be responsible for the costs incurred to reconstruct curbs and sidewalks to comply with Section 66.616 of the Wisconsin Statutes, except where the sidewalk involved was determined to be unsafe, defective, or insufficient. In that case, the property owner shall be assessed on a square-foot basis for the sidewalk replaced which is in the normal construction limits of a standard sidewalk, that is, one foot from property line, four feet in width.~~

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~~(4) Where there is a replacement of sidewalk and there has been a previous assessment for sidewalk, a credit shall be given for the remaining useful life of the sidewalk. The useful life of the sidewalk for his purpose shall be ten years.~~

(Ord. 1015 §2(part), 1983).

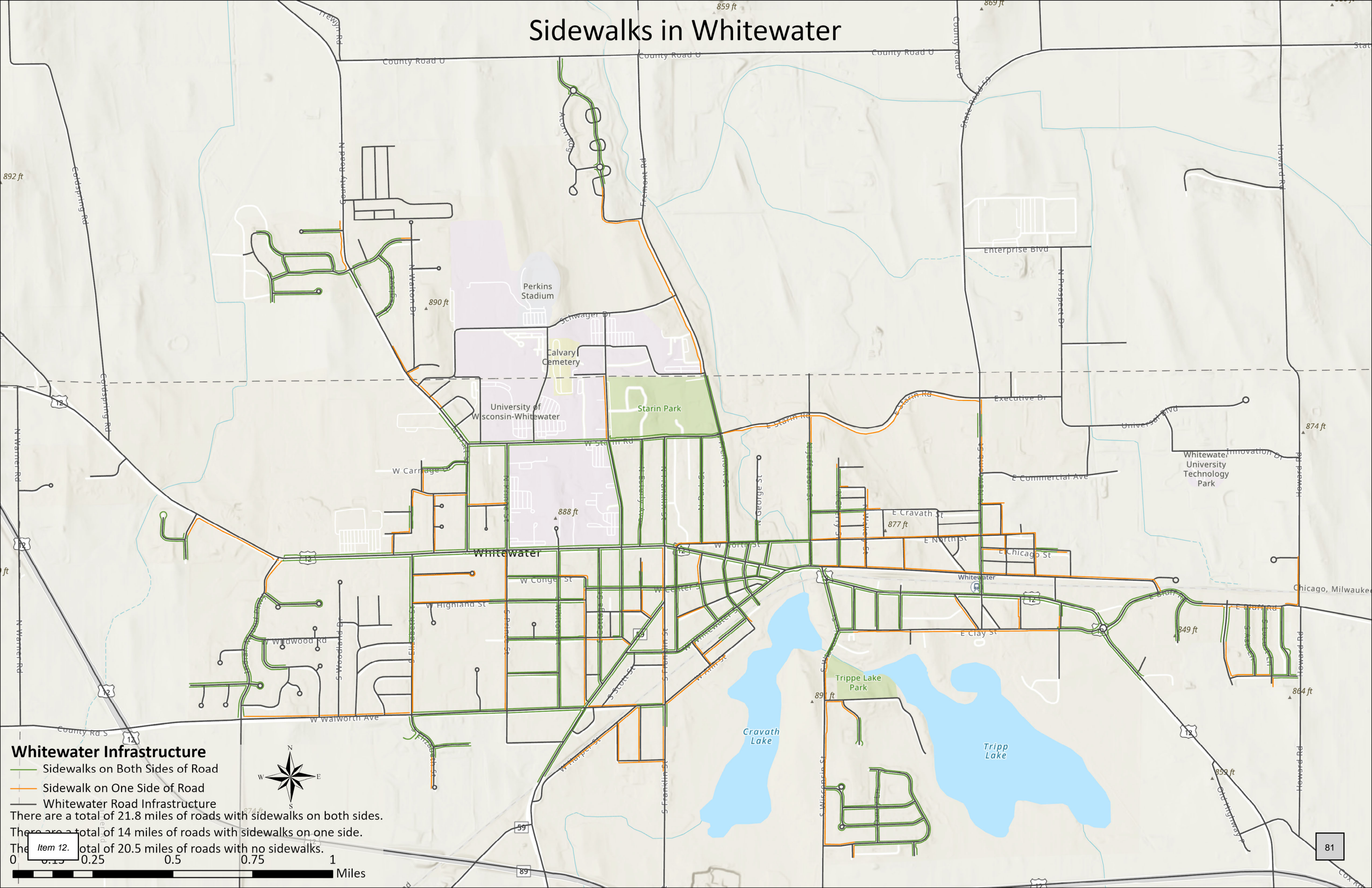
### **12.22.070 Variance procedure.**

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

(Ord. 1015 §2(part), 1983).



# Sidewalks in Whitewater

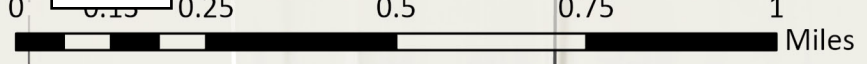


## Whitewater Infrastructure

- Sidewalks on Both Sides of Road
- Sidewalk on One Side of Road
- Whitewater Road Infrastructure

There are a total of 21.8 miles of roads with sidewalks on both sides.  
 There are a total of 14 miles of roads with sidewalks on one side.

The total of 20.5 miles of roads with no sidewalks.



**RESOLUTION AMENDING SPECIAL ASSESSMENTS RESOLUTION.** Assistant City Manager Chris McDonnell stated that at the May 5, 2015 Common Council meeting, there was discussion as to how to update the Special Assessments Policy dated April 15, 1986, further amended March 6, 1996. McDonnell stated at that Council meeting, Council recommended not assessing for steps, sidewalk, new pavement or driveway aprons and continue to assess for sanitary sewer extensions, water main extensions, sewage lift stations, force mains and new developments. Council further advised that a hardship program should be looked into which would include deferring payment for 5 years for low income households. Assistant City Manager McDonnell recommended that Council not apply a hardship program towards utility improvements because utility extensions/improvements are driven by development or a resident choice to connect into the sanitary or water system. A resident would not be assessed until hooked into the system. McDonnell further stated that the special assessment for the initial construction of curb and gutter needed to be addressed by Council. Council President Singer stated that curb and gutter is part of the street and that he would recommend striking the curb and gutter from the special assessment. It was moved by Binnie and seconded by Grady to approve the Special Assessments Resolution to remove curb and gutter and to add deferments for sanitary and water main extensions and other technical corrections as Council sees fit.

**SPECIAL ASSESSMENT RESOLUTION**

Amending the Special Assessment Resolution of April 15, 1986; (further Amended March 6, 1996)

IT IS HEREBY RESOLVED BY the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that special assessments levied against property benefited by public works project shall be as follows:

**Sanitary Sewer Extensions:** Benefiting properties shall be assessed 100% of the city's cost, including manholes, but excepting that portion of the sewer within street intersections, provided that the long side of corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be distributed over the entire project. Provided further, that the additional cost of mains larger than eight inches shall be paid by the City and such oversizing costs may be assessed on a benefiting area-wide basis.

**Watermain Extensions:** Benefiting properties shall be assessed 100% of the city's cost, excepting hydrants and street intersections. Provided that the long side of the corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be paid by the utility. Provided further that the additional cost of mains larger than eight inches shall be paid by the utility.

**Sewage Lift Stations and Force Mains Construction:** Benefiting properties shall be assessed 50% of the city's cost. The cost to reconstruct or repair existing sewage lift stations and force mains shall not be assessed.

**New Developments:** For new Developments, the developer shall build, and pay for 100% of the costs of required public improvements, unless a different agreement is approved by the Common Council.

**Hardships:** The City shall defer the payment of special assessments for owner occupied homes in situations where the following criteria are met:

1. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the City Finance Director qualification for the deferment by presentation of a copy of their most recent federal tax return prior to the levying of the assessment. The State of Wisconsin Department of Housing and Urban Development Section 8 program income limits shall be used to determine qualification.

2. A property owner must qualify for this deferment at the time the council levies the initial assessment.

3. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.

4. Qualified low income persons shall have their assessment deferred for a period of five years from the date the first installment payment is due.

5. No interest shall accrue on assessments levied against a property during the period of deferment. Interest shall accrue on the unpaid balance of an assessment from the date upon which the property owner(s) cease being eligible for the deferment.

6. Deferment shall cease upon the expiration of the deferment period or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.

7. Hardship deferments are only applicable to special assessments relating to the construction of curb and gutter.

Estimated assessment shall be actual assessment. Any cost overruns shall be absorbed by the City. Any overestimates shall be reduced.

The City Council may, by majority vote, allow assessments for oversizing sanitary sewer on undeveloped land to be deferred until such time as use is made of the improvement.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Council member Grady.

AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer. APPROVED: May 19, 2015.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **05/19/2015**

ITEM: **Review and possible direction regarding City's Special Assessment Policy**

PRESENTER: **Assistant City Manager**

**SUMMARY OF ITEM BEING PRESENTED:**

**At the May 5, 2015, council meeting staff received feedback on how to update the special assessment policy. The general consensus from council follows:**

- **Do not special assess for the following improvements (Including initial construction and reconstruction)**
  - § **Steps**
  - § **Sidewalk**
  - § **New Pavement**
  - § **Driveway Aprons**
- **Continue to assess for**
  - § **Sanitary Sewer Extensions\***
  - § **Watermain Extensions\***
  - § **Sewage Lift Stations and Force mains\***
  - § **New developments**
- **Undecided**
  - § **Curb and Gutter initial construction**
    - **General consensus was to not asses for reconstruction**
- **Hardship Program**
  - § **Council directed staff to define parameters**
  - § **\*Staff recommends not applying the hardship program to utility improvements**
    - **Utility extensions/improvements are driven by development or a resident choice to connect into the sanitary or water system. A resident would not be assessed until hooked into the system**

**STAFF RECOMMENDATION: Staff would like direction from council on the following:**

- 1. Apply special assessments for initial curb and gutter construction?**
- 2. Do not apply the hardship program for**
  - a. Sanitary Sewer Extensions**
  - b. Watermain Extensions**
  - c. Sewage Lift Stations and Force Mains**

**RECOMMENDED MOTION: Move to amend the Special Assessment Resolution of April 15, 1986; further amended March 6, 1996.**

ATTACHMENT(S) INCLUDED (If none, please state that)

**Draft Special Assessment Resolution (redlined), 2014 Federal Section 8 Income Limits**

FOR MORE INFORMATION CONTACT:

Item 12.

**Christopher McDonnell, cmcdonell@whitewater-wi.gov, 262.473.0139.**

SPECIAL ASSESSMENT RESOLUTION  
Amending the Special Assessment Resolution  
Of April 15, 1986  
(further Amended March 6, 1996)

IT IS HEREBY RESOLVED BY the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that special assessments levied against property benefited by public works project shall be as follows:

Curb and Gutter: Benefiting properties shall be assessed 100% of the city's cost, excepting street intersections. The cost to reconstruct or repair existing curb and gutter shall not be assessed.

Sanitary Sewer Extensions: Benefiting properties shall be assessed 100% of the city's cost, including manholes, but excepting that portion of the sewer within street intersections, provided that the long side of corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be distributed over the entire project. Provided further, that the additional cost of mains larger than eight inches shall be paid by the City and such oversizing costs may be assessed on a benefiting area-wide basis.

~~New Pavement: Benefiting properties shall be assessed 100% of the city's cost of new pavement required to widen or extend existing street pavement, or pave a new street or alley.~~

~~Sidewalk Construction: Benefiting properties shall be assessed 40% of the city's cost, for the first four foot of sidewalk width.~~

~~Sidewalk Repair: Benefiting properties shall be assessed 25% of the city's cost, for the first four foot of sidewalk width.~~

Watermain Extensions: Benefiting properties shall be assessed 100% of the city's cost, excepting hydrants and street intersections. Provided that the long side of the corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be paid by the utility. Provided further that the additional cost of mains larger than eight inches shall be paid by the utility.

Sewage Lift Stations and Force Mains Construction: Benefiting properties shall be assessed 50% of the city's cost. The cost to reconstruct or repair existing sewage lift stations and force mains shall not be assessed.

~~Hard Surfaced Driveway Aprons: Benefiting properties shall be specially charged 100% of the city's cost in accordance with City Ordinance 12.16.060.~~

~~Steps: Benefiting properties shall be assessed 100% of the city's cost.~~

————New Developments: If required as a condition for approval of a new development, every developer shall build and pay 100% of the costs for any required improvements in accordance with specifications established by the City.

Hardships: The City shall defer the payment of special assessments for owner occupied homes in situations where the owners have incomes at or below the federal standards (Section 8 Income Limits) for low incomes in their respective County.

1. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the City Finance Director qualification for the deferment by presentation of a copy of their most recent federal tax return prior to the levying of the assessment. A property owner must qualify for this deferment at the time the council levies the initial assessment.
2. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.
3. Qualified low income persons shall have their assessment deferred for a period of five years from the date the first installment payment is due.
4. No interest shall accrue on assessments levied against a property during the period of deferment. Interest shall accrue on the unpaid balance of an assessment from the date upon which the property owner(s) cease being eligible for the deferment.
5. Deferment shall cease upon the expiration of the deferment period or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.
6. Hardship deferments are only applicable to special assessments relating to the construction of curb and gutter.

Estimated assessment shall be actual assessment. Any cost overruns shall be absorbed by the City. Any overestimates shall be reduced.

The City Council may, by majority vote, allow assessments for oversizing sanitary sewer on undeveloped land to be deferred until such time as use is made of the improvement.

Resolution introduced by Councilmember \_\_\_\_\_, who moved its adoption.  
Seconded by Council member \_\_\_\_\_.

AYES:

NOES:

ABSENT:

AMENDED ADOPTED: ~~March~~ \_\_\_\_\_ ~~6, 1996~~ \_\_\_\_\_ ÷ \_\_\_\_\_ ~~ADOPTED: April 15, 1986.~~

\_\_\_\_\_  
Michele R. Smith, City Clerk

\_\_\_\_\_  
Cameron Clapper, City Manager

DRAFT



## Common Council Agenda Item

Meeting Date: August 6, 2024

Agenda Item: Making Common Council Meeting at UW Whitewater an Annual Meeting.

Staff Contact (name, email, phone): Heather Boehm [hboehm@whitewater-wi.gov](mailto:hboehm@whitewater-wi.gov) 262-473-0102

### BACKGROUND

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

Past years, one Common Council meeting per year was held on UW Whitewater Campus. At some point this stopped happening, Councilmember Smith would like to see this become a yearly occurrence again.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The City Clerk has been working the Chancellor's office to get this scheduled for this year.

### FINANCIAL IMPACT

(If none, state N/A)

N/A

### STAFF RECOMMENDATION

Staff would suggest making the 2<sup>nd</sup> meeting in September the UWW Campus meeting date going forward.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

N/A





# Council Agenda Item

Meeting Date: August 6, 2024

Agenda Item: Spring Splash

Staff Contact (name, email, phone): Taylor Zeinert [tzeinert@whitewater-wi.gov](mailto:tzeinert@whitewater-wi.gov) 262-473-0148

## BACKGROUND

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

In response to the Common Council’s request the Office of Economic Development sent out a brief survey to the business community about their experience with Spring Splash. On July 1, 2024 a Spring Splash survey was sent to 174 emails and was posted in the Downtown Whitewater Facebook group with a link to the survey.

In total we received 26 responses back. The attached is the exported results of the survey. Most notably the result of question 6: “Should the Common Council consider creating a Spring Splash task force dedicated to exploring what options exist to improve outcomes related to Spring Splash?” 62.5% responded yes and 37.5% responded no.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The June 4<sup>th</sup> Common Council meeting the Common Council directed the Office of Economic Development to reach out to the business community to see how they felt about Spring Splash/

## FINANCIAL IMPACT

(If none, state N/A)

N/A

## STAFF RECOMMENDATION

The Common Council give staff direction if they would like to pursue a Spring Splash Task Force.

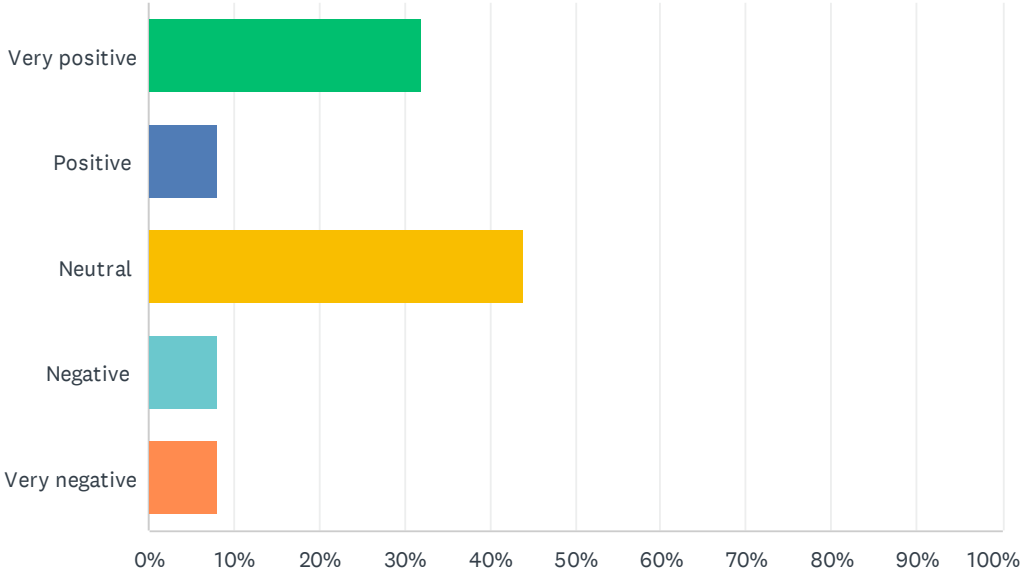
## ATTACHMENT(S) INCLUDED

(If none, state N/A)

The Survey Results

# Q1 How would you describe the overall impact that Spring Splash has on your business?

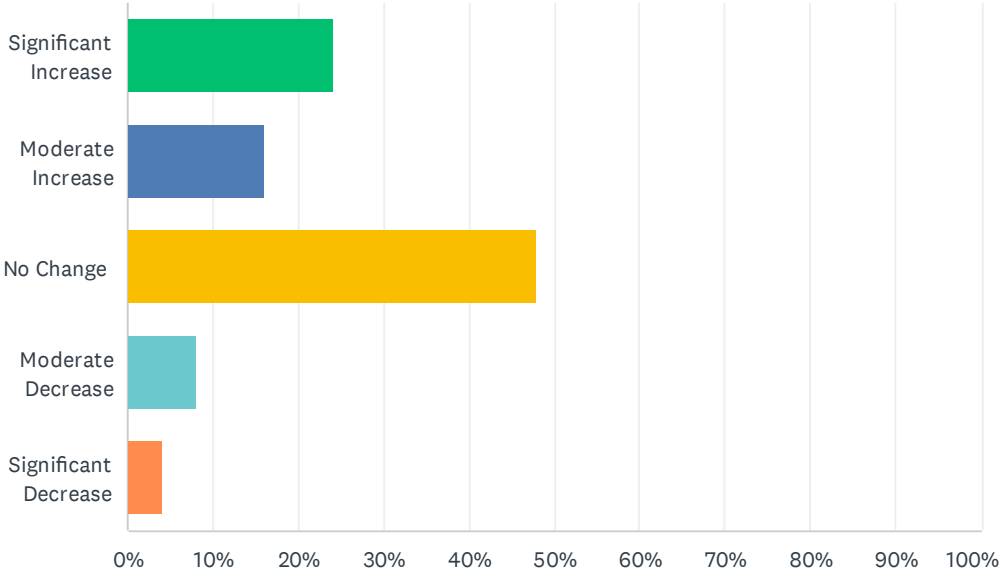
Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES	
Very positive	32.00%	8
Positive	8.00%	2
Neutral	44.00%	11
Negative	8.00%	2
Very negative	8.00%	2
TOTAL		25

## Q2 Do you notice a change of your sales during Spring Splash compared to a regular weekend?

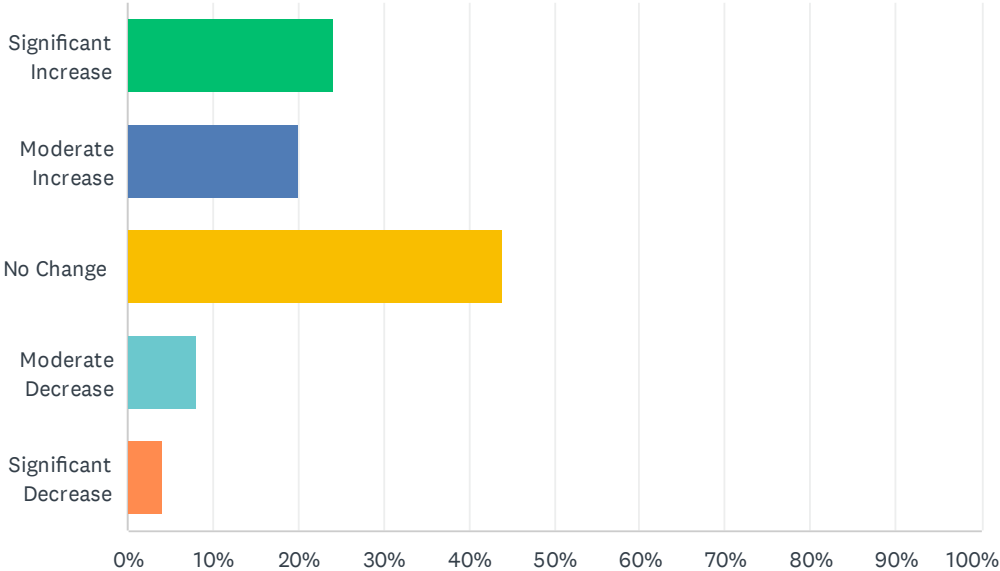
Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES
Significant Increase	24.00% 6
Moderate Increase	16.00% 4
No Change	48.00% 12
Moderate Decrease	8.00% 2
Significant Decrease	4.00% 1
TOTAL	25

### Q3 How do the number of customers during Spring Splash compare to a regular weekend?

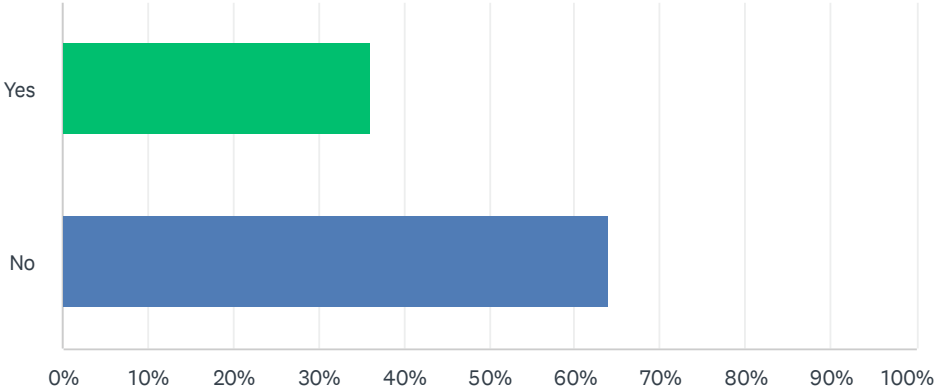
Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES
Significant Increase	24.00% 6
Moderate Increase	20.00% 5
No Change	44.00% 11
Moderate Decrease	8.00% 2
Significant Decrease	4.00% 1
TOTAL	25

### Q4 Were there any significant changes in the type of customers (e.g., students, locals, out of town visitors) during Spring Splash?

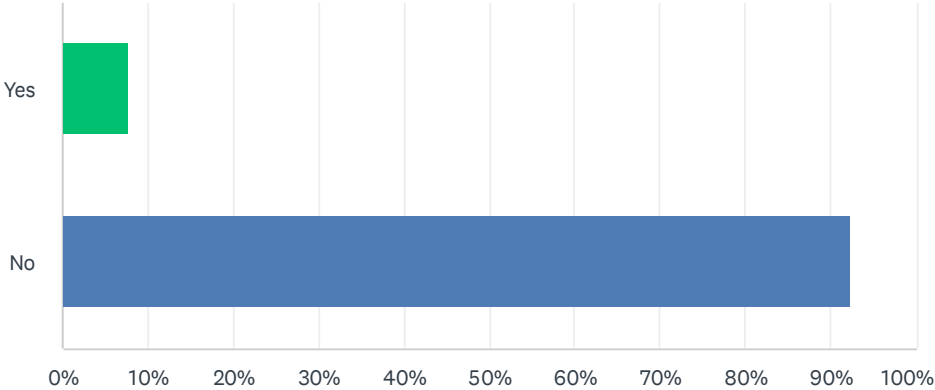
Answered: 25 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	36.00%	9
No	64.00%	16
TOTAL		25

### Q5 Did you Business experience any incidents of vandalism or property damage during the Spring Splash?

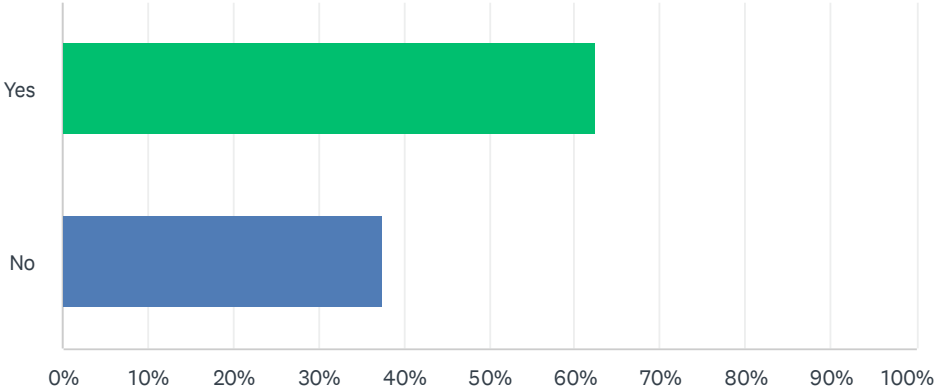
Answered: 26 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	7.69%	2
No	92.31%	24
TOTAL		26

### Q6 Should the Common Council consider creating a Spring Splash task force dedicated to exploring what options exist to improve outcomes related to Spring Splash?

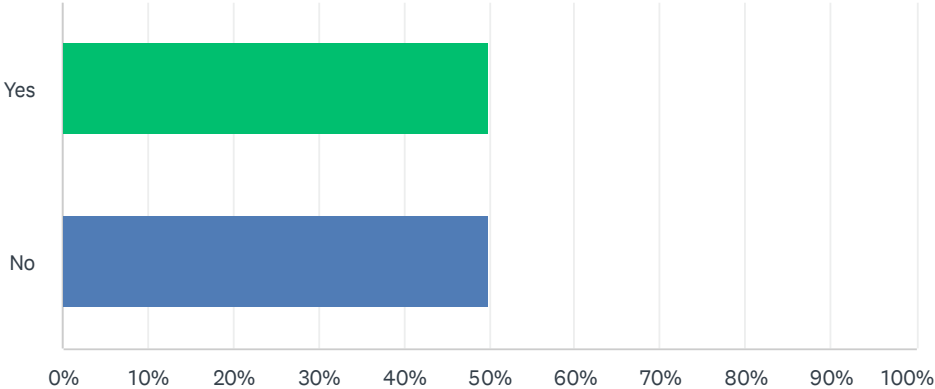
Answered: 24 Skipped: 2



ANSWER CHOICES	RESPONSES
Yes	62.50% 15
No	37.50% 9
TOTAL	24

### Q7 If a Spring Splash Task Force was created, would you be willing to serve as a member on the Task Force as a business owner representative?

Answered: 24 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	50.00%	12
No	50.00%	12
TOTAL		24



# Q8 What steps can the City take to support business owners during large scale events alike or similar to this?

Answered: 16 Skipped: 10

ANSWER CHOICES	RESPONSES
Enter Suggestions Here:	100.00% 16



## Council Agenda Item

Meeting Date:	August 6, 2024
Agenda Item:	City Manager Annual Review Policy
Staff Contact (name, email, phone):	Sara Marquardt, <a href="mailto:smarquardt@whitewater-wi.gov">smarquardt@whitewater-wi.gov</a> , 262-473-1387

### BACKGROUND

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

The Common Council reviewed the current policy at the June 20, 2023 meeting. Council made a number of suggestions including adding a six-month review, incorporation of the management plan into the evaluation and utilization of a process similar to the library director evaluation process.

The City Manager Annual Review Policy was approved at the August 1, 2023 meeting with the special instructions that the policy would be reviewed annually prior to conducting a review of the City Manager.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- 1) June 20, 2023 – Common Council reviewed the City Manager Annual Review Policy. Suggested changes included the addition of a six-month review and incorporation of the management plan into the policy.
- 2) August 1, 2023 – HR presented revisions to the City Manager Annual Review Policy. Minor changes were requested and the policy was approved.

### FINANCIAL IMPACT

(If none, state N/A)

N/A


### STAFF RECOMMENDATION

Staff recommends no changes pending feedback from the Council.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. City Manager Annual Review Policy 2023

		<h2>City Manager Annual Review</h2>			
Owner:	City Manager	Approving Position:	Common Council	Pages:	2
Issue Date:	12/17/2020	Revision Date:	8/01/2023	Review Date:	08/01/2024
Special Instructions:	This policy will be reviewed annually prior to conducting a review of the City Manager				

### I. Policy

The common council of the City of Whitewater will conduct a formal evaluation of the city manager on an annual basis. The evaluation will consist of two parts: (1) a written evaluation and (2) a formal review session conducted at a regularly scheduled meeting, in closed session, with the city manager in attendance.

At a July common council meeting, council will conduct an informal review of goals related to City Manager performance, strategic plan initiatives and management plan objectives.

All meetings of the common council as part of the evaluation will meet legal requirements of the State of Wisconsin’s Open Meeting Law (Wisconsin Statute sections 19.83, 19.84 and 19.85).

### II. Guidelines

The formal evaluation provides both the city manager and the common council an opportunity for a comprehensive discussion of the city manager’s performance in the previous year and the goals for the next year. The evaluation process will adhere to the following guidelines:

1. Performance review is an ongoing process. However, the evaluation will focus primarily on city manager performance for the previous calendar year.
2. The evaluation process will provide an outlet for feedback from common council members, department directors, and city manager direct reports. Subject to Wisconsin public record laws, anonymity will be maintained for all those providing feedback.
3. City manager demonstration of Practices for Effective Local Government Leadership as provided by the International City/County Management Association (ICMA) will be considered as part of the evaluation process.
4. The evaluation process will include an assessment of city manager performance related to city manager goals for the prior year. The process will also include the establishment of clear goals and expectations for the city manager in the coming year.


### III. Procedures

1. No later than November 1, the HR manager, or designee, will provide common council members with a draft of the proposed evaluation tool, which should include a survey component/questionnaire for distribution to all participating employees and officials.
2. Second regular meeting of November: The common council will provide feedback to the HR manager or designee on the evaluation tool, along with any corrections or suggested additions.
3. No later than December 1, the HR manager or designee will distribute the evaluation tool to all common council members, department directors, and direct reports of the city manager for review and completion. Included with the evaluation tool will be a memo from the city manager reporting on the status of any goals, established in the previous year. In addition to the memo, the city manager will provide the common council with a completed self-evaluation form.
4. No later than December 21, all evaluation participants, including common council members, will return their completed evaluation to the HR manager or designee responsible for the original distribution of the evaluation. Responses will then be compiled into a brief report for distribution to the common council and city manager. The HR manager or designee will distribute a sealed hard copy of the report to common council members at least 72 hours prior to the second regular common council meeting in January.
5. Second regular meeting in January: Having received the summary report at least 72 hours in advance of the meeting, the common council will meet in closed session with the city attorney and or HR manager to discuss the evaluation results.
6. At the first regular meeting in February, the common council will meet with the city manager in closed session to discuss the evaluation results as provided in the summary report. At this meeting, the common council will also discuss city manager performance related to existing goals and establish new goals for the city manager in the coming year.
7. Contract Amendment – Should the common council and the city manager wish to amend the City Manager Employment Agreement as a result of the performance evaluation process, those mutually agreed upon amendments will be directed to the city attorney for drafting.

### IV. Performance

This City Manager Annual Review Policy is adopted to be a tool to assist the Common Council in evaluating the City Manager's performance and is not intended to create any new contractual or legal obligation by the Common Council to perform the actions set forth herein:

1. This policy can be changed at any time by the Common Council and compliance with this policy by the Common Council is optional. Failure by the Common Council to comply with the terms and deadlines set forth herein shall be considered a valid and appropriate decision by the Common Council to not comply with the terms or obligations.

		<p align="center"><b>Policy 501.04.10 Procurement</b></p>			
Owner:	Finance Director	Approving Position:	Common Council	Pages:	13
Issue Date:	04/2013	Revision Date:	07/2024	Review Date:	
Special Instructions:					

**I. PURPOSE**

The purpose of this policy is to provide guidance and procedures to be followed for procurement of goods and services for all City departments. The controls and procedures set forth are intended to provide reasonable assurance that the lowest cost, highest quality good or service is obtained, while balancing the need for flexibility in department operations.

**II. AUTHORITY**

The Common Council of the City of Whitewater provides that the Department Heads shall have the authority to purchase materials, supplies, equipment, and contractual services budgeted for their respective departments. This authority is subject to Council approval for any purchase of materials, service or supplies over \$25,000 and not of a routine or recurring nature. The Finance Department services the procurement program by processing purchase order requests, audits, and payments.

This procurement program extends from the departmental determination of requirements for materials or services, through their requisitioning, bidding, purchasing, receiving, audit and payment, to their final consumption or disposal. The technical services of the Finance Department are available throughout the entire program.

**III. SCOPE AND RESPONSIBILITY**

In servicing the entire scope of procurement, the Department Head or designee has the following responsibilities:

1. To purchase, in ethical practice, at economical cost consistent with quality, requirements and delivery.
2. To ensure procurement in compliance with the statutory requirements of the State of Wisconsin, the administrative directives of the Common Council, the City Manager, and the administrative policies of the City of Whitewater.

3. The City Manager is responsible for supervising the procurement process.
4. The Finance Department is responsible to monitor compliance with City procurement policies and procedures.

#### IV. ETHICS

All City employees acting as an agent for the City are expected to conduct themselves with integrity and in an ethical manner when making purchases. Staff are expected to act with stewardship when making purchases with public funds. Likewise, staff should act in accordance with the City Values of prioritizing people, acting with integrity and transparency, serving our community, and embracing change. As such:

1. The splitting of purchases to stay within a purchasing band is strictly prohibited and may lead to disciplinary action.
2. A reasonable effort should be made by all employees to bring all rebates to a member of the Finance Department so they may be submitted. **All rebates, gift cards, and other discounts that result from official City purchases are the property of the City of Whitewater.** Personal use of any of these items is strictly prohibited and may lead to disciplinary action, including termination.
3. Employees, elected officials, board and commission members are not to engage in any procurement related activities that would actually or potentially create a conflict of interest, or which might reasonably be expected to contribute to the appearance of such a conflict.
4. Employees, elected officials, board and commission members must maintain strict confidentiality in the procurement process and shall not impart privileged information to any contractors that would give them advantage over other potential contractors.

#### V. STANDARDS, POLICIES, AND PROCEDURES

##### A. GENERAL POLICIES

This section sets forth the basic procedure for the purchasing program from the pre-requisition period through inventory and disposal.

1. **APPROVALS.** Vendor invoices shall be approved for payment by the Department Head or designee. Official City purchases made by City employees from personal funds should be limited. Receipts are required for any purchase made from personal funds. It is the responsibility of the employee making the purchase to ensure the sales tax is not included. Reimbursements payable to City employees shall be signed for approval as follows:
  - **COUNCIL:** Approved by the City Manager, Comptroller, or designee.
  - **CITY MANAGER:** Approved by the Council.

- **DEPARTMENT HEAD:** Approved by the City Manager or designee.
- **OTHER EMPLOYEES:** Approved by their direct supervisor, Department Head, or designee.

**Employees may NOT approve their own reimbursement.**

2. **BUDGET ADJUSTMENTS WITHIN A DEPARTMENT.** The City Manager establishes the budgetary vision for the City with the support of the Common Council through the budget adoption process. Circumstances may require that budgeted expenditures be modified during the fiscal year across fund or function within a department. Department Heads, with the approval of the City Manager, may reallocate budgeted expenditures within a department, with the exception of personnel. The Budget Amendment Policy should be referenced when adjustments need to be made.
3. **ACCOUNTS PAYABLE.** Invoices that are received by accounts payable will be processed by the Finance Department. For all invoices, Department Heads or designees will verify that the invoiced items have been received and that the invoiced amount is correct.

Tax-exempt forms are available from the Finance Department. All employees are responsible for ensuring that tax is not paid on items purchased for official City business.

**4. PAYMENT PROCESSING:**

- **CHECKS AND ELECTRONIC PAYMENTS.** Payments are processed on Friday's. Special requests outside this time period should be made to the Finance Director.
- **PURCHASE CARDS.** Purchase cards may be issued to employees that are authorized to make purchases. See Purchase Card Policies and Procedures for more information.
- **PETTY CASH.** Employees may be reimbursed from petty cash funds for authorized purchases that cover minor purchases that do not exceed the established petty cash limit (\$150). However, it is preferred that employees use purchase cards rather than petty cash.
- **TRAVEL EXPENSES.** All expense payments or reimbursements for travel and/or subsistence expenses must meet the requirements set forth in the City of Whitewater's Personnel Policy which establishes policy and procedure to obtain travel authorization and expenditure or reimbursement for travel and subsistence expenses incurred in conduct of City business practices.

5. **INFORMATION.** Department personnel are not to divulge any information concerning bids or purchases with persons outside the City, unless required by State public records laws.

## 6. SIGNING OF CONTRACTS AND CLOSING DOCUMENTS

By law (Wisc. Stat. §62.15 (12)), the City Manager and City Clerk sign contracts on behalf of the City. However, the Council hereby delegates the authority to approve and sign contracts to the City Manager and City Clerk or designee in accordance with the thresholds set forth below in the “General Purchases” section. When Council approval is required the City Manager and Clerk shall sign such contracts.

- The City Attorney should be consulted for a legal review of all contracts.
- All contracts shall be signed by the City Manager and City Clerk or designee.
- All contracts over \$25,000 must be approved by the Common Council.

### B. INSURANCE CERTIFICATES

Contracts may require Insurance Certificates that indemnify and hold harmless the City. For requirements and questions regarding Insurance Certificates, please contact the Finance Department.

### C. GENERAL PURCHASES \$1,000 - \$5,000

Approval Requirements

- Department Head approval is required prior to purchase.

Competitive Quote Requirements

- A competitive bidding process is not required for purchases less than \$5,000.
- For new and nonrecurring purchases, it is required that two quotes be obtained. The purchaser is responsible for maintaining the quotes.

Standard Process

- Department Head approves purchase of goods or services based on cost, departmental needs, prior experience, and qualifications of the vendor.
- Once approval is obtained, the contract may be signed, or goods/services requested. Payment may be made with a purchase card or via invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

### D. GENERAL PURCHASES \$5,001 - \$10,000

Approval Requirements

- Department Head and City Manager approval is required.

Competitive Quote Requirements

- For new and nonrecurring purchases, at least two quotes must be obtained. The purchaser is responsible for maintaining the quotes.

Standard Process

- Department Head and City Manager approves purchase of goods or services based on cost, department needs, prior experience, and qualifications of the vendor.



- Once the purchase is approved, the contract may be signed or goods/services may be obtained. Payment may be made via purchase card or an invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

#### **E. GENERAL PURCHASES \$10,001 - \$25,000**

##### Approval Requirements (Budgeted Expenses Only)

- Department Head and City Manager approval required.

##### Competitive Quote Requirements

- For new and nonrecurring purchases, at least two quotes must be obtained. Quotes must be submitted to the City Manager. The purchaser is responsible for maintaining the quotes.

##### Standard Process

- Department Head and City Manager approves purchase of goods or services based on cost, department needs, prior experience, and qualifications of the vendor.
- Once the purchase is approved, the contract may be signed or goods/services may be obtained. Payment may be made via purchase card or an invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

#### **F. GENERAL AND INVENTORY PURCHASES \$25,001 - \$50,000**

##### Approval Requirements

- Department Head, City Manager, and Common Council approval is required prior to purchase or contract extension.

##### Competitive Quote Requirements

- For new and nonrecurring purchases, at least three quotes must be obtained. Quotes must be submitted to the Common Council. The purchaser is responsible for maintaining the quotes.

##### Standard Process

- Once the purchase is approved, the contract may be signed or goods/services may be obtained. Payment may be made via an invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

#### **G. GENERAL AND INVENTORY PURCHASES \$50,001+**

##### Approval Requirements

- Department Head, City Manager, and Common Council approval is required prior to purchase or contract extension.

##### Competitive Quote Requirements

- A Class 1 Notice and a sealed bidding process is required.

#### Standard Process

- Common Council approves purchase of goods or services based on cost, department needs, prior experience, and qualifications of the vendor.
- A Class 1 Notice is issued, and sealed bidding process takes place.
- The department making the purchase brings it before Council.
- Once approval from Common Council is obtained a contract may be signed or goods/services may be purchased. Payment may be made via invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

### **H. PUBLIC CONSTRUCTION \$5,000 - \$25,000**

#### Approval Requirements

- Department Head and City Manager approval is required prior to purchase or contract extension.

#### Competitive Quote Requirements

- A Class 1 Notice is required, and a sealed bidding process is required.

#### Standard Process

- Department Head and City Manager approves purchase of goods or services based on cost, department needs, prior experience, and qualifications of the vendor.
- A Class 1 Notice is issued, and sealed bidding process takes place.
- Once the purchase is approved, the contract may be signed or goods/services may be obtained. Payment may be made via an invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

### **I. PUBLIC CONSTRUCTION \$50,001+**

#### Approval Requirements

- Department Head, City Manager, and Common Council approval is required prior to purchase or contract extension.

#### Competitive Quote Requirements

- A Class 2 Notice is required, and a sealed bidding process is required.

#### Standard Process

- Department Head, City Manager, and Common Council approves the purchase of goods or services based on cost, department needs, prior experience, and qualifications of the vendor.
- A Class 2 Notice is issued and sealed bidding takes place.
- The department making the purchase bring it before Council.
- Once the purchase is approved, the contract may be signed or goods/services may be obtained. Payment may be made via an invoice to Accounts Payable.
- The City Clerk must be given a copy of any signed contract(s).

## **J. PROFESSIONAL SERVICES**

Professional services are usually highly customized and differentiated on factors other than price, such as knowledge and expertise. The specific form of the services will vary according to the need of the customer. Experiences gained from one project provide insight into other projects, but are not directly applicable. Professional services are often performed by licensed individuals.

1. A qualifications-based selection process shall be used in obtaining professional services. Selection for professional services should take into consideration the overall value of such contracts including; demonstrated competence, knowledge and qualifications in related services, continuity of the various phases of a project, operational efficiencies, scope of services, and reasonableness of proposed fee.
2. The normal purchasing policy thresholds outlined in the “General Purchases” section above shall be used for retaining consultants for specific projects.
3. Professionals are sometimes retained for their expertise on an as needed basis to serve in an advisory role to the City vs. being retained for a specific project. In the circumstance where the specific scope of service or length of engagement cannot be determined and the purchasing policy thresholds therefore cannot be used to determine level of approval, the approval process is as follows:
  - All legal, planning, and engineering services require Common Council approval prior to retaining the professional.
  - The City Attorney, upon approval of the City Manager, may retain outside legal counsel to serve in an advisory role to the City Attorney in an amount not to exceed \$5,000.
  - For all other services identified in the approved budget, the Department Head and/or City Manager is delegated the authority to retain the professional (e.g. title searches, physicals, water testing).
  - Some professional service industries do not customarily use contracts to formalize the relationship and scope of work between the consultant and their client. In such circumstances, the City encourages the use of scope of service proposals, memorandum of understandings or engagement letters where applicable.

## **K. EMERGENCY PURCHASES**

When an emergency situation will not permit the use of the competitive processes outlined in this policy, the applicable Department Head and City Manager may determine the procurement methodology most appropriate to the situation. Appropriate documentation of the basis for the emergency should be maintained.

## **L. CHANGE ORDERS AND CANCELLATIONS**

1. Change orders are required for changes in project scope for construction or similar contracts.
2. Quantity changes are defined as increased quantities of bid items in a unit price contract.
3. Change orders can be approved by the Department Head and City Manager for an amount up to \$10,000. The Department Head shall notify the Council in writing of such changes.
4. Change orders in excess of the amount defined above require approval of the Common Council.
5. When project scope changes are necessary to prevent project delays the Department Head is delegated the authority to approve such change orders. The Department Head shall notify the City Manager and Council in writing of such change orders.
6. Quantity changes in unit price contracts can be approved for payment by the Department Head.
7. Any change order must be in compliance with the public bidding statutes and the applicable contract.

## **M. PUBLIC CONSTRUCTION PROJECTS**

Wisc. Stat. §62.15 provides that all public works projects including material and contractual services, where the estimated cost exceeds \$25,000 shall be purchased from the lowest responsible bidder after sealed bids have been received. Written specifications must be prepared for all bids with a Class 2 Notice if the expected cost is over \$25,000. Sealed bids must be scheduled to be formally opened and read publicly by the City Clerk.

In addition to sealed bid procedures, the transactions require:

- a. The publication of a Class 1 Notice if the estimated cost of production is between \$5,000 and \$25,000 under Chapter 985 of Wisconsin Statutes. However, this does not apply to public construction in situations where materials are donated, or labor is volunteered.
- b. A longer scheduled lead time to prepare the bid.
- c. Careful planning, specifications writing, and special conditions of the bid.
- d. A letter of justification rejecting a low bid shall include a definitive statement by the lowest bidder. The Common Council will approve all sealed bid transactions above \$50,000 before a contract is signed.

Letters of justification rejecting a low bid shall include a definitive statement by the departmental position, advising specifically why the low bid is not acceptable. Such letters of rejection must contain objective reasons.

#### **N. UTILITY INVENTORY**

1. Inventory purchases are made for approved utility capital and maintenance infrastructure projects, developer capital projects, and stock items. Special consideration of these types of purchases is warranted for operational efficiency purposes.
2. Each utility Operations Manager is responsible for the oversight and coordination of utility inventory purchases.
3. Quotes shall be solicited as outlined above in the “General Purchases” section.
4. The City Manager is delegated the authority to approve all utility inventory purchases over \$5,000.

#### **O. MISCELLANEOUS**

1. **BID AWARDS.** Bid awards do not need to be made to the lowest cost bidder. However, when the low bid is rejected, written objective justification must be placed in the bid file. The requesting department must evaluate alternative bids to determine the lowest responsible bidder, providing objective justification to accept or reject a low bid.
2. **LIFE CYCLE COST ESTIMATES.** Wisc. Stat. §66.0131 (5) provides that the City shall award orders and contracts for materials, supplies, or equipment on the basis of life cycle cost estimates whenever appropriate. The life cycle cost formula may include, but is not limited to, the applicable cost of energy efficiency, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance, and disposition or resale.

The statute above requires that when making purchasing decisions, staff must consider the life expectancy costs of the product and not just the initial or quoted price of the product.

## VI. JOB AIDS

<b>Summary of the General Procurement of Goods and Services</b>							
City purchases are subject to authorization and quote/bid requirements as follows:							
	Quote	Competitive Quote	Sealed Bid Required	Notice Required	Department Head Approval	City Manager Approval	Common Council Approval
<b>General Purchases &lt;\$1,000</b>	Department Head authorization only; solicitation of quotes is not needed						
<b>General Purchases \$1,000-\$5,000</b>	X	At least 2			X		
<b>General Purchases \$5,001-\$10,000</b>	X	At least 2			X	X	
<b>General Purchases \$10,001-\$25,000</b>	X	At least 3			X	X	
<b>General Purchases \$25,001-\$50,000</b>	X	At least 3			X	X	X
<b>General Purchases &gt;\$50,001</b>	X		X	Class 1	X	X	X
<b>Public Construction Project \$5,000-\$25,000</b>	X			Class 1	X	X	
<b>Public Construction Project \$25,001 - \$50,000</b>	X		X	Class 2	X	X	X
<b>Public Construction Project \$50,000+</b>	X		X	Class 2	X	X	X
<b>Utility Inventory \$5,000+</b>	X	At least 2			X	X	
<b>Professional Services is defined as customized services such as consulting, engineering or assessing, which involves a contract between the City and the vendor. Approvals follow the general purchases</b>							

\*This template can be used when the project or purchase involves complex requirements or a high degree of customization and you need detailed proposals outlining how each bidder plans to meet those requirements. This information should be posted on the City's website in addition to the requirements for a Class 1 or 2 Notice.

# Request for Proposal (RFP) Template

## [Project Title]

### 1. Introduction

[Provide a brief introduction to the project, the organization issuing the RFP, and the purpose of the RFP.]

### 2. Background

[Give background information about the organization and the project. Explain why the project is necessary and what problems it aims to solve.]

### 3. Project Goals and Scope of Services

**Goals:** [List the specific goals of the project.]

**Scope of Services:** [Detail the services and deliverables required. Be as specific as possible to provide clear guidance to potential vendors.]

### 4. Proposal Requirements

**Proposal Format:** [Specify the required format for the proposals, including sections such as executive summary, company background, project approach, timeline, pricing, and references.]

#### Content Requirements:

- **Executive Summary:** [Brief overview of the proposal.]
- **Company Information:** [Company history, qualifications, and experience.]
- **Project Approach:** [Detailed description of how the vendor intends to achieve the project goals.]
- **Project Timeline:** [Estimated timeline for project completion, including milestones.]
- **Pricing:** [Detailed cost breakdown, including any potential additional costs.]
- **References:** [Contact information for references and examples of similar projects.]

### 5. Evaluation Criteria

[Describe the criteria that will be used to evaluate proposals, such as experience, project approach, timeline, cost, and references.]

## **6. Submission Guidelines**

**Submission Deadline:** [Specify the deadline for proposal submission.]

**Submission Method:** [Provide details on how and where to submit proposals, including email addresses or physical addresses.]

**Contact Information:** [Provide contact information for questions and clarifications.]

## **7. Timeline**

[Include a timeline for the RFP process, such as the date of issue, submission deadline, evaluation period, and anticipated award date.]

## **8. Terms and Conditions**

[Outline any terms and conditions, including confidentiality requirements, rights to accept or reject any proposal, and any other legal or procedural requirements.]

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\*This template should be used when the specifications for a project are known. This should be posted on the City's website in addition to the requirements for the Class 1 or 2 Notice.

## Invitation for Bid (IFB) Template

Bid Title:

Start Date:

End Date:

Description:

Addendum Date:


Pre-Bidding Date:

Fee:

Contact:

Business Hours:

DRAFT

		<p style="text-align: center;">Policy 501.04.15 Budget Amendment</p>			
Owner:	Finance Director	Approving Position:	Common Council	Pages:	2
Issue Date:	##/##/####	Revision Date:		Review Date:	
Special Instructions:					

**I. PURPOSE**

The municipality is committed to maintaining a balanced budget that reflects the priorities and needs of the community. Amendments to the budget shall only be made in accordance with this policy and subject to the approval processes herein described.

The purpose of this policy is to establish a systematic procedure and set forth divisions of responsibility for the amendment of the municipal budget to ensure fiscal responsibility, transparency, and adherence to legal requirements. This policy is designed to guide the process of adjusting the approved budget in response to unforeseen financial circumstances or to reallocate resources in alignment with municipal priorities.

**II. SCOPE**

This policy applies to all departments, agencies, and entities within the municipality. It covers all forms of budget amendments, including increases or decreases in budget allocations, transfers of funds between accounts, and changes resulting from revised revenue forecasts.

**III. GUIDELINES**

It shall be policy that budget amendments/adjustments require approval at the following levels:

- A. Level 1 adjustments of operating appropriations up to \$5,000 from one account to another within the department’s budget. Level 1 adjustments may be made at the discretion of the Department Head.
- B. Level 2 (a) adjustments of operating appropriations \$5,001 and over from one account to another within the department’s budget. Level 2 (b) adjustments are for substitutions of capital items or adjustments of operating to capital appropriations up to \$25,000 from one account to another within a department’s budget. Level 2(c) adjustments are transfers up to \$25,000 between departments. Level 2 (a) (b), and (c) adjustments shall require the approval of the City Manager.

## Fiscal Budget

- C. Level 3 amendments are for adjustments of operating or capital appropriations needing additional funding from contingency funds that are under 10% of the total funds originally appropriated for an individual department. Level 3 amendments shall require the approval of the City Manager and the Finance Committee.
- D. Level 4(a) amendments are for adjustments of operating or capital appropriations needing additional funding from contingency funds that are over 10% of the funds originally appropriated for an individual department. Level 4(b) amendments are for new programs in a department that were not originally budgeted through an increase in expenditures with an offsetting increase in revenue for that program (such as grant funding or donations). Level 4 (c) amendments are for substitutions of capital items or adjustments of operating to capital appropriations \$50,001 and over from one account to another within a department's budget. Level 4 (d) amendments are for adjustments of operating or capital appropriations needing funding from the general fund balance. All level 4 amendments shall require approval of the City Manager, respective department's standing committees and Common Council.

### IV. PROCEDURE

**Initiation of Amendment:** A budget amendment (Level 4) may be initiated by department heads, the City Manager, or the Common Council. A detailed proposal, including the justification for the amendment, its financial impact, and how it aligns with municipal priorities, must be submitted.

- A. **Review and Analysis:** The proposal will undergo a thorough review and analysis by the Finance Department to ensure its accuracy, compliance with legal requirements, and alignment with fiscal policies.
- B. **Public Notification and Input:** Prior to approval, the proposed amendment will be made available to the public. A period for public comment will be provided to ensure transparency and community involvement in the budgetary process.
- C. **Approval Process:** The final approval of any budget amendment requires a majority vote by the Common Council. Certain amendments may also require the City Manager's approval, in accordance with municipal law.
- D. **Implementation:** Upon approval, the amendment will be formally incorporated into the municipal budget. The Finance Department will make the necessary adjustments to financial records and inform all affected departments.

### V. REPORTING

All approved budget amendments will be documented and reported in the municipality's annual financial report. The municipality will ensure that information regarding budget amendments is accessible to the public to promote transparency and accountability.



Rachelle Blitch  
Director of Financial and  
Administrative Services  
P.O. Box 690  
Whitewater, WI 53190  
Phone: (262) 473-1380  
Email: rblitch@whitewater-wi.gov

Date: July 30, 2024

To: John Weidl, City Manager  
Common Council

From: Rachelle Blitch, Director of Financial and Administrative Services

Re: MOU Between CDA and Water Utility

During a discussion regarding monthly financials, I was informed of an agreement between the CDA and the Water Utility to repay grant funding. Having extensive experience with federal grants, I found the circumstances surrounding this agreement perplexing. After a thorough investigation of the MOU and consultation with our auditor, my findings and recommendations are as follows:

### Background

The Community Development Block Grant (CDBG) program, established in 1974, is administered by the U.S. Department of Housing and Urban Development (HUD). Whitewater received its funds through a state-administered program managed by the Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR). The program came under scrutiny, and in 2018, states were informed that their Revolving Loan Fund (RLF) programs would be evaluated for effectiveness. In February 2019, HUD announced its decision to proceed with closing the program. Wisconsin was given a deadline of January 31, 2021, to comply with the close-out process.

According to the CDBG Close-Out Manual, there were three ways to participate in the program. Given Whitewater's outstanding loans, there were two available options. The CDA could either purchase all of the outstanding loans in their RLF portfolio, thereby receiving the outstanding principal and interest on the loans, or they could retain the responsibility of servicing the loans and remit all payments to the state as they were received.

The highlighted section of the manual (**Exhibit 1**) ([Full manual](#) page 5) outlines the financial details of each option. The CDA opted for Option 1, which required them to purchase the outstanding loans amounting to \$334,272.67 (**Exhibit 2**). In return, the DOA permitted the total bank balance of \$502,228.91 (\$559,303.02 less administrative costs of \$34,209.69) and the purchased RLF receivables of \$334,272.67 (combined total of \$859,366) to be used on a qualifying project within the allotted timeframe.

Several projects were considered but deemed unsuitable due to the longer implementation time required, which would not fit within the given timeframe for project completion. The CDA decided to allocate the funds to the construction of the new water tower, as it was already planned. An agreement was drafted (**Exhibit 3**) requiring the water utility to repay the CDA \$851,866 for a zero percent interest loan.

## Findings

The initial step involved substantiating the legal validity of the MOU. To ascertain whether the CDA had the authority to enter into the agreement, it was necessary to determine if they had rights to the funds by identifying the legal recipient of the grant.

1. According to the manual (**Exhibit 1**), only Units of General Local Governments (UGLG) were eligible for the CDBG Close-Out Program. UGLGs are defined as political subdivisions of a state that has general purposes and authority over a specific geographic area such as cities, counties, villages, and towns. The recipient of the grant was the City, and while the CDA was authorized to administer the RLF program, it was not entitled to retain the funds.
2. Funds received from federal grants are strictly limited to the approved expenses outlined in the project/program guidelines. Any unused funds must be returned after the final reporting deadline. The funds that needed to be returned at the end of the program (**Exhibit 1**) were not CDA funds but federal funds. Subsequently, the state permitted the City to apply for a separate grant for the amount of the returned funds (**Exhibit 4**), provided it was for an approved project.

## Recommendations

Since it was determined that the City was the recipient of the grant, there is no legal obligation for the City to repay the CDA. The grant funds were intended for use by the City, and the CDA was merely authorized to administer the RLF program. The CDA was never entitled to retain the funds once the program concluded, and therefore, any assumption of repayment obligation to the CDA is unfounded.

Given this clarification, both staff and our auditors recommend revoking the Memorandum of Understanding. The terms of the MOU erroneously suggested a repayment obligation that does not legally exist, leading to an incorrect increase in the CDA's fund balance. Revoking the MOU will rectify this misinterpretation and ensure compliance with federal grant regulations, which mandate the proper allocation and return of unused funds.

# Introduction

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## What is CDBG?

The Community Development Block Grant (CDBG) program is a federal formula-allocated grant program administered by the U.S. Department of Housing and Urban Development (HUD). Funding for the CDBG Small Cities Program is provided to the State of Wisconsin by HUD. The program was created when Congress passed the Housing and Community Development Act, Title 1 in 1974 and it is governed by the rules set forth in the Housing and Community Development Act (HCDA) of 1974 (as amended) and in the Code of Federal Regulations (24 CFR Part 570).

The CDBG program consists of two components: One, an "entitlement program" under which HUD provides funding directly to urban counties with populations of at least 200,000; cities with populations of at least 50,000; and principal cities of Metropolitan Statistical Areas, and two, a "state-administered program" under which HUD provides CDBG funds to States to distribute to non-entitlement communities. The Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR) is responsible for administering Wisconsin's State-Administered Community Development Block Grant Program.

The primary purpose of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for the benefit of persons of low and moderate income (LMI).

## CDBG-CLOSE

CLOSE is designed to provide the necessary regulatory and financial flexibility for communities to address local needs. The Department, through the implementation of the CDBG-CLOSE program, has determined that the best course of action is to liquidate the remaining funding and to ultimately close all Revolving Loan Funds (RLF). UGLG's that currently administer an Economic Development Revolving Loan Fund are required to participate in the CDBG-CLOSE program.

Under the CDBG-CLOSE program, all locally held, and funded by a CDBG award made on January 1, 1992 or later, Economic Development Revolving Loan Funds will be held for UGLG's. These UGLG's will have non-competitive access to the funds to use as grants for eligible activities.

There are three ways UGLG's will participate in CDBG-CLOSE. First, UGLG's that do not

have **any** outstanding, current loans and **only** have cash on hand will receive credit for their RLF bank balance as grant funding. Under this option, UGLG's RLF Closeout Account will be determined as follows:

$$\text{RLF Bank Balance} = \text{RLF Closeout Account}$$

These UGLG's will have the option to utilize CDBG-CLOSE funds for up to two (2) projects totaling the amount of their RLF Closeout Account. In addition, UGLG's may submit an application for up to one (1) additional Planning project. Depending upon the RLF Closeout Account balance, some communities may be eligible to apply for more than two projects.

UGLG's with outstanding loans have the option under CDBG-CLOSE to either:

1. **Purchase** the value of **all** outstanding loans in the RLF portfolio and transfer those funds to DEHCR;

Under CDBG-CLOSE, UGLG's that opt to **purchase** all outstanding loans will receive their RLF bank balance plus their purchase of their outstanding balance as grant funding. Under this option, UGLG's RLF Closeout Account will be determined as follows:

$$\text{RLF Bank Balance} + \text{Purchased RLF Accounts Receivable} = \text{RLF Closeout Account}$$

In addition, UGLG's that opt to purchase all outstanding loans will have the option to utilize these funds for up to three (3) projects. For UGLG's with large RLF Closeout Balances, an additional fourth (4) project may be applied for, as determined by DEHCR.

2. **Retain the responsibility to** service outstanding loans locally.

Under CDBG-CLOSE, UGLG's that opt to **retain the responsibility to** service outstanding loans locally will only receive credit for their RLF bank balance as grant funding. Under this option, UGLG's RLF Closeout Account will be determined as follows:

$$\text{RLF Bank Balance} = \text{RLF Closeout Account}$$

UGLG's that opt to retain all outstanding loans and service them locally will have the option to utilize CDBG-CLOSE funds for up to two (2) projects totaling the amount of their RLF Closeout Account. In addition, UGLG's may submit an application for up to one (1) additional Planning project. Depending upon the RLF Closeout Account balance, some communities may be eligible to apply for more than two projects. DEHCR will enter into a written agreement with all UGLG's that opt to retain the responsibility to service all outstanding loans. UGLG's must return all applicable loan repayments to the State.

After the UGLG has determined which option it will utilize to participate in CDBG-CLOSE and the RLF Closeout Account has been established, the UGLG will follow the process established under CDBG-CLOSE to dissolve its RLF. As stated above, all Economic Development RLF's will be dissolved under CDBG-CLOSE and participation in CDBG-CLOSE is mandatory.

All Economic Development Revolving Loan Fund Accounts that were originally capitalized with payments of loans made from CDBG grant funds awarded prior to January 1, 1992 by the State

of Wisconsin **and** have not received a subsequent award from January 1, 1992 to present from the State of Wisconsin are not subject to CDBG-CLOSE. These funds qualify under the program income reporting guidelines as defined in CPD Notice 04-11.

All Revolving Loan Fund Accounts that meet this requirement are encouraged to self-identify and certify by signature of authorized local official that the funds qualify under the program income reporting guidelines as defined in CPD Notice 04-11. A sample certification document may be found in the Application for CDBG- CLOSE Section.

A final, official RLF Closeout Account balance will be calculated at the time of the RLF closure when a final report is submitted to DEHCR and reflect each community's unique situation.

A community with access to RLF Closeout Funds is not excluded from applying for annual competitive CDBG-Public Facilities grants to supplement a project's cost. All standard requirements as outlined in the CDBG Application Materials and Handbook apply. If selected under the annual application cycle, the sub-grantee must utilize RLF Closeout Funds before accessing competitive allocation funds. This requirement also applies to the non-competitive Economic Development grants.

Example:

\$500,000 Public Facility project  
\$295,000 Local RLF Closeout Account available  
\$205,000 Funds from annual allocation

When only the local RLF Closeout Funds are being used for a project, refer to the Project Funding Limits section for award maximums. The amount of the grant cannot exceed the RLF Closeout Account balance.

If an UGLG retains the responsibility of servicing existing loans, the potential responsibility for re-paying the loan due to the UGLG's failure to meet a National Objective resides with the UGLG.

## Eligible CDBG-CLOSE Applicants

Only existing Units of General Local Government (UGLG) that hold a CDBG RLF-ED fund will apply for funding.



This includes:

Ashland County  
Ashland City  
Baraboo City  
Barneveld Village  
Berlin City  
Boscobel City  
Brillion City  
Brown County  
Buffalo County  
Burlington City  
Butternut Village  
Calumet County  
Cambria Village  
Cascade Village  
Cedarburg City  
Clintonville  
Columbia County  
Columbus City  
Cuba City  
Dane County  
Darlington City

De Pere City  
Deerfield Village  
Dodge County  
Door County  
East Troy Village  
Edgerton City  
Elkhorn City  
Elroy City  
Fall River Village  
Florence County  
Fond du Lac County  
Fort Atkinson City  
Gilman Village  
Grafton Village  
Grant County  
Green County  
Hartford City  
Highland Village  
Hillsboro City  
Horicon City  
Howard Village

Iowa County  
Jackson County  
Jacobs Town  
Jefferson County  
Jefferson City  
Juneau County  
Juneau City  
Kaukauna City  
Kendall Village  
Kenosha County  
Kewaunee County  
La Crosse County  
Lafayette County  
Lake Mills City  
Langlade County  
Laona Town  
Little Chute Village  
Manitowoc County  
Manitowoc City  
Maribel Village  
Marinette County

Marinette City	Ozaukee County	Shullsburg City
Marion City	Pepin County	Sparta City
Mauston City	Peshtigo County	Sturgeon Bay City
Mazomanie Village	Pierce County	Sun Prairie City
Medford City	Plymouth City	Sussex Village
Menomonee Falls Village	Port Washington City	Taylor County
Mequon City	Portage City	Tomah City
Middleton City	Potosi Village	Tri-County EDC
Mineral Point City	Prairie Farm Village	Two Rivers City
Monroe County	Racine County	Union Grove Village
Monroe City	Reedsburg City	Vernon County
Mukwonago Village	Rib Lake Village	Washburn County
Muscoda Village	Richland Center City	Washburn City
Muskego City	Richland County	Washington County
New Holstein City	Ripon City	Watertown City
New London City	Rock County	Waupaca County
Oconto County	Sauk County	West Bend City
Oconto Falls City	Saukville City	Whitewater City
Oconto City	Seymour City	Winnebago County
Oneida County	Shawano County	Winneconne Village
Oostburg Village	Shawano City	Wisconsin Dells City
Osseo City	Sheboygan County	Wittenberg Village
Outagamie County	Sheboygan Town	

All Revolving Loan Fund Accounts that were originally capitalized with payments of loans made from CDBG grant funds awarded prior to January 1, 1992 by the State of Wisconsin **and** have not received a subsequent award from January 1, 1992 to present from the State of Wisconsin are not subject to CDBG-CLOSE. These funds qualify under the program income reporting guidelines as defined in CPD Notice 04-11.

Any of the above listed RLF's that certify that they qualify under the program income reporting guidelines as defined in CPD Notice 04-11 as receiving their CDBG award prior to January 1, 1992 are not included under CDBG-CLOSE.

Under CDBG-CLOSE, UGLG's must:

1. Return to the Department the full balance of the locally-held Revolving Loan Fund as indicated on the final report;
2. Dissolve the RLF under the process identified by the Department;
3. Complete all documentation required and requested by the Department.

# Program Requirements

## Eligible Activities

Eligible recipients may utilize their RLF Closeout grant award for the currently authorized programs as outlined in the State of Wisconsin 2015-2019 Consolidated Plan without the matching funds requirement:

1. Public Facilities;
2. Housing Rehabilitation Conversion;
3. Economic Development projects;
4. Public Facilities for Economic Development projects;
5. Planning projects

In addition to the programs identified above, the RLF Closeout Account can be used for the following special purposes:

6. Broadband/high speed internet access for low and moderate income (LMI) residents. grant funds can be used by the Unit of General Local Government (UGLG) for public infrastructure projects to expand broadband internet access. Examples of eligible expenses include the purchase of materials and installation.
7. Mitigation measures specifically those that address natural hazard risks; must connect the mitigation development or action to address impacts on LMI residents.
8. Public services. For more information see:  
<https://www.hudexchange.info/onecpd/assets/File/Basically-CDBG-State-Chapter-7-Public-Services.pdf>

## Project Funding Limits

Under CDBG-CLOSE, local match for projects is encouraged, but not required. Funding limits for eligible programs under CDBG-CLOSE are as follows:

1. Public Facilities: \$3,000,000 per project;
2. Housing Rehabilitation: existing CDBG-H costs apply;
3. Economic Development projects: \$3,000,000 per project;
4. Public Facilities for Economic Development projects; \$3,000,000 per project;
5. Planning projects: \$75,000 per project

In addition to the programs identified above, the RLF Closeout Account can be used for the following special purposes:

6. Broadband/high speed internet: \$3,000,000 per project;
7. Mitigation measures specifically those that address natural hazard risks: \$3,000,000 per project;
8. Public services: \$300,000 per project



Department of Finance and  
Administrative Services  
312 W. Whitewater Street  
P.O. Box 178  
Whitewater, Wisconsin 53190

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0101  
Fax: (262) 473-0509

## MEMORANDUM

**DATE:** January 28, 2021

**TO:** Cathy Anderson, CDA Director

CC: Cameron Clapper, City Manager;

**FROM:** Steve Hatton, Director of Finance & Administrative Services

**RE:** CDBG Close Program

This memo is an update to the Jan 6, 2021 memo to document final values submitted to and validated with DOA. These values are being used to make corresponding accounting entries and remittance of cash to DOA to complete the CDBG Close process.

The CDBG Revolving Loan Program is being discontinued as of 12/31/2020 as a result of the CDBG Close program directed by the Wisconsin Department of Administration (DOA). Under CDBG Close, all program cash and receivables are to be remitted to the DOA by January 31, 2021. The CDA and Finance staff have reviewed receivables with legal counsel and identified the following actions:

1. Write-offs. The following loans are being written off as uncollectable:

Account	Account Title	Origination Date	Balance Owed at 12/31/2020
910-13002	CDBG LOAN-THERMODATA-\$100K	4/22/2014	\$ 75,038.87
910-13022	CDBG LOAN-EDVIEWRATE-\$102,510	9/8/2014	\$ 102,510.00
910-13025	CDBG LOAN-MOBILE MESH-\$102,510	2/12/2015	\$ 102,510.00
910-13028	CDBG LOAN-V2 LEAGUE-\$51,560	7/1/2015	\$ 29,036.81
910-13029	CDBG LOAN-MOBILE MESH-\$21,710	4/26/2016	\$ 21,710.00
Total Value pending write-off:			<u>\$ 330,805.68</u>

These write-offs will be offset against the reserve account held in 910-13499. The remaining \$53,273.32 reserve balance will be transferred into the Action Fund Reserve established in 910-17999

2. Administrative Recovery. The CDBG RLF program permits recovery of Administrative costs. As part of the CDBG Close reporting prepared for DOA, \$34,209.69 in administrative costs were identified for the April 1, 2017 to December 31, 2020 period. These costs represent staff time and vendor costs documented over this reporting period. The \$34,209.69 Administrative Recovery will be deducted from the funds due to DOA under the CDBG Close program and reducing the additional funds being supplied by the Action Fund to purchase the receivables identified in item 4 below.

3. Cash. The CDBG Revolving Loan Fund cash is accounted for in 910-11500 with a balance of \$559,303.02 at 12/31/2020. After deducting \$34,209.69 in Administrative costs, the remaining \$502,228.91 is required to be returned to DOA.
4. Purchased Receivables. The following CDBG RLF loans are being acquired by the Action Fund (formerly UDAG)

CDBG Account	Account Title	Origination Date	Balance Owed at 12/31/2020	New Action Account
910-13009	CDBG LOAN-LEARNING DEPOT	7/1/2016	\$ 41,294.63	910-13501
910-13013	CDBG LOAN-IBUTTONLINK	1/3/2014	\$ 9,682.42	910-13502
910-13021	CDBG LOAN-BIKEWISE-\$62,600	12/27/2012	\$ 23,099.36	910-13503
910-13024	CDBG LOAN-MEEPER TECH-\$102,510	2/12/2015	\$ 97,907.69	910-13504
910-13030	ACTION-MEEPER-\$82,310	4/26/2016	\$ 82,310.00	910-13505
910-13033	CDGB LOAN-BLUE LINE \$41,460	3/6/2018	\$ 34,520.75	910-13506
910-13034	CDGB LOAN-BLUE LINE \$51,560	9/13/2018	\$ 45,457.82	910-13507
Value of Receivables being acquired:			<u>\$ 334,272.67</u>	

The Action Fund bank account will provide the funding to acquire these receivables.

**Summary:**

1	Write-offs	(330,805.68)	Paid to Action Fund Account 910-11800 from CDBG Account 910-11500
2	Administrative Recovery	(34,209.69)	
3	Cash, net of Admin	525,093.33	Paid to DOA from CDBG account 910-11500
4	Purchased Receivables	<u>334,272.67</u>	Paid to DOA from Action Fund Account 910-11800
Total Funds Due to DOA		<u>859,366.00</u>	Net Amount due DOA

\*Net Action Fund amount drawn (Item 2 plus Item 4): \$300,062.98

End - SH

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY DEVELOPMENT  
AUTHORITY OF THE CITY OF WHITEWATER, WISCONSIN AND THE WHITEWATER MUNICIPAL  
WATER UTILITY OF THE CITY OF WHITEWATER CONCERNING USE AND REPAYMENT OF  
COMMUNITY DEVELOPMENT BLOCK GRANT CLOSEOUT PROGRAM DOLLARS**

This Memorandum of Understanding (the "Agreement") executed by and between the Community Development Authority of the City of Whitewater, Wisconsin (the "CDA") and the Whitewater Municipal Water Utility of the City of Whitewater, Wisconsin (the "Water Utility") for purposes of confirming the mutual understanding of the CDA and the Water Utility with respect to the matter addressed below.

The CDA has an opportunity to complete an eligible Community Development Block Grant ("CDBG") Project as provided under by the CDBG Closeout Program defined by the State of Wisconsin Department of Administration (the "DOA"). The CDA Board of Directors has unanimously agreed to utilize the Water Tower Project as the CDBG project. As the Water Utility would otherwise have to borrow an equal amount of funding from public debt markets absent the CDA direction of this grant funding, the Water Utility agrees to reimburse the CDA for the value of the CDBG grant funding dedicated to the Water Utility. The reimbursement will be recorded as a loan advance to the Water Utility by the CDA. The amount of the reimbursement will match the value of the CDBG grant, \$859,366, less \$7,500.00 for grant administration costs. Thus the loan will be \$859,366, but the Water Utility will only be required to pay back \$851,866 as part of this MOU.

**Article 1 – Term.**

**1.01 Initial Term.** The initial term of this Agreement shall be for eight (8) years beginning June 15, 2022, unless sooner repaid in full pursuant to the terms of this Agreement.

**1.02 Extension of Repayment.** This Agreement shall automatically renew on a yearly basis until the balance owed the CDA is paid in full.

**Article 2 – Commitments.**

**2.01 CDA Board Commitments.** The CDA Board hereby unanimously grants to the Water Utility the exclusive use of CDBG Closeout Program funds equal to \$859,366.00, to be used for the construction of a new water tower. The Water Utility shall adhere to all DOA CDBG Closeout regulations, rules, policies and meet all deadlines as required by the DOA.

**2.02 Water Utility Commitments.** The Water Utility hereby agrees to repay the CDBG Closeout program dollars to the CDA as follows: Semi-annual payments of principal beginning on December 15, 2022 per attached schedule (Exhibit A). The loan by the CDA to the Water utility is to be interest-free.

**Article 3 – Termination.** This Agreement may only be terminated upon repayment in full by the Water Utility to the CDA. The repayment of project dollars will be made by January 1, 2030.

**Article 4 – Governing Law.** The laws of the State of Wisconsin shall govern the interpretation and enforcement of this Agreement.

**Article 5 - Successors and Assigns.** Except as expressly granted herein, no party shall assign its rights or obligations under the Agreement to any other party without a mutually-written addendum executed by all parties to this Agreement.

**Article 6 – Amendment.** This Agreement shall not be amended, changed, modified or altered without the written consent of all parties hereto, and no modification, alteration or amendment to this Agreement shall be binding until such modification, alteration, or amendment is reduced to writing and executed by all parties to this Agreement. Any proposed amendment to this Agreement shall be provided in writing, along with a memorandum in support of the amendment, to all parties to this agreement fifteen (15) days prior to final action on the amendment by any party.

**Article 7 – Counterparts.** This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were on the same instrument.

**Article 8 – Severability.** If any specific term or provision herein is adjudicated to be unenforceable against either party, such decision shall not automatically render this entire Agreement null or void. Rather, the unenforceability of one or more terms, clauses or paragraphs in this Agreement shall not affect the enforceability of the remaining terms herein.

**Article 9 -Third Party Beneficiaries. Third Party Beneficiaries.** This Agreement is entered into for the sole and exclusive benefit of the parties hereto. No third party shall have, obtain, or derive from this Agreement any rights or other benefits or interests under any laws or otherwise, except as specifically stated herein.

**Article 10 - Exculpatory Provision.** The parties to this Agreement expressly acknowledge and agree that, anything herein to the contrary notwithstanding, no officer, director, employee, agent, or officials (elected or appointed) of any party hereto shall have any personal liability or obligation arising out of this Agreement, and no party hereto shall make any claims to the contrary.

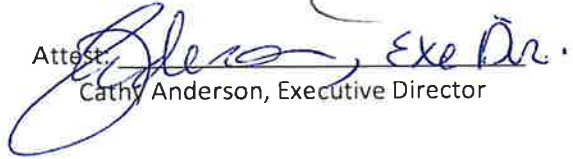
**Article 11 - Rules of Construct/Conduct.** The parties to this Agreement acknowledge and agree that the terms herein were negotiated in good faith and represent the intent of the parties. In the course of negotiations, each party has been represented by a practicing attorney, and that accordingly rules of interpretation that signify that an agreement shall be construed against the drafter shall not apply. In addition, the parties acknowledge and agree that they shall endeavor to resolve any and all issues that may arise under this Agreement in the spirit of cooperation consistent with the intent of this Agreement with the aim of benefiting the entire Whitewater area community and the University of Wisconsin-Whitewater.

By signing below, the parties hereto represent that they have full authority to execute this Agreement and thereby bind their respective entities to the terms of this Agreement. Upon execution, this Agreement shall be in full force and effect as stated herein.

Dated this 17<sup>th</sup> day of Nov, 2021

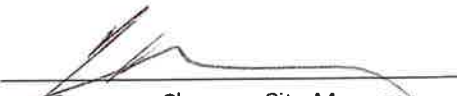
**COMMUNITY DEVELOPMENT AUTHORITY OF  
THE CITY OF WHITEWATER, WISCONSIN**

By:   
Patrick Singer, Chairman

Attest:   
Cathy Anderson, Executive Director

Dated this 17<sup>th</sup> day of Nov, 2021

**THE CITY OF WHITEWATER**

By:   
Cameron Clapper, City Manager

AND

By: Michele R. Smith  
Michele R. Smith, City Clerk

Document Prepared by: Whitewater CDA – Cathy Anderson. Attachment Prepared by: Whitewater Finance Director Steve Hatton  
Common Council Approval Date: 10/5/21



Exhibit A

CDA Water Tower Advance

CDA Repayment			
	Prin	Int	Total
6/15/2022	(\$859,366.00)		
12/15/2022	(\$57,807.12)	\$0.00	(\$57,807.12)
6/15/2023	(\$58,457.45)	\$0.00	(\$58,457.45)
12/15/2023	(\$59,115.09)	\$0.00	(\$59,115.09)
6/15/2024	(\$59,780.14)	\$0.00	(\$59,780.14)
12/15/2024	(\$60,452.67)	\$0.00	(\$60,452.67)
6/15/2025	(\$61,132.76)	\$0.00	(\$61,132.76)
12/15/2025	(\$61,820.50)	\$0.00	(\$61,820.50)
6/15/2026	(\$62,515.98)	\$0.00	(\$62,515.98)
12/15/2026	(\$63,219.29)	\$0.00	(\$63,219.29)
6/15/2027	(\$63,930.50)	\$0.00	(\$63,930.50)
12/15/2027	(\$64,649.72)	\$0.00	(\$64,649.72)
6/15/2028	(\$65,377.03)	\$0.00	(\$65,377.03)
12/15/2028	(\$66,112.52)	\$0.00	(\$66,112.52)
6/15/2029	(\$66,856.29)	\$0.00	(\$66,856.29)



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Joel Brennan, Secretary  
Susan Brown, Division Administrator

February 25, 2021

Mr. Cameron Clapper, City Manager  
312 W. Whitewater Street  
Whitewater, WI 53190

RE: City of Whitewater 2021 Community Development Block Grant for CLOSE Public Facilities (CDBG-CL-PF)  
Project Award and Pre-Agreement Requirements

Dear Mr. Clapper:

Thank you for your recent Community Development Block Grant for CLOSE Public Facilities (CDBG-CL-PF) project proposal to construct a new Water Tower and Elevated Tank. On behalf of Governor Tony Evers and Secretary Joel Brennan, I am pleased to inform you that the Wisconsin Department of Administration (DOA) will award up to \$859,366 to the City of Whitewater for this CDBG-CL-PF project.

The U.S. Department of Housing and Urban Development (HUD) provides federal funding to states through the Community Development Block Grant (CDBG) program. Wisconsin uses this federal funding to provide affordable housing, suitable living environments, and expanded economic opportunities for persons with low and moderate incomes.

To ensure that your CDBG Application meets federal HUD regulations and program goals, the DOA Division of Energy, Housing and Community Resources (DEHCR) has reviewed your Grant Application.

Information regarding CDBG requirements and a list of documents that must be submitted to finalize the CDBG Grant Agreement are provided on pages 5-7 of this letter. The City has **forty-five (45) days** from the date of this letter to sign and return the Acceptance of Award on page 3 and submit the pre-agreement items listed under "Documents Submission" on pages 5-7.

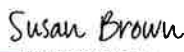
After the Division receives these items, the City will be contacted by the assigned CDBG project representative to further discuss the terms and conditions of this CDBG-CL-PF award to help ensure the successful administration of this project under HUD guidelines. Certain compliance requirements must be met and the grant agreement must be executed **prior to** construction starting for the project.

February 25, 2021  
Page 2 of 7

City of Whitewater  
CDBG-CL-PF Award Amount: \$ 859,366

Again, congratulations and thank you for your efforts in helping our communities prosper and maintain a high quality of life for all Wisconsin residents.

Sincerely,

DocuSigned by:  
  
F23F3E38A24C4FE...

Susan Brown, Division Administrator  
Division of Energy, Housing and Community Resources

Attachments: 7

cc: Senator Janis Ringhand, Senate District 15, State of Wisconsin  
Representative Don Vruwink, Assembly District 43, State of Wisconsin  
Steve Hatton, City Finance Director, City of Whitewater  
Michele Smith, City Clerk, City of Whitewater  
Brad Marquardt, Application Contact, Public Works Director, City of Whitewater  
David Pawlisch, Director, Bureau of Community Development, DEHCR  
Kristine Haskin, Budget and Policy Analyst – Advanced, DEHCR

February 25, 2021  
Page 3 of 7

City of Whitewater  
CDBG-CL-PF Award Amount: \$ 859,366

**ACCEPTANCE OF THE AWARD**

This award letter represents the Department of Administration – Division of Energy, Housing and Community Resources’ participation in the project. It can be accepted by signing below and returning this to the Division via email to Ben.Lehner@wisconsin.gov.

**AUTHORITY TO SIGN DOCUMENT:** The persons signing this Acceptance on behalf of the Municipality certify and attest that the Municipality’s respective Resolutions, and/or other related documents, give full and complete authority to bind the Municipality on whose behalf they are executing this document. The persons signing below also acknowledge that the specific provisions of this award letter are not binding upon the Division or the City of Whitewater and that the Division may withdraw this award at any point for any reason.

**ACKNOWLEDGEMENT**

City of Whitewater

\_\_\_\_\_  
Signature of Chief Elected Official

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Chief Elected Official

\_\_\_\_\_  
Title of Chief Elected Official

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Clerk

\_\_\_\_\_  
Title of Clerk

### **CDBG REQUIREMENTS AND PRE-AGREEMENT DOCUMENTS SUBMISSION**

Specific procedures must be followed prior to undertaking CDBG activities. The Grantee must comply with applicable federal and state regulations and other grant requirements. Failure to comply with the regulations governing the CDBG program may result in this award being rescinded.

The grant award of up to \$859,366 represents approximately 30% of the proposed project costs. Total costs for this project are estimated to be \$2,875,000. The City must contribute other funds above the grant award amount if necessary to successfully complete the project.

#### **PROJECT ADMINISTRATOR TRAINING**

All CDBG project administrators are required to attend implementation training sessions, as scheduled by the Division. The 2021 Grantees must attend implementation training in Fall 2021. Training information will be posted on the Bureau of Community Development website at:

<https://doa.wi.gov/Pages/LocalGovtsGrants/TrainingAndTechnicalAssistance.aspx>

#### **PROCUREMENT PROCESS**

Regulations require each CDBG Grantee follow its local procurement policy. The City must use procurement procedures that comply with federal, state, and local regulations for purchases and contracts funded in whole or in part with CDBG dollars. The City's procurement policy must be submitted to and reviewed by the Division prior to the City receiving any funding. **The Division cannot release CDBG funds for contracted materials and services that have been improperly procured.**

Refer to Chapter 3 of the CDBG Implementation Handbook, available on the Bureau of Community Development's website at <https://doa.wi.gov/Pages/LocalGovtsGrants/CDBGImplementationHandbook.aspx>, for procurement and contracting guidance. The City must adhere to competitive sealed bid requirements for public works construction contracts of more than \$25,000 under Wisconsin Statutes (§59.03; §60.47; §61.54-57; §62.15; and §66.0901). Procurement through competitive proposal is most appropriate for engineering, grant administration, and related professional services. Grantees may choose to use simplified acquisition procedures for other services and goods that cost \$50,000 or less, per State CDBG policy. Records verifying that the appropriate procurement procedures were followed must be maintained in the City's CDBG project files.

#### **ENVIRONMENTAL REQUIREMENTS**

An Environmental Review Record and the affiliated actions must be completed for the project and an Environmental Certification letter must be issued by the Division's Environmental Compliance Officer prior to construction activities beginning. Starting construction activities prior to meeting environmental compliance certification requirements will disqualify the project from CDBG funding eligibility. The environmental specifications for CDBG projects are provided in Chapter 4 of the CDBG Implementation Handbook.

February 25, 2021  
Page 5 of 7

City of Whitewater  
CDBG-CL-PF Award Amount: \$ 859,366

## SEMI-ANNUAL & ANNUAL REPORTING

Semi-annual and annual reporting for the CDBG project is required. The City must submit the reports in accordance with Chapter 9 of the current CDBG Implementation Handbook and the CDBG Grant Agreement. Grantees that accept a CDBG award must submit the applicable reports for the first reporting period for semi-annual reporting period ending September 30, 2021, regardless of whether the CDBG Grant Agreement has or has not been fully executed. The Grantee shall report all activities from the Award Date (i.e., the date of this letter) through the end of the reporting period ending September 30, 2021.

## DOCUMENTS SUBMISSION

### Pre-Agreement Documents:

All information provided in the CDBG Application is subject to further verification and review by the Division upon request. The Grant Agreement will be finalized, contingent upon the Division receiving and approving the following pre-agreement documentation:

1. A copy of the City of Whitewater's procurement policy.
2. A list of executed contracts for CDBG project-related services and method of procurement used for each.
3. A completed Financial Management Contact Person form (attached with this letter).
4. A completed Depository Certification form (attached with this letter).
5. A completed Signature Certification form (attached with this letter).
6. A completed W-9 [Request for Taxpayer Identification Number (TIN) Certification] form (attached with this letter).
7. A completed DOA-6460 New Supplier Form (attached with this letter) and accompanying bank documentation (required if the bank account the UGLG will be using for the CDBG funding deposits has not been previously registered with the State of Wisconsin Department of Administration after 2015).
8. A completed DOA-6456 Authorization for Electronic Deposit form (attached with this letter) and accompanying bank documentation. If the City would like to receive a paper check instead of having CDBG funds deposited electronically, contact your assigned DEHCR Program Representative to obtain the appropriate form.
9. Documentation verifying that the City currently has an **active registration status with a registered DUNS** on the federal System for Award Management (SAM) at <https://sam.gov/SAM>. If the City's SAM.gov registration has expired or will expire prior to the execution of the Grant Agreement, then the

City must activate/re-activate the registration on SAM.gov and provide a copy showing the updated status to the Division.

***Alerts Regarding SAM.gov Registration:***

- If the City is not registered or has an inactive/expired registration on SAM.gov, then the Division strongly advises the City to complete the registration process or re-activation process (if applicable) ***immediately*** to avoid delays in executing the CDBG Grant Agreement. Some grantees have experienced significant delays in registration and re-activation approvals in the past.
  - Records generated from websites other than the *official* SAM.gov website at <https://sam.gov/SAM> or emails from entities other than SAM.gov and the Federal Service Desk (which manages SAM.gov) at <https://www.fsd.gov/fsd-gov/> will **not** be accepted. Third-party entities have websites that display SAM information but are not the *official* SAM.gov website.
  - Third-party entities may offer services for a fee to municipalities to assist with registering on SAM.gov. However, there is no fee or charge from <https://sam.gov/SAM> for registration. Municipalities and other entities may self-register on SAM.gov without third-party assistance and registration on the system is **FREE**. Refer to the "HELP" section on SAM.gov and contact the Federal Service Desk (contact information available at [https://www.fsd.gov/gsafsd\\_sp/?id=gsa\\_landing](https://www.fsd.gov/gsafsd_sp/?id=gsa_landing)) as needed for guidance on registering on the SAM.gov.
10. An updated project budget, reflecting the CDBG award and any changes to funding or projected costs, if applicable, using the budget form previously provided with the CDBG Application materials (also attached with this letter).
  11. Proof that all local match funds have been secured, including verification from the other sources of match funding listed for this project in the City's CDBG Application, if the total project costs will exceed the CDBG CLOSE award amount and additional funds are necessary to complete the CDBG project. Documentation may include copies of signed award letters, signed loan paperwork, bank account statements, or similar items. (Note: A resolution to commit funds is **not** verification that the funds are available nor have been secured. Items previously submitted with the City's CDBG Application do not need to be resubmitted.)
  12. An itemized, bullet-pointed list of all construction activities and project deliverables to be included in the Scope of Work in the CDBG Grant Agreement, based on the description of the project in the City's CDBG Application.

February 25, 2021  
Page 7 of 7

City of Whitewater  
CDBG-CL-PF Award Amount: \$ 859,366

13. An updated project timeline with the projected construction bidding date(s) and construction start and end dates. Construction must begin no later than December 31, 2021 and end no later than October 31, 2022. Grantees must contact their assigned DEHCR Project Representative to request any exceptions.
14. Additional items as applicable. Contact your assigned CDBG Project Representative in DEHCR to determine if any additional items from the CDBG Application require follow-up or additional submissions prior to executing the Grant Agreement.

Please respond with the requested items in the Pre-Agreement section above within **forty-five (45) days** from the date of this letter. Requested information should be submitted to the Division via email to [ben.lehner@wisconsin.gov](mailto:ben.lehner@wisconsin.gov).

**Pre-Construction Documents:**

The following documents are required **prior to the start** of any construction and the Division's disbursement of CDBG funds for the CDBG project:

- A fully executed CDBG Grant Agreement between the Division and the City (signed by all parties).
- A completed Environmental Review Record (including an Environmental Assessment, if required) and issuance of the Environmental Certification letter from the Division's Environmental Compliance Officer.
- Documentation of compliance with applicable federal labor standards and Federal Davis-Bacon Wage Rates for any construction funded, in whole or in part, with CDBG funds. An overview of the Davis-Bacon federal labor standards and requirements is provided in Chapter 7 of the CDBG Implementation Handbook.
- Copies of the competitive procurement solicitation (e.g., the Request for Proposals [RFP]) and the advertisement for the RFP, if applicable, and the executed contract between the City and the contracted grant administrator, if the City has contracted with another party for grant administration services. Only submission of the executed contract and documentation verifying the City followed the local procurement policy in selecting and contracting with the grant administration firm are required if the City is *not* using CDBG funds to directly pay for this activity.

Please contact your assigned CDBG project representative Ben Lehner, Grants Specialist – Advanced by phone at 608-264-6110 or email [ben.lehner@wisconsin.gov](mailto:ben.lehner@wisconsin.gov) if you have any questions or concerns. We congratulate the City of Whitewater on this 2021 grant award and we look forward to working with you to ensure successful completion of this CDBG-CL-PF project.





# Council Agenda Item

Meeting Date:	August 6, 2024
Agenda Item:	Water Tower Advisory Referendum
Staff Contact (name, email, phone):	Brad Marquardt, <a href="mailto:bmarguardt@whitewater-wi.gov">bmarguardt@whitewater-wi.gov</a> , 262-473-0139

## BACKGROUND

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

The Starin Park Water Tower has been taken out of service and is no longer needed as a Water Utility asset. A report was finalized in January 2023 and presented to the Common Council on the condition and estimated costs to repair and maintain the structure if the decision is to keep it. The Council suggested an advisory referendum question be posed to the citizens to gain their interest in maintaining the Water Tower or removing it. In order to get an advisory referendum question on the November ballot, it must be sent to the County by August 27, 2024.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Finance Committee met on July 23, 2024 and directed staff to draft a question for discussion at the August 6, 2024 Council meeting. No other formal action has taken place.

## FINANCIAL IMPACT

(If none, state N/A)

The 2023 report indicated an estimated cost of \$1,600,000 was needed to repair the condition of the Water Tower with ongoing maintenance costs of approximately \$250,000 every ten years. The Public Service Commission has indicated to staff that the Water Utility can only pay for improvements up to the cost of demolition, which was estimated at \$600,000. The remaining costs would need to be born by the general fund or donations.

## STAFF RECOMMENDATION

Based on a change to the State Statutes in 2023, advisory referendum questions are not permitted except for a few exceptions, or questions regarding capital expenditures proposed to be funded by the property tax levy. See City Attorney McDonell’s attached email. Based on this, staff has developed draft questions for Council to start discussion with.

The City of Whitewater Water Utility has taken the Starin Park Water Tower out of service and has decommissioned it, meaning it is no longer part of the Water Utility water system. The Water Utility, through money received from water bills, can spend up to the cost of demolition, approximately \$600,000, towards maintaining it as a City owned Historical Landmark. The remaining cost of repairing the structure, approximately \$1,000,000, and ongoing maintenance, approximately \$250,000 every 10 years, would need to come from City tax dollars or donations. Should the City of Whitewater use tax dollars to repair and maintain the Starin Park Water Tower instead of other projects requiring tax dollars such as street repairs, facility upgrades or the Aquatic Center?

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Should the City of Whitewater use approximately \$1,000,000 in tax dollars to repair, and approximately \$250,000 every ten years to maintain, the Starin Park Water Tower instead of using tax dollars on other projects requiring tax dollars such as street repairs, facility upgrades or the Aquatic Center?

After the question is finalized, staff will place this item on the August 20, 2024 Council agenda in the correct format for final action.

---

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. City Attorney email
2. Starin Park Water Tower Final Report 2023-01-05

## Brad Marquardt

---

**From:** Jonathan McDonell <jm@hmattys.com>  
**Sent:** Thursday, July 25, 2024 3:29 PM  
**To:** Brad Marquardt  
**Cc:** Heather Boehm  
**Subject:** Re: advisory referendum question

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad,

Here is the relevant statute:

**66.0144 Advisory referenda.** No city, village, or town may conduct a referendum for advisory purposes, except as provided under s. 66.0305 (6), 66.0307 (4) (e), 66.0420 (12) (b) 2., 66.0422 (3) (b), or 196.204 (2m) (b) 2. or for an advisory referendum regarding capital expenditures proposed to be funded by the property tax levy of the city, village, or town.

Based on the reading of this statute, I believe that this advisory referenda would be permitted because it falls within one of the exceptions. Specifically, that it pertains to a capital expenditure that would be funded by the property tax levy. Thus, it would be permissible under the current law.

Jonathan K. McDonell

Harrison, Williams & McDonell, LLP  
522 W. Main Street  
P.O. Box 59  
Whitewater, WI 53190  
Phone: 262-473-7900  
Fax: 262-473-1977  
Email: [jm@hmattys.com](mailto:jm@hmattys.com)

---

**From:** Brad Marquardt <BMarquardt@whitewater-wi.gov>  
**Sent:** Wednesday, July 24, 2024 9:32 AM  
**To:** Jonathan McDonell <jm@hmattys.com>  
**Cc:** Heather Boehm <hboehm@whitewater-wi.gov>  
**Subject:** advisory referendum question

Jonathan,

Based on a change to the state statute in 2023, would the following question be okay for an advisory referendum? The council wants to know if residents want to keep the water tower and are willing to pay for it. Based on discussion at Finance meeting last night, they wanted a proposed question brought to the Aug 6 council for discussion and final action taken at the Aug 20 council meeting. The deadline to get a question to the County for inclusion on the Nov ballot is Aug 27 we were told.

Thank you.

Brad Marquardt, P.E.  
Public Works Director  
City of Whitewater  
312 W Whitewater St  
Whitewater, WI 53190  
262-473-0139



# Starin Park Water Tower Structural Analysis Report

**Project Address:** 504 W. Starin Road  
Whitewater, WI 53190

**Prepared for:** City of Whitewater  
Department of Public Works  
312 W. Whitewater Street  
Whitewater, WI 53190

**Prepared by:** McEnroe Consulting Engineers, LLC  
Eileen McEnroe Hankes, P.E.

**Date:** January 5, 2023



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## Executive Summary

This analysis of the Starin Park Water Tower included a visual assessment of the exterior from the ground and the interior from a ladder. The exterior of the structure was documented with a camera on a UAV to create a photogrammetry model. The interior was scanned using LIDAR technology and that information has been integrated into the photogrammetry model as well.

The structure is an approximately 100 foot tall water tower with a 70 foot tall masonry base and a 30 foot tall steel tank. The tank has been decommissioned and water removed as of late 2022. The purpose of this study was to determine the current condition of the structure and provide opinions on the future of this structure, including whether it should be demolished or repaired.

The structure is in good condition with some elements in fair condition. The structure is safe in its current condition. The only concern at this time is the potential for stone falling and the fence around the perimeter is effective at keeping the public away from the building.

The masonry and steel structure is in need of maintenance and repair work to keep it in good condition for the long term. The work that is needed is typical for a structure of this age and type of construction. We see no reason to consider demolition at this time.

The primary issues that were identified in this study include the following items. The report provides more specific information about each issue and potential approaches to address them.

- Stone cracking and deterioration, primarily at the belt courses at each tier
- Cracked stone at the entry arch
- Deteriorated mortar joints at the exterior and interior
- Corroding steel at the base of the tank
- Other minor miscellaneous items that are covered in the report

We performed a high level structural analysis of the masonry and the loads at the base of the steel tank, taking into consideration that the water is being removed. This analysis found that the structure is stable in its current condition and with the water removed from the tank. Note that the connections between the tank and the masonry are not visible from below, so they were not analyzed. The repairs that are recommended will keep the structure in stable condition.

The rough order of magnitude construction costs to implement the repairs recommended are anticipated to be in the range of \$950,000 to \$1,100,000.

If funding is not available to perform the work all at once, a phased approach could be taken. We recommend considering the following phasing, although there may be good reasons to approach the work in a different way:

- Phase 1: Repair the steel buried in masonry at the top of the tower, while addressing the masonry at the top of the tower as well. Continue work down the exterior of the tower as funding allows. If we use a budget limit of \$600,000 (which is the approximate estimated cost to demolish the tower), the top two levels of the tower would be repaired. Estimated cost: \$590,000
- Phase 2: Repair the remainder of the exterior. Estimated cost: \$420,000
- Phase 3: Repair interior of the tower. Estimated cost: \$320,000

These costs are in 2023 dollars. The body of this report discusses potential increases based on inflation.

## Introduction

The report presents the findings of a structural assessment and study of the Starin Park Water Tower in Whitewater Wisconsin. The study explores the current structural condition of the tower to identify potential concerns with the structure and recommends courses of action to guide the future of the structure.

## Assessment Techniques

This project consists of a visual structural assessment of the existing conditions performed from the ground with binoculars, and from the interior access ladder and platform. We did not access the exterior platform and ladder or the steel tank during this assessment. To complement the in-person visual review, an unmanned aerial vehicle (UAV) equipped with a camera was used to photograph and document the exterior of the structure. A photogrammetry model was produced and is available for the City of Whitewater's use. This allowed us to perform a visual review of the elements of the masonry that were not accessible from the ground and to get a bird's-eye view of the structure. The interior of the tower was scanned using LIDAR technology. At the time of this report, the scan was partially complete. The information from the LIDAR scan will be included in the photogrammetry model as well.

## Building Background

The structure is approximately 100 feet tall with a masonry base and steel tank (Photo 1). It was constructed in 1889 and has been a functioning water tank since that time. It was decommissioned in late 2022 and the water was removed from the tank as of December 14, 2022. The structure is comprised of a 70 foot tall masonry structure with a 30 foot tall, 185,000 gallon, cylindrical steel tank at the top.

The masonry structure has an octagonal footprint. The exterior has five tiers with a stone belt course and a step inward at each level. The structure is approximately 35 feet wide at the ground and 26.5 feet wide at the top level. The interior of the tower is a round shape with a diameter of roughly 18.5 feet at the base. There are 2 steps in the wall thickness on the interior that align with the lowest two steps on the exterior. The diameter at the top of the tower is roughly 20.5 feet. The wall thickness is approximately 7.5 to 9 feet at the base and 3 to 4 feet at the top. Appendix A includes some basic plan and elevation drawings of the structure. Please note that these are all rough dimensions due to the uneven surface of the wall and the limited access for measuring. Some dimensions have been determined based on direct field measurements and others have been taken from the photogrammetry model.

The steel tank is cylindrical with a cone-shaped roof. It appears to be comprised of steel plates attached to an interior frame. This assessment did not include accessing the interior of the tank, so this construction was not verified. Please note that while the term "steel" is used throughout this report, given the age of the construction, it may be iron. Depending on the repairs that are designed, this may be an important distinction. The composition of the material should be verified prior to doing repairs.

The steel tank is placed on a series of I beams spanning over the water tower and bearing on the masonry walls (Photo 2). There are two large plate girders that support the small beams (Photo 3). There is also a floor system below the plate girders that is comprised of steel beams and wood planks (Photos 4 and 5).



The structure is accessed by a ladder and cage on the interior wall that extends to the floor below the plate girders (Photo 6). There is a door through the masonry at that level that leads to a platform cantilevered off the masonry (Photo 7). A second steel ladder and cage run up the masonry and steel tank from the platform to the roof (Photos 8 and 9).

The masonry around the entry has been modified to add two concrete masonry unit (CMU) walls and a stone veneer (Photo 10 and 11).



**Photo 1: Starin Park Water Tower**



**Photo 2: Steel beams below tank**



**Photo 3: Steel plate girder supports**



**Photo 4: Floor below tank at top of masonry tower**



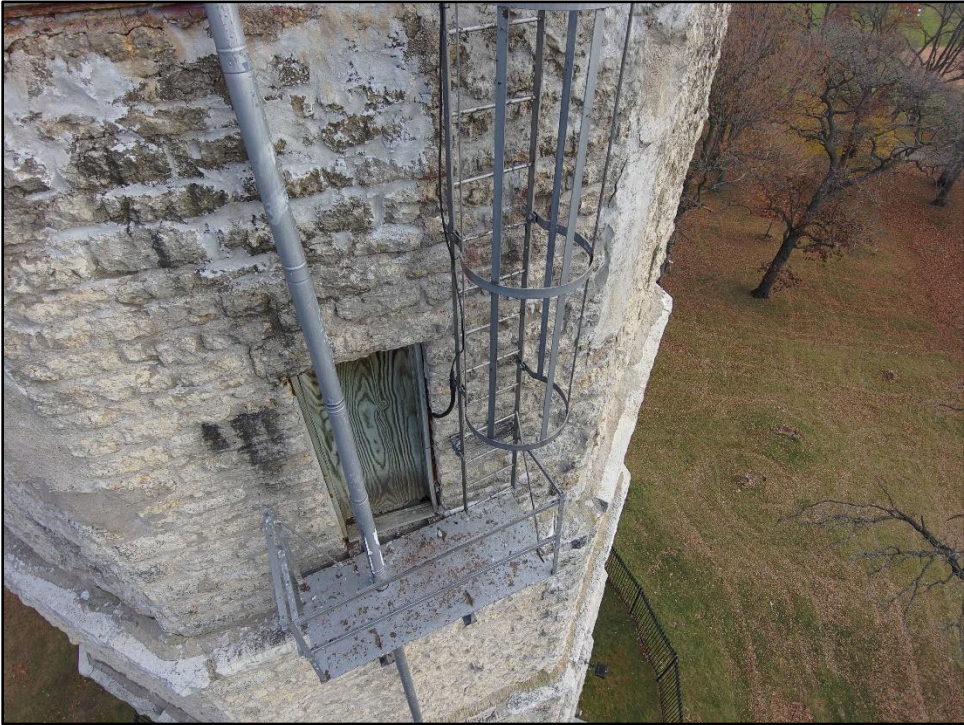
**Photo 5: Floor and tank supports as viewed from below**



**Photo 6: Ladder inside masonry tower**



**Photo 7: Doorway to exterior platform and ladder**



**Photo 8: Exterior platform and ladder to tank**



**Photo 9: Exterior ladder to tank**



**Photo 10: Modified entry door/wall**



**Photo 11: Modified entry door/wall**

## Conditions Observed

The photos included in this report are representative of conditions found during this assessment. This report does not include a photo of every location of the conditions found.

Each condition includes a description of the issue, a conceptual approach for repair, and a priority level. The priority levels include high, medium, low and monitor. All of these conditions are important to address. However, with the understanding that typically restoration projects occur over the course of years, this information is included to assist in identifying which items to address first.

- High priority repairs will help to stop ongoing deterioration and stabilize the structure in its current condition.
- Medium priority repairs will restore the structure to a good condition. These repairs are important to keeping the structure long-term but are not the most critical at this time compared to the high priority items.
- Low priority repairs will also restore the structure to a good condition but are less likely to have an impact on other elements or systems.
- Monitor indicates that a condition is not currently a concern, but it has the possibility of worsening over time. These conditions do not require a repair at this time but should be monitored in the future in case they worsen.

Please note that this report is based on conditions of structural elements that were readily observable at the time of assessment and that no testing or invasive investigations were performed. All recommendations provided in this report are conceptual in nature and are not intended to be details or specifications for construction.

**Condition #1: Deteriorated and Missing Stones at Belt Course**

**Description:** Many of the stones at each belt course are in poor condition. There are stones that have fallen out or have been removed (Photo 12). Many stones that remain in place are cracked, spalled or delaminated (Photo 13 to 15).

These horizontal projections are natural places for water to enter the wall. This condition is likely due to decades of water and ice buildup along the ledges. There are mortar washes that have been installed to help shed water, but the deterioration has continued.

This condition is particularly bad at the top of the wall (Photos 16 and 17). There is more exposed masonry here that can take on water. Also, the embedded steel tank supports are corroding and likely causing additional damage to the masonry. See Condition #7 for more discussion of the steel corrosion.

**Repair:** Replace stones that are missing as well as any that are severely deteriorated and have lots of cracking. For any stones that have minor cracking but are otherwise in generally good condition, consider pinning across the crack, or adhering the stone pieces with epoxy.

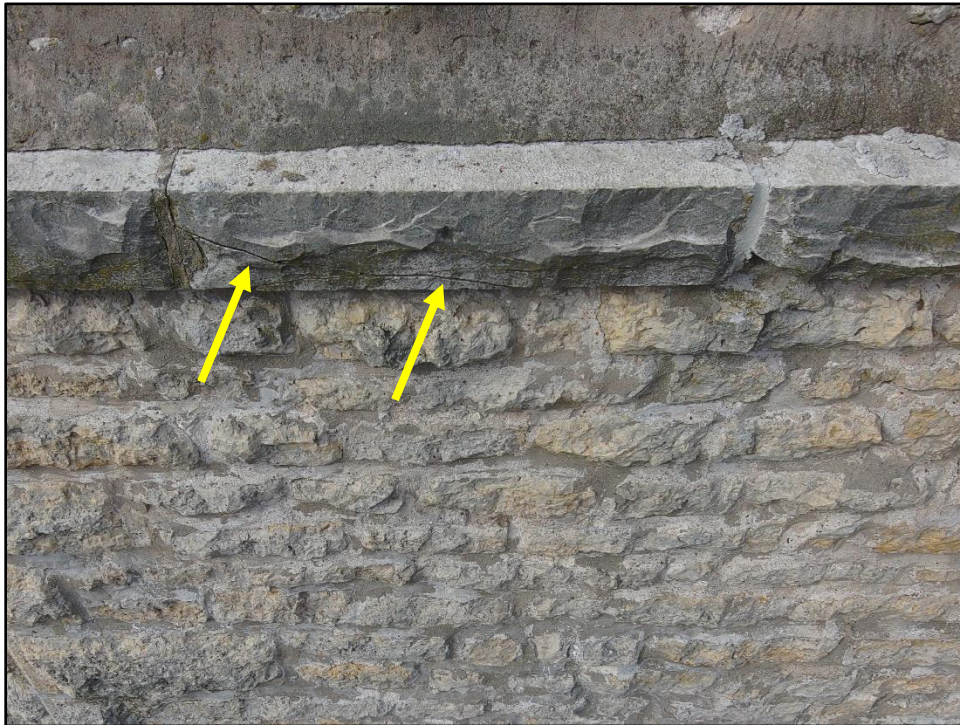
Consider adding a coping or flashing at the horizontal surfaces, particularly at the top of the wall. Keeping water out of the wall in the future will be critical to maintaining this structure. This approach comes with downsides as well though as creating a system that would be effective and also not change the appearance of the structure would be challenging. This is an architectural issue to consider during the design of repairs.

**Priority Level:** High

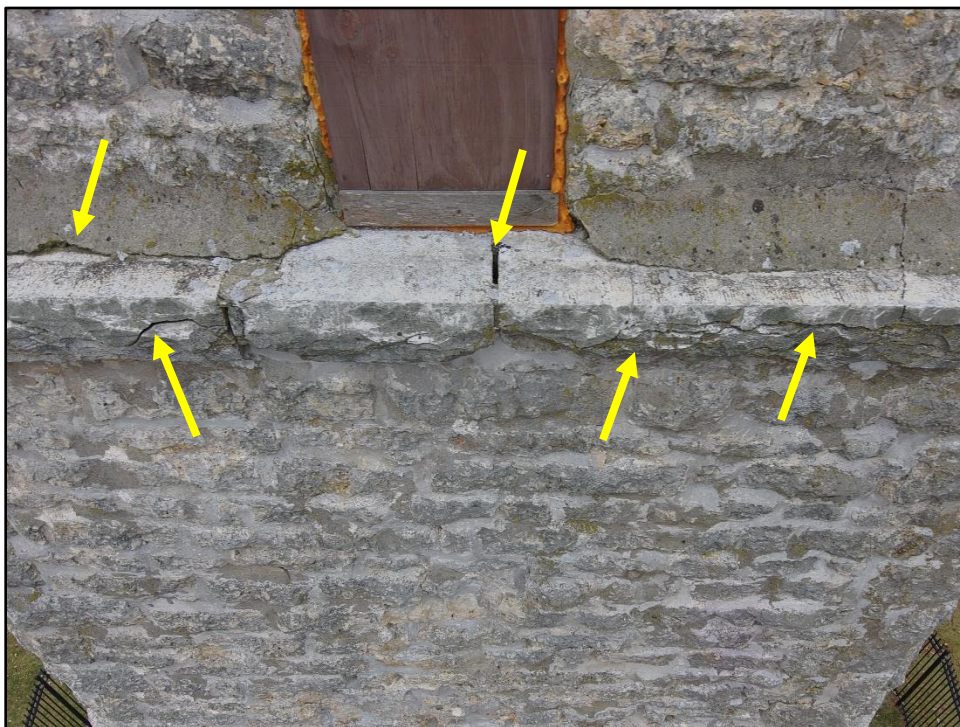


**Photo 12: Missing stone**

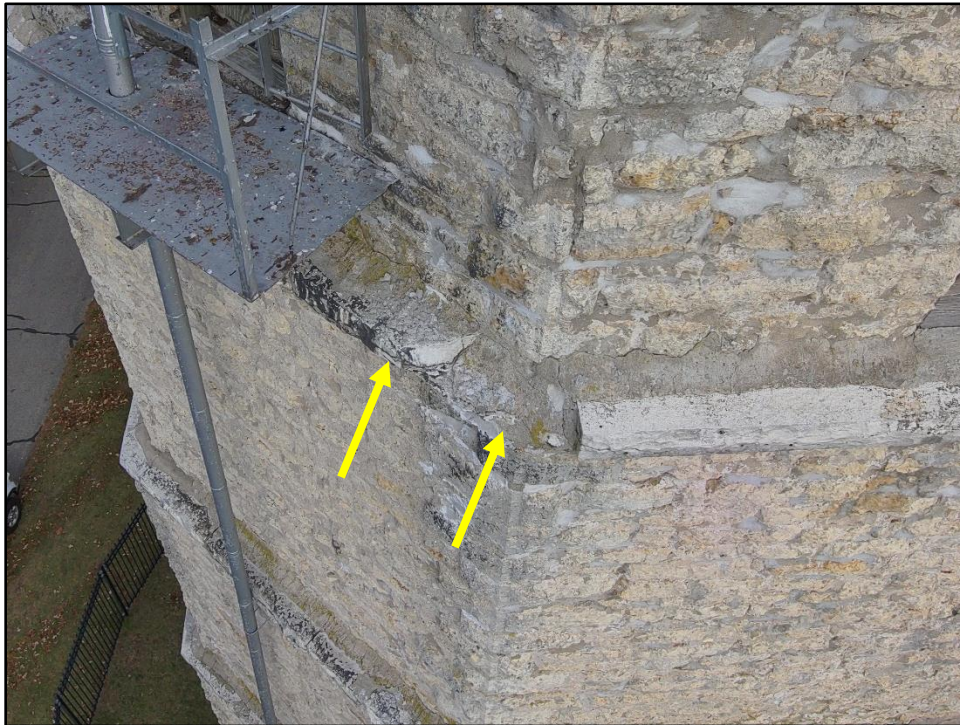




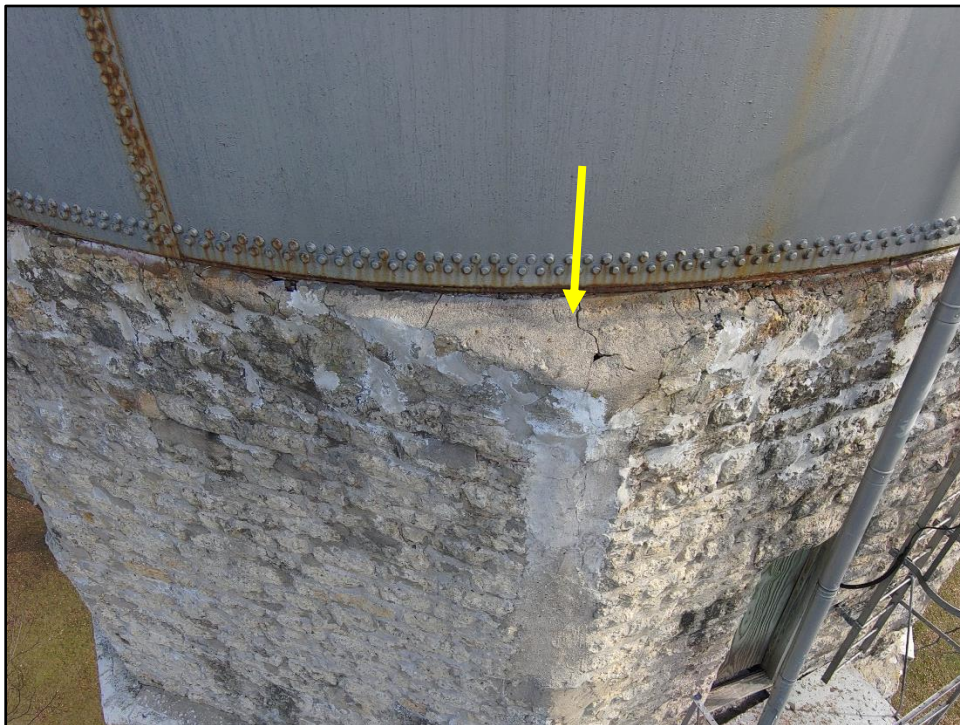
**Photo 13: Horizontal cracks in stone**



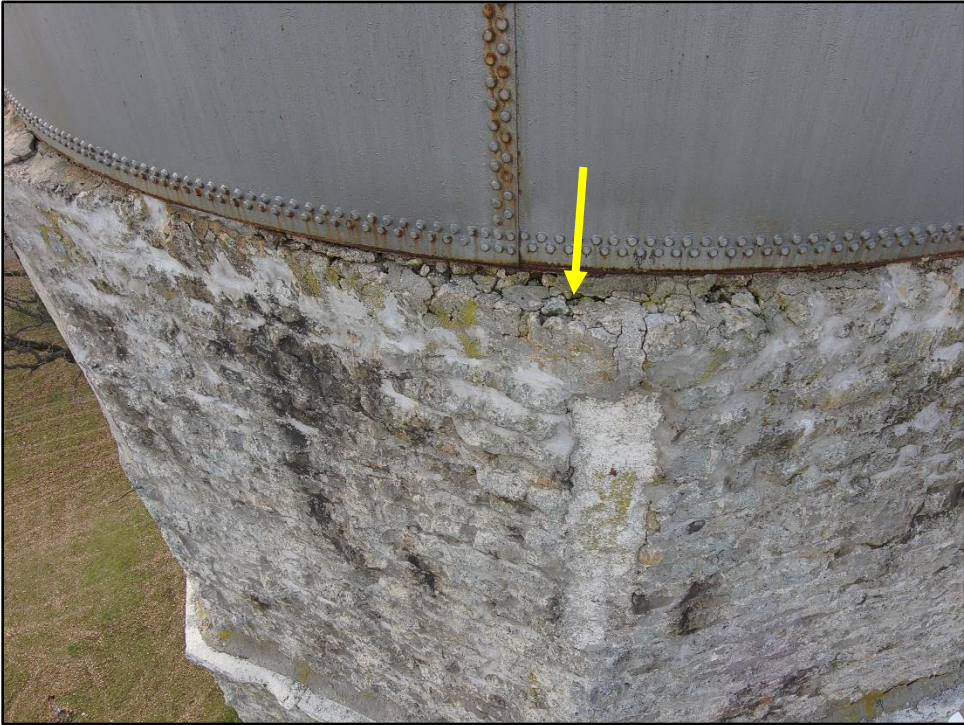
**Photo 14: Cracked stones, missing mortar, deteriorating mortar wash**



**Photo 15: Missing stone, cracked stone, deteriorating mortar wash**



**Photo 16: Deteriorating mortar wash at top of wall**



**Photo 17: Deteriorating masonry at top of wall**

**Condition #2: *Deteriorated and Spalled Stone away from Belt Course***

**Description:** There are some isolated locations where stone has spalled and broken away from the structure (Photo 18). The sides of the wall openings have some spalling (Photo 19). Only one location was easily visible during this assessment, but we would expect to find conditions like this at other openings as well. One area at the top tier has a larger area that has spalled away (Photo 20). There is also some deterioration of stone near the base of the wall (Photo 21).

**Repair:** Areas with isolated spalled stones do not need to be repaired at this time. If a full restoration of the building is undertaken, it may be decided whether or not these locations should be addressed.

The sides of the wall openings could be address on a case by case basis when access is available to those areas. The one area visible during this investigation did not appear to be in dire condition and can wait until a repair plan is executed

Deterioration at the base of the wall can be address during a full repair as well. It is not so significant as to require repairs at this time. This is an easily monitored condition due to the location on the building.

The large spall area shown in Photo 20 should be investigated up close in more detail. There is a possibility that the stones around this area are unstable and would require remediation. If the stone is loose at all, it could be pinned into place. Alternately, the missing/spalled stones could be replaced/repared which would stabilize this area of the wall.

**Priority Level:** High – Pinning area around large spall

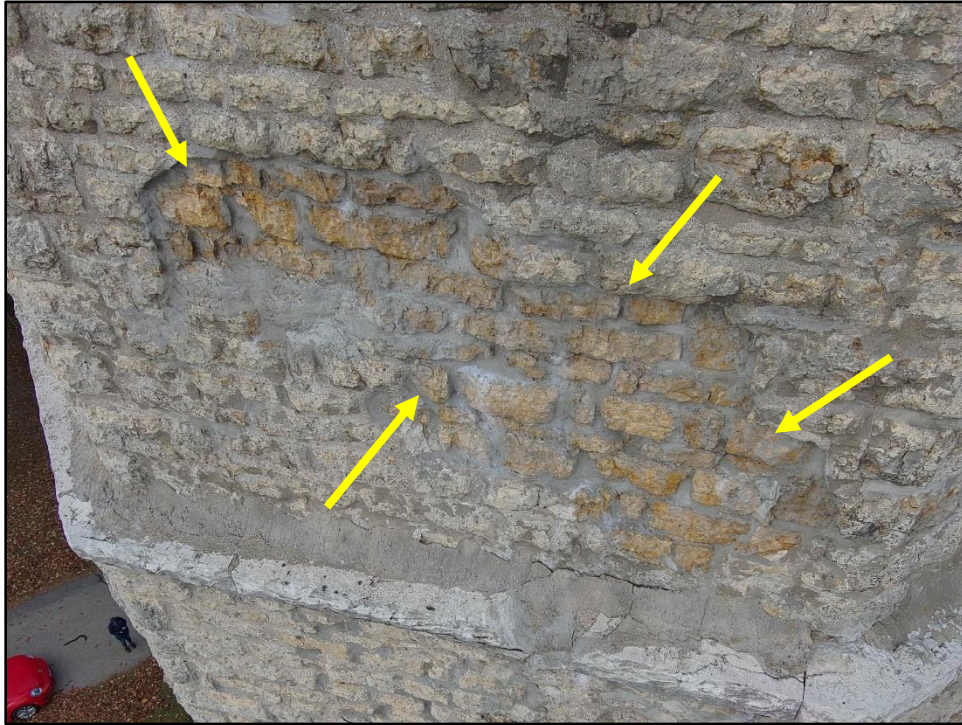
Medium to Low – All other conditions



**Photo 18: Isolated locations of stone spalls**



**Photo 19: Spalled stone on "door" walls**



**Photo 20: Area of spalled stone – top tier, southeast elevation**



**Photo 21: Stone deterioration at base of wall**

**Condition #3: Cracked Stone**

**Description:** Stones in some locations have significant cracking. This is particularly prevalent in the arched stones at the entryway (Photos 22 and 23). Also see Condition #1 for cracking in stones at the belt courses.

**Repair:** For a long-term repair, these stones should be replaced. The cracking is too extensive for an in-place repair to be effective.

**Priority Level:** High



**Photo 22: Cracked stone in entryway arch**



**Photo 23: Cracked stone in entryway arch**



**Condition #4: Deteriorated Mortar Joints**

**Description:** The mortar joints are in various stages of deterioration.

The exterior wall joints have had a lot of spot repointing in the past (Photos 24 to 27), which is to be expected for most structures. It does appear that some of the previous mortar may be harder than appropriate, which may be the cause of some of the isolated stone spalling and cracking.

The interior wall joints are very loose and mortar is falling out of the joints and collecting on the floor (Photo 28).

Keeping mortar joints in good condition is key to the longevity of this structure. Given the age of the structure, we would anticipate that the original lime mortar used would be deteriorating and reverting to a sandy material. This is not necessarily an issue near the center of the wall as long as it is kept in place by the mortar on the wall faces.

**Repair:** Repoint loose mortar joints. The joints on the exterior should have a higher priority than those on the interior. Repointing can be performed in sections throughout the building over time, or when access is available. For the purpose of planning, it would be appropriate to assume that 5% to 10% of the building will need to be repointed. While most of the building is in good condition at this time, the joints will continue to deteriorate while planning progresses and if repairs are staged over time.

The mortar should be matched to the original mortar. Prior to performing any repair work on this building, the mortar should be analyzed to determine the composition of the appropriate repair mortar.

**Priority Level:** Medium



**Photo 24: Different types of mortar**



**Photo 25: Different mortar at entry arch**



**Photo 26: Repointed joints at mid-height of tower**



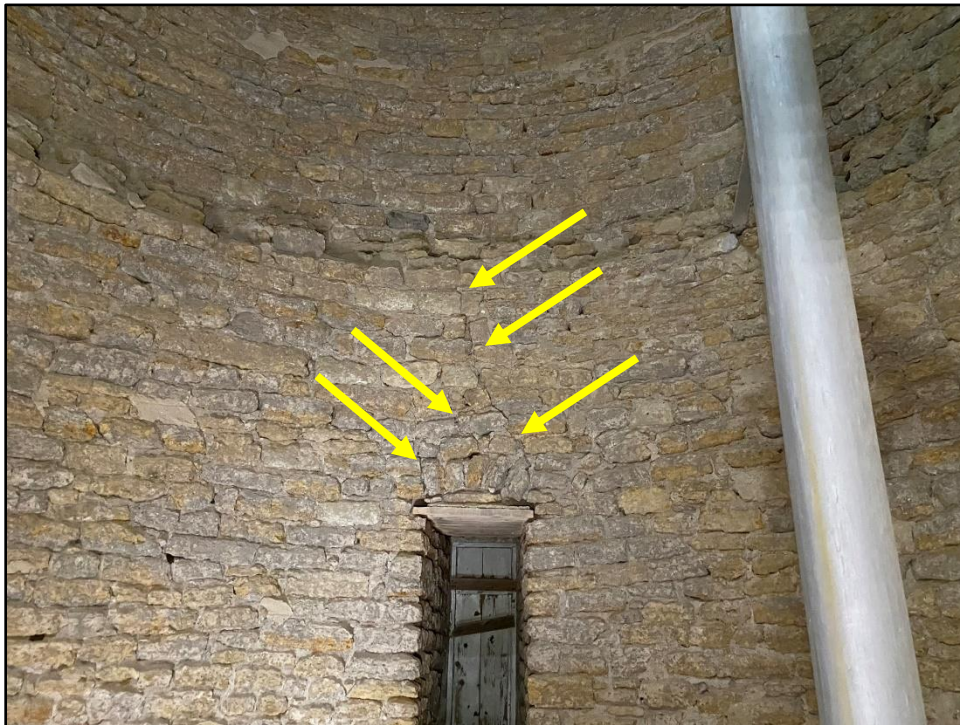
**Photo 27: Repointing mortar at top of tower**



**Photo 28: Deteriorated joints on interior – dust on floor is deteriorated mortar**

**Condition #5: Crack in Wall**

- Description:** A crack was noted on the interior of the structure above an opening on the north wall (Photo 29).
- Repair:** Repoint cracked mortar joints and epoxy or pin across cracks in the stone.
- Priority Level:** Monitor until interior repointing is performed, or unless additional movement occurs.



**Photo 29: Crack on interior of tower**

**Condition #6: Concrete/Mortar Wash Missing and Cracked**

**Description:** There has been a concrete or mortar wash placed at the base of the wall. It has fallen off in many locations and is cracked in other locations (Photo 30). The use of concrete or a hard mortar is not appropriate for this building.

**Repair:** When belt courses discussed in Condition #1 are being addressed, repair this as well. There may need to be stones replaced where they are cracked or spalled. Mortar joints should be replaced. If there is still a need for water deflection at this location, consider installing a mortar wash with a material matching the original building mortar, but anticipate that it will need to be maintained on a regular basis.

**Priority Level:** High – coordinate repairs with belt course repairs.



**Photo 30: Cracked and missing concrete/mortar wash**

**Condition #7: Corroded Steel**

**Description:** The steel beams and plate girders holding the tank have light corrosion, particularly near the masonry walls (Photos 31 to 33). The beams that form the floor below the tank also have corrosion at the exterior walls (Photos 34 and 35).

The tank has some signs of corrosion on the exterior at the joints (Photo 36).

The ladder on the interior of the structure has corrosion at the base and at some of the wall connections (Photos 37 and 38)

**Repair:** Perform some exploratory openings at locations where beams are bearing on walls. Exposing the steel members will determine whether repairs are needed. If repairs are needed it will likely involve welding new steel plates/angles/etc to the existing steel to replace the lost steel capacity.

At a minimum, exposed steel members should be primed and painted to extend the life of the structure.

Once water is removed from the tank, the interior should be inspected by a tank inspector to determine whether the tank itself, or its connections to the base, require repairs.

The interior ladder's base and connections to the wall should be reinforced with new steel elements. The exterior platform and ladder should be inspected in greater detail when access is available, or when repairs begin.

For all steel repairs, the weldability of the material should be determined by testing prior to implementing any repairs. Some steel of this age is not weldable. There is also a chance that some of the material is iron rather than steel.

**Priority Level:** High – beams and girders that are bearing on masonry. These are a higher priority because their condition will impact the longevity of any masonry repairs.

High – Ladders or other access points

Medium – All other locations



**Photo 31: General light corrosion on support structure**



**Photo 32: Close up of tank supports at wall**

**There is a steel plate on top of the masonry that is corroding as well as the base of the tank**





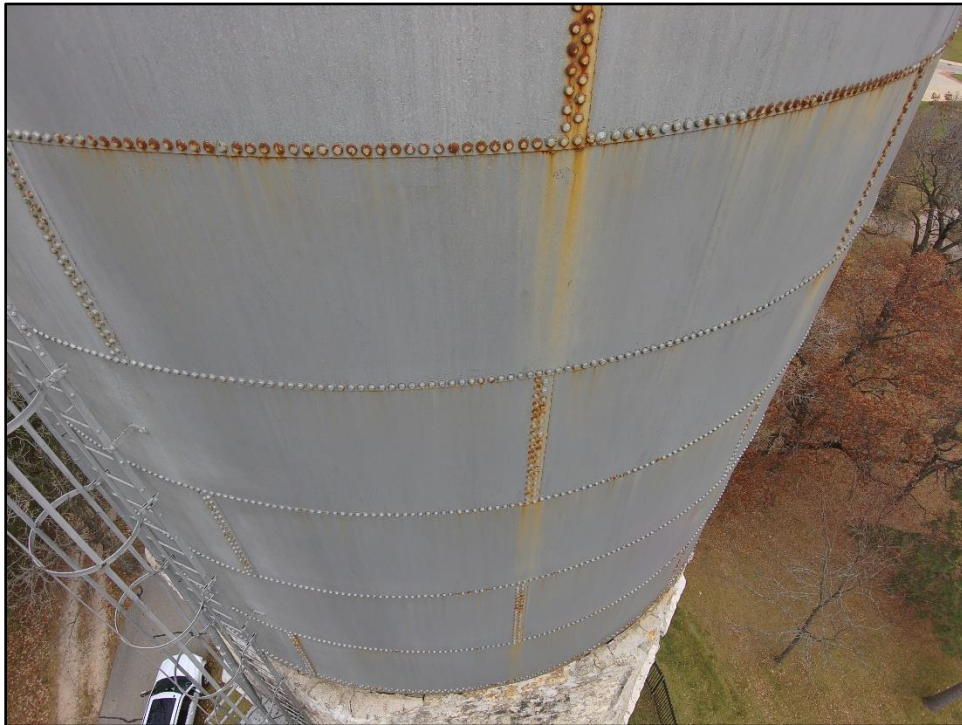
**Photo 33: General surface corrosion of tank support beams with an increase near walls**



**Photo 34: Signs of floor beam corrosion at walls**



**Photo 35: Corroding floor beam at exit to exterior platform**



**Photo 36: Rust staining on exterior of tank**



**Photo 37: Corroded ladder connections at wall**



**Photo 38: Base of interior ladder – corrosion on all pieces**

**Condition #8: Rotting Wood**

**Description:** The wood panels over the access openings are rotting (Photo 39). This is not a significant concern in the overall scope of this structure. However, we recommend addressing it when there is access and when the surrounding masonry is being addressed.

**Repair:** Replace deteriorating wood in kind.

**Priority Level:** Low/Monitor



**Photo 39: Minor wood deterioration at access panels**

## Structural Analysis

We performed a high level structural analysis of the tower with a focus on two main items. The first focus was on whether the masonry walls are close to their capacity. This analysis gives an indication about how much room there is for deterioration before there are global structural issues. The second focus was on the effects of removing the water from the tank. This analysis gives an indication of whether reinforcing would be necessary for the structure due to removing the water.

The results of both analyses were positive.

The masonry walls have plenty of capacity to undergo some deterioration before having global structural concerns. The current amount of deterioration to the masonry walls is not having a significant structural effect. Relatively speaking, if there is 2" of mortar loss in an 8 foot thick wall, that is equivalent to just over an 1/8" of mortar loss in a 12" brick wall. At the top of the tower, that same 2" mortar loss in a 3 foot thick wall is equivalent to 2/3" of mortar loss in a 12" brick wall. It becomes more important as the wall gets thinner, but neither of these mortar losses would cause a global structural concern in a standard building wall. The current amount of mortar loss is more of a concern with loosening stones than for the structure as a whole.

*Recommendation: Maintain the mortar joints, particularly on the exterior faces, to keep the compression capacity of the structure. Keeping the old, loose mortar from falling out of the joints is the best way to keep the structure in good structural condition.*

The second part of this analysis showed that it is acceptable to remove the water from the tank. There is no tension in the masonry portion of the structure even with the water removed from the tank. This is important because the deteriorating stone mortar joints have no capacity to withstand tension. As long as the structure stays in compression and the joints are maintained, the removal of the water will not have a deleterious effect.

The analysis does show a small amount of tension occurring at the base of the steel tank where it connects to the masonry under high wind conditions. Because any connections at the tank are only visible from the interior of the tank, we could not ascertain the strength of those connections. However, the beams and girders that support the tank are built into the masonry walls. The weight of the masonry surrounding these elements, particularly the girders, will provide some additional hold-down support for the tank.

*Recommendation: After the water is removed from the tank, have the interior of the tank inspected for severe corrosion and to ensure that there are connections between the tank and the support structure.*

## Recommendation

We recommend repairing this building using historically appropriate methods. The structure is stable and generally in good condition, with some elements in fair condition. The conditions discussed previously are all typical situations that are anticipated in a structure of this age and construction. In our opinion, there is no reason to demolish this structure at this time. There is certainly no reason to consider demolishing and then rebuilding the structure in kind.

The structure is safe at this time. The biggest hazard would be the potential for falling stones. The fence around the exterior protects the public from this potential hazard. While it's not possible to see into the future to determine when the structure would deteriorate to a point of larger scale hazard, it is not close to that state at this time. It will be important to address the high priority issues in the next few years, and the longer the work is postponed, the more extensive, and therefore expensive, it will be.

## Opinion of Probable Construction Cost

The anticipated budget for performing the repair work described in this report is in the range of \$950,000 to \$1,100,000. This budget assumes that all of the work is performed at one time, during one project. Additional discussion of phasing and associated costs is provided in the next section.

This estimate has been provided by Structurewerks. They are a concrete and masonry restoration company located in southeast Wisconsin with significant experience in doing this sort of work.

McEnroe Consulting Engineers has been asked to provide an opinion on the potential cost for demolishing the tower to be used for funding discussions. The anticipated cost for demolition is in the range of \$600,000. This cost was developed using the RS Means Building Construction Cost Data book.

A more detailed description of each cost estimate is found in Appendix B.

## Phasing Discussion

Often funding is not available to address all the issues in a building at the same time. In order to plan a phased approach to repairing this structure, we are recommending the following segments of work as a potential path forward. It may be that a different strategy is taken in the end, and that is fine. There are many ways to approach this, and there may be good reasons to choose something other than what is proposed here.

In a structure such as this, the access available to perform repairs will often drive the approach taken. If the structure was accessible from an aerial lift, it would be more feasible to break the repairs down into smaller phases. However, given the slope of the ground, particularly on the north and east sides, prohibit using a lift to access much of the tower. Also, repair work that involves removing stones would be nearly impossible from a lift due to weight limitations. Scaffolding would be the more effective means to access the exterior of the structure. Scaffolding will have a relatively high first cost. Once it is in place, it will typically make the most sense to repair all items in that area.

If spot repairs were needed in the interior of the tower, a small atrium style lift would work well for that. However, since the entire interior is in need of repointing, it would likely be more effective to build scaffolding on the interior.

The following phasing has been developed with the goal of determining the extent of work that can likely be completed for \$600,000 to match the estimated cost to demolish the building. Work that will not be able to be performed within that initial \$600,000 is then phased to spread out the cost over multiple years.

Note that the total cost of this phased approach is estimated to be \$1,330,000 which is roughly 30% higher than the cost to perform the project all at one time.

### Phase 1

First, address the corroded steel at the platform below the tank. To do this, a contractor would access the interior of the tower with an atrium style lift to address any issues with the steel floor beams. Starting with this work will allow this platform to be used during construction for repairs at the top of the tower.

Second, repair and rebuild masonry at the top of the wall. Do this work in segments as to not destabilize the tank. Remove deteriorated masonry, expose corroded steel, clean and paint steel (augmenting if needed with new steel or welding plates), rebuild masonry with original stones and supplemental stones as needed using mortar and stones matched to the original.

Third, perform other masonry repairs on the exterior of the tower, starting at the top and continuing down as far as the budget allows. Based on the cost estimated performed as part of this study, it is anticipated that the top two levels of the exterior would be addressed as part of this phase. The scope of work could be adjusted to include more or less of the exterior based on budget available and the conditions found during construction.

Estimated cost of Phase 1: \$590,000.

### Phase 2

Continue down the exterior of the building to perform the masonry repairs at the lower three levels of the tower. This would include addressing cracked stones and repointing mortar joints.

Estimated cost of Phase 2: \$420,000.

### Phase 3

Repoint mortar joints on the interior. Address rotting wood doors and other miscellaneous items that can be accessed from the interior.

This can be performed in stages if desired however the costs will increase to create access to the interior for each phase. Another consideration may be that this interior work could be performed in the winter months when masons and scaffolding companies are less busy than the summer months. This could potentially allow for a reduction in cost.

Prior to performing the interior work, investigate the interior humidity levels under the new conditions with the decommissioned tank. If there is a major condensation issue on the interior, this may add to the joints failing prematurely. If this is the case, consider ways to add passive ventilation.

Estimated cost of Phase 3: \$320,000.

Ongoing Maintenance

There will also be ongoing maintenance costs for the building. For a building such as this, maintenance will typically consist of periodic repointing of mortar joints and addressing cracking stone. The cost of performing this work is highly dependent on the access needed. For work on the west and south sides of the building, it can be performed from an aerial lift and most of the costs will be for the labor and materials needed to perform the work. On the north and west sides of the tower, scaffolding will be needed to perform any work. This will greatly increase the cost of doing that work.

A building that has been repointed with good craftsmanship and materials should be able to last 30 to 40 years without repointing. Due to the high cost of accessing the structure, it is going to be very important to do a comprehensive repair of stone and mortar during the Phase 1 and Phase 2 repairs so that the length of time until repointing is needed is extended as long as possible.

Estimated cost for repointing 5% of mortar joints on west/south half of the exterior: \$30,000

Estimated cost for repointing 5% of mortar joints on east/north half of the exterior: \$80,000

Future Costs

All of the costs provided above are based on 2023 pricing. Obviously as work is phased into the future, inflation will increase the costs. Here is an example of how this might affect these costs, using a 5% per year increase for inflation:

Phase 1 performed in 2024:	\$620,000
Phase 2 performed in 2026:	\$486,000
<u>Phase 3 performed in 2028:</u>	<u>\$408,000</u>
Total overall cost:	\$1,514,000

Ongoing Maintenance performed in 2040:

West/south sides:	\$70,000
North/east sides:	\$183,000



## Recommendations for next steps

We recommend the following items as next steps in the process of repairing and restoring this structure:

1. Engage a tank inspector to review the conditions inside the tank after it has been emptied.
2. Perform some material testing including mortar analysis and steel sampling. This will provide information critical to performing the repairs needed.
3. Explore whether there would be historic tax credits or other programs available to assist in funding repairs for this structure.
4. Perform some investigation openings in the top of the masonry structure. This will allow a view of the steel condition within the masonry as well as getting a better look at the overall mortar condition near the top of the wall. These two conditions have the most assumptions associated with the costs and overall impact on a repair project. Confirming these conditions early in the process would provide more confidence in the cost impacts of Phase 1 work. Given the high cost of access to the top of the tower that would be needed to perform ongoing maintenance, performing a comprehensive repair to the top levels during Phase 1 will lower the long term costs of maintaining this structure.
5. Use the findings of these steps to develop a long-term plan for preservation or restoration of the structure, then move into design for the first phase of work.

## Limitations

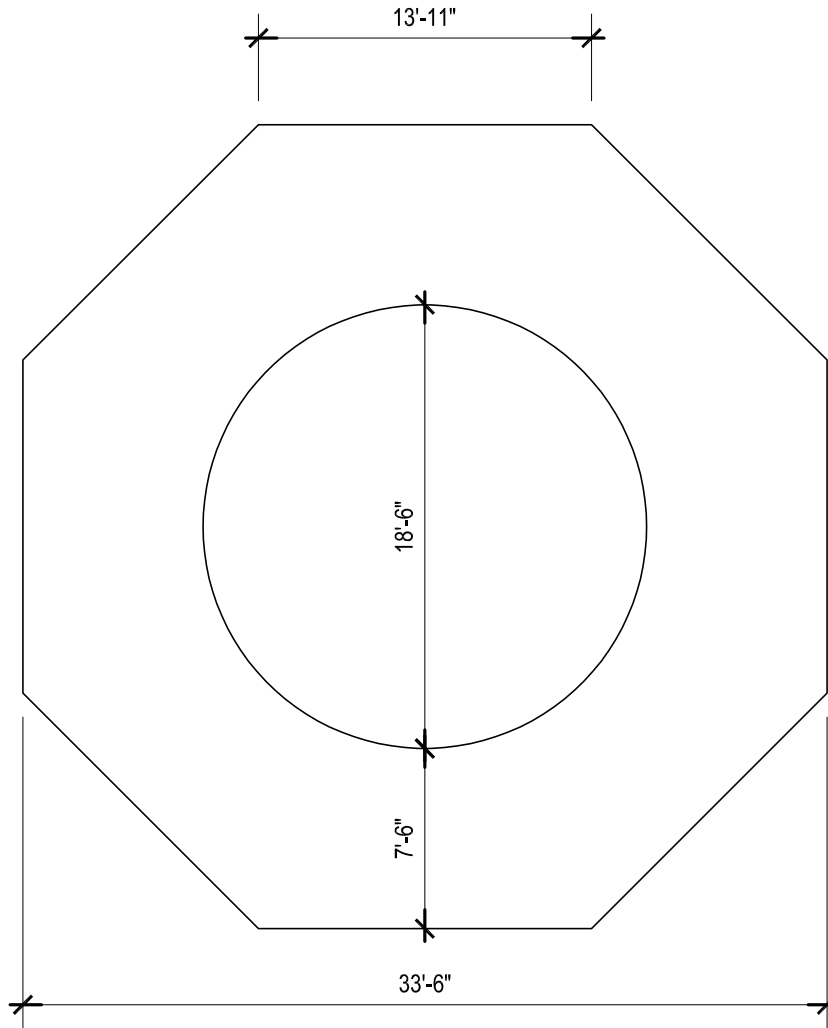
This report is based on conditions of structural elements that were readily observable at the time of investigation. No testing or inspections were performed. McEnroe Consulting Engineers does not accept responsibility for structural deficiencies not evident during an investigation of this type. All recommendations provided in this report are conceptual in nature and are not intended to be full details or specifications for construction.

All conditions discussed in this report are subject to change and are anticipated to change over time. As additional exploration is performed, the recommendations in this report may change based on newly available information.



## Appendix A

# Level 1 (base)



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 1 PLAN**

SHEET NO:

**S1** 179

MCE PROJ NO: 22-37

**MCE**  
McEnroe  
Consulting  
Engineers

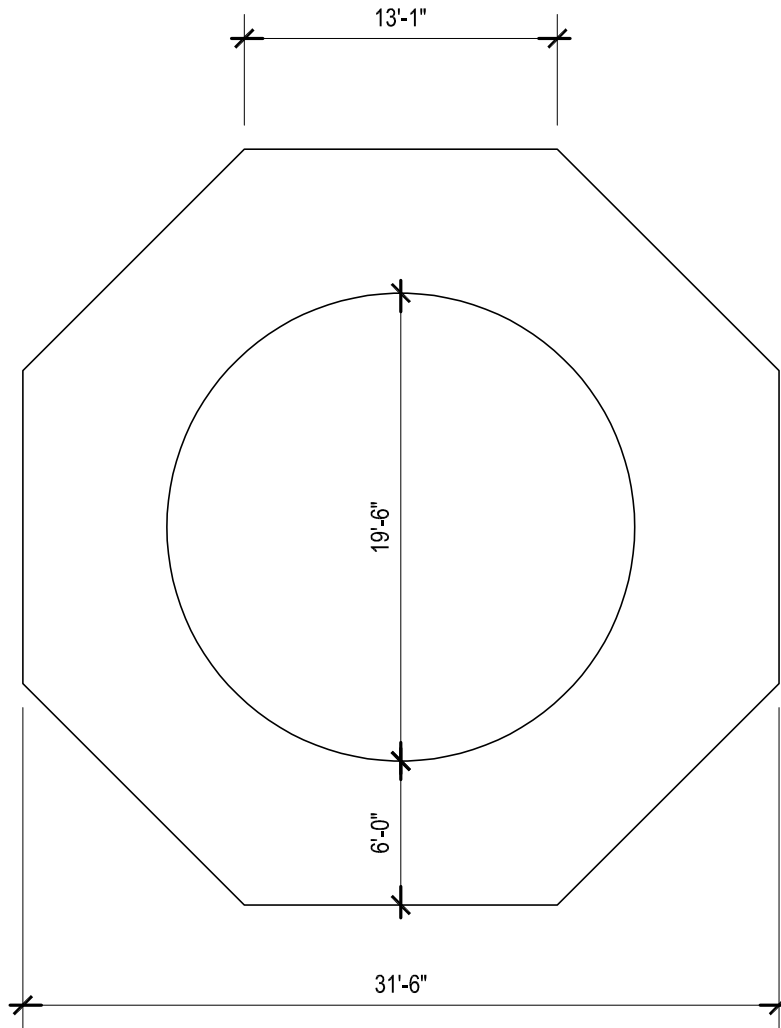
Item 19.

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

# Level 2



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.



Item 19.

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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 2 PLAN**

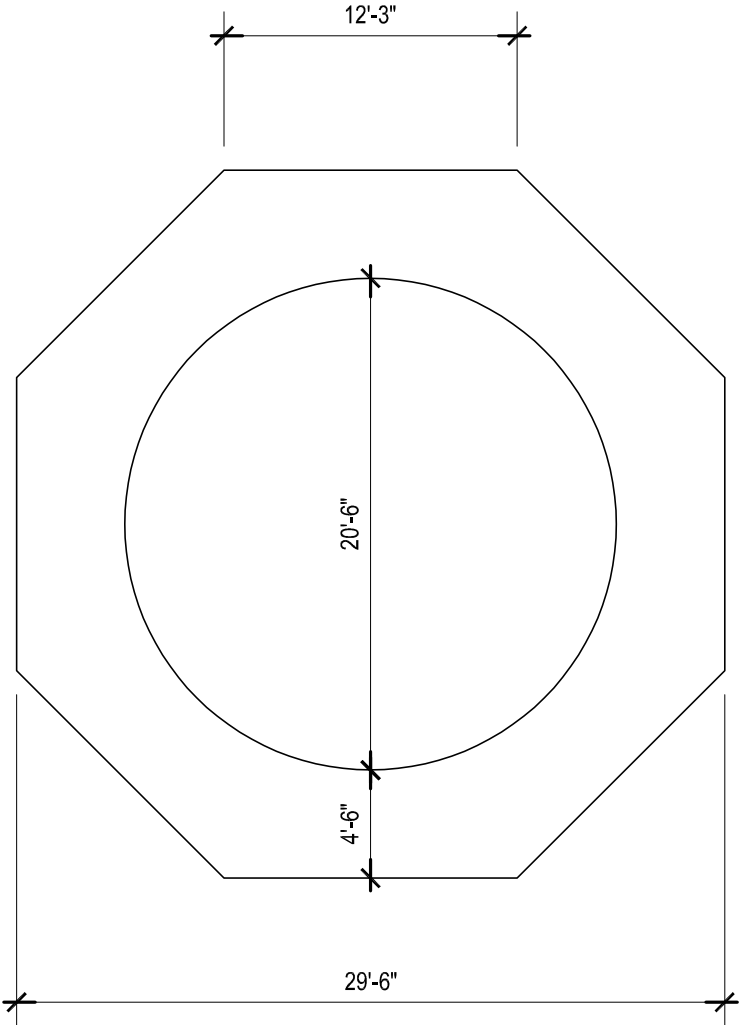
SHEET NO:

**S2**

180

MCE PROJ NO: 22-37

# Level 3



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 3 PLAN**

SHEET NO:

**S3**

181

MCE PROJ NO: 22-37

**MCE**

**McEnroe  
Consulting  
Engineers**

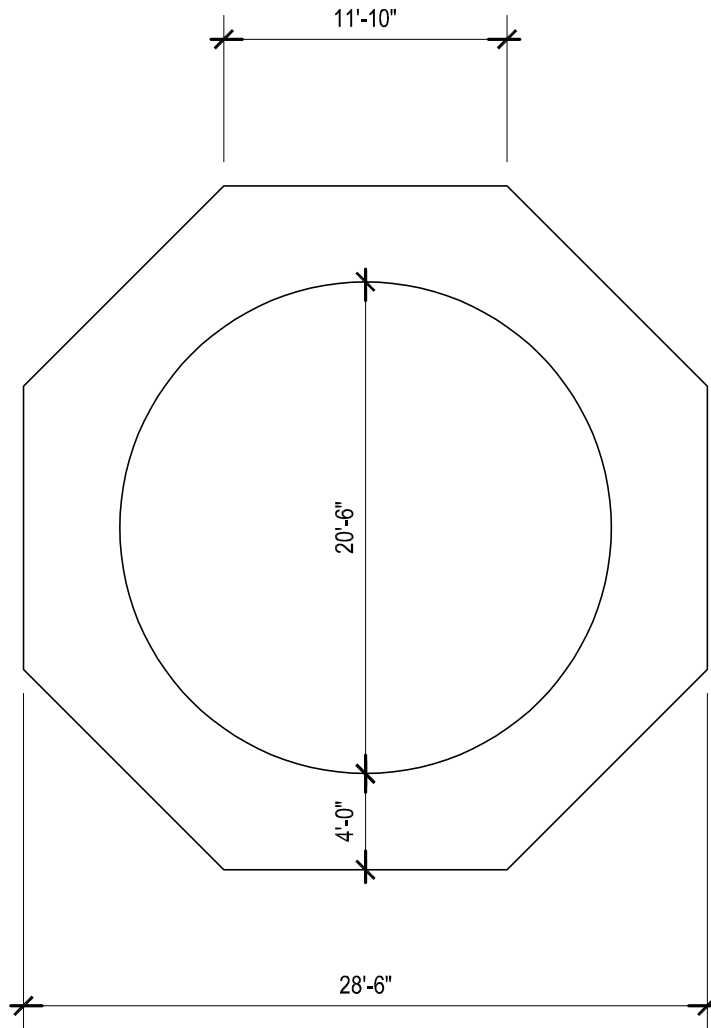
Item 19.

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

# Level 4



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 4 PLAN**

SHEET NO:

**S4**

182

MCE PROJ NO: 22-37

**MCE**  
McEnroe  
Consulting  
Engineers

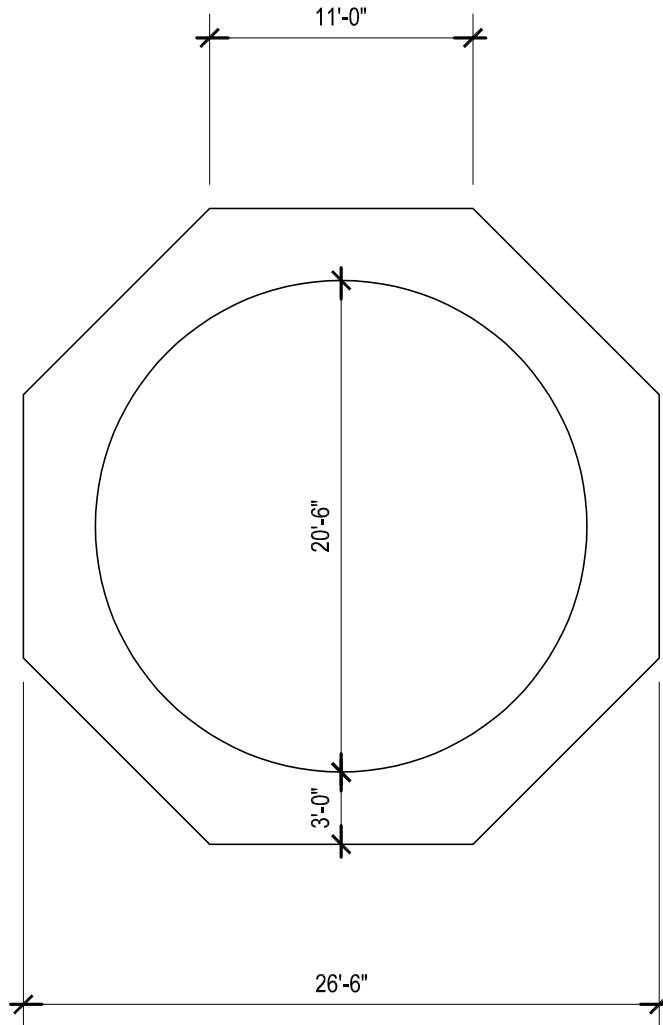
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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

# Level 5



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 5 PLAN**

SHEET NO:

**S5**

183

MCE PROJ NO: 22-37

**MCE**  
McEnroe  
Consulting  
Engineers

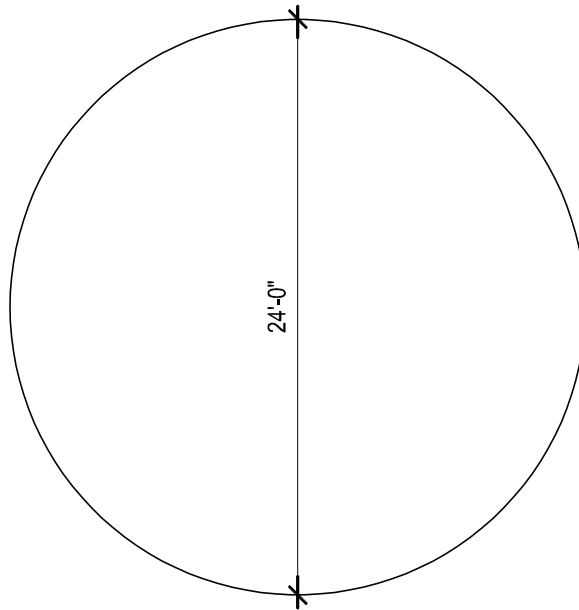
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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

# Steel Tank



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**STEEL TANK**

SHEET NO:

**S6**

184

MCE PROJ NO: 22-37

**MCE**  
McEnroe  
Consulting  
Engineers

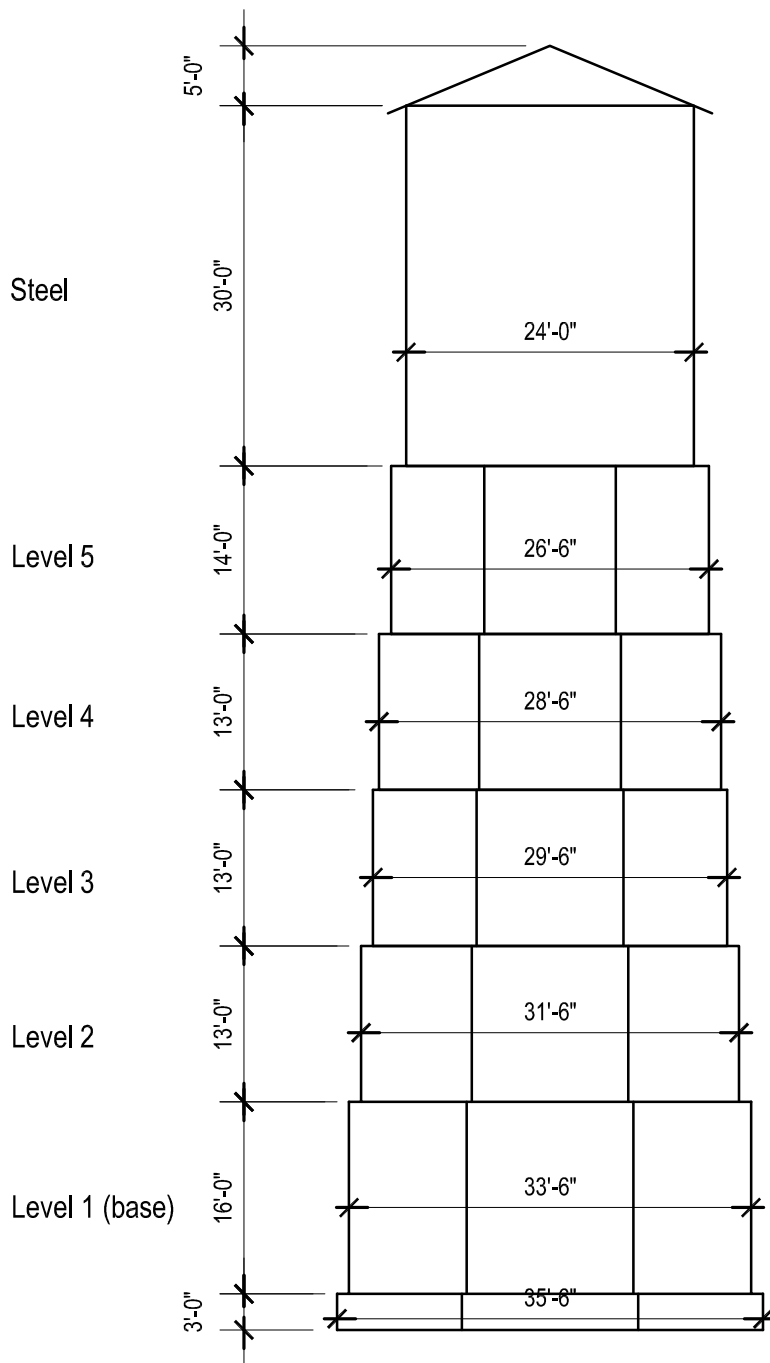
Item 19.

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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN





NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**ELEVATION**

SHEET NO:

**S7**

185

MCE PROJ NO: 22-37

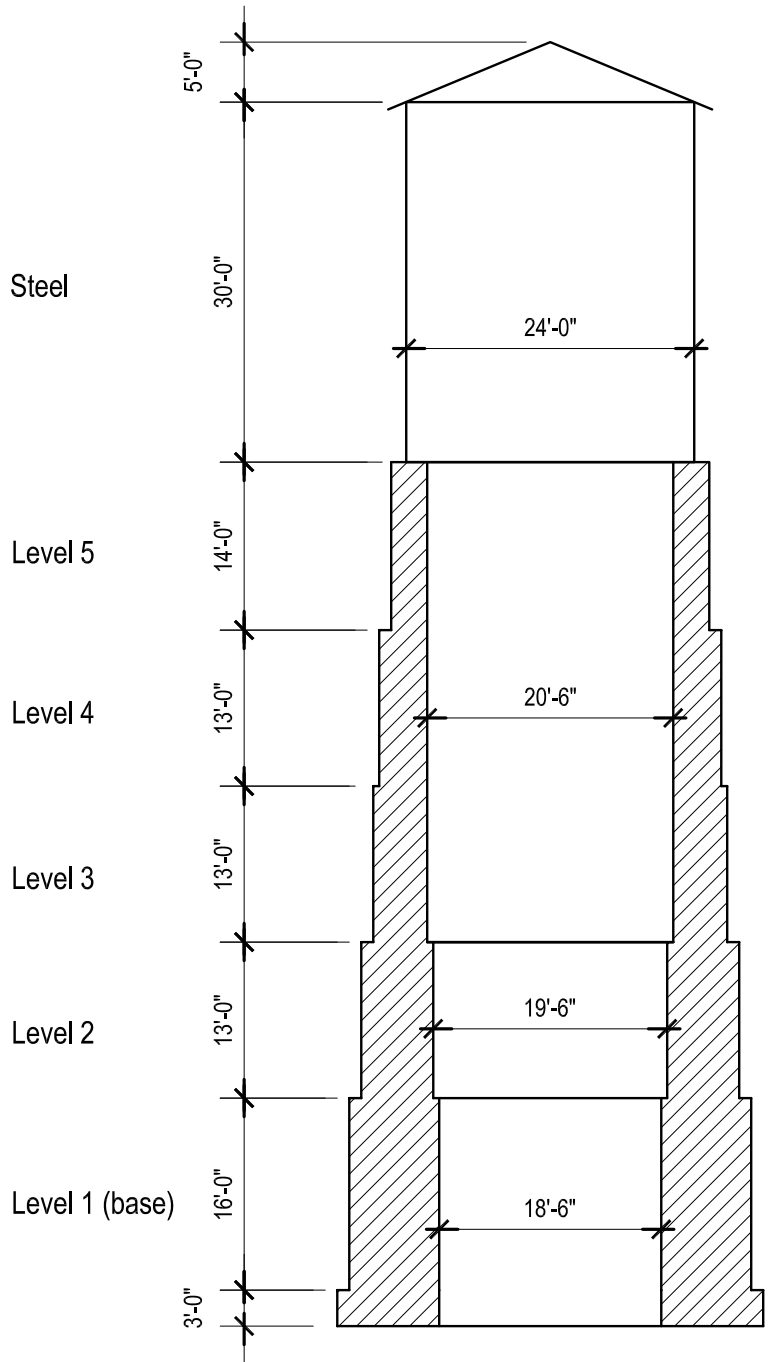
**MCE**  
**McEnroe**  
**Consulting**  
**Engineers**

Item 19.

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/29/22

SHEET NAME:

**SECTION**

SHEET NO:

**S8**

186

MCE PROJ NO: 22-37



Item 19.

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN



## Appendix B

**December 12, 2022**

Ms. Eileen McEnroe Hankes, PE  
**McEnroe Consulting Engineers**  
7251 W. North Ave. Suite 1  
Wauwatosa, WI 53213

[eileen@mcenroe-eng.com](mailto:eileen@mcenroe-eng.com)

**RE: Starin Tower Rehabilitation**

Dear Eileen:

Thank you for the opportunity to provide budgetary figures for the masonry restoration of the tower in Whitewater, WI. Structurewerks will provide the following scope of work per the engineers reports and estimated quantities of repairs:

**SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (82 each)
  - Masonry cleaning exterior
  - Replace mortar wash (504 LF)
  - Rebuild top of wall (320 SF)
  - Stone unit replacements not in belt course (29)
  - Arch stones (23)
  - Repointing of exterior joints (863 LF)
  - Repointing joints on interior (4,300 SF)
  - Crack repointing (15 LF)
  - Epoxy stone (14 locations)
  - Mortar wash at base of wall (120 LF)
  - Various steel repairs
  - Ladder repairs (10 locations)
  - Door replacements (5 locations)

**The above work budget would be between \$950,000 - \$1,100,000.**

**Notes:**

1. Scaffold access is included in our budget proposal. Rental of 4 months included.
2. Stone replacements are based on sourcing an approved similar type locally.
3. Budgets were assembled using estimated 2023 spring pricing. Costs and availability of products are subject to change. We reserve the right to reevaluate costs at the time of contracting.
4. Certain assumptions were made about size, depth of stone replacements. If it varies significantly, owner shall be contacted to review any cost implications.
5. Basic breakdown of costs would be as follows: Scaffold access 35%, interior restoration/steel repair/doors 20%, exterior restoration 45%.

If you have any questions, please contact me at (262) 408-3960.

Thank you for your continued interest in Structurewerks.

Sincerely,

*Eric Johnson*

Eric Johnson  
VP Sales and Operations

**January 4, 2023**

Ms. Eileen McEnroe Hankes, PE  
**McEnroe Consulting Engineers**  
7251 W. North Ave. Suite 1  
Wauwatosa, WI 53213

[eileen@mcenroe-eng.com](mailto:eileen@mcenroe-eng.com)

**RE: Starin Tower Rehabilitation – REV 1.4.22**

Dear Eileen:

Thank you for the opportunity to provide budgetary figures for the masonry restoration of the tower in Whitewater, WI. Structurewerks will provide the following scope of work per the engineers reports and estimated quantities of repairs:

Phase 1 – Levels 4-5 only

**SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (19 each)
  - Masonry cleaning exterior
  - Replace mortar wash (161 LF)
  - Rebuild top of wall (320 SF)
  - Stone unit replacements not in belt course (29)
  - Repointing of exterior joints (800 LF total in phase 1 and 2)
  - Various steel repairs
  - Door replacements (3 locations)

**The above work budget would be approximately \$590,000.**

## Phase 2 – Levels 1-3

### **SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (63 each)
  - Arch stones (23)
  - Repointing of exterior joints
  - Crack repointing (15 LF)
  - Epoxy stone (14 locations)
  - Mortar wash at base of wall (120 LF)
  - Ladder repairs (10 locations)
  - Door replacements (2 locations)

**The above work budget would be approximately \$420,000.**

## Phase 3 – Interior Work

### **SCOPE OF WORK:**

- Interior masonry restoration including the following:
  - Repointing joints on interior (4,300 SF)

**The above work budget would be approximately \$320,000.**

### **Notes:**

1. Scaffold access is included in our budget proposal. Rental of 4 months included.
2. Stone replacements are based on sourcing an approved similar type locally.
3. Budgets were assembled using estimated 2023 spring pricing. Costs and availability of products are subject to change. We reserve the right to reevaluate costs at the time of contracting.
4. Certain assumptions were made about size, depth of stone replacements. If it varies significantly, owner shall be contacted to review any cost implications.
5. Basic breakdown of costs would be as follows: Scaffold access 35%, interior restoration/steel repair/doors 20%, exterior restoration 45% for all phases of the project. The first phase scaffold budget is \$195,000, the second phase is \$50,000 and the third phase is \$80,000.



6. Exterior cleaning of the masonry would prefer to be completed in the first phase to be able to match mortar and stone samples properly. This represents about \$25,000 of the first phase allocation.
7. If separated into 3 phases over a 5-year period, many of the cost estimates are guesses beyond the first year. Uncompleted work could continue to cause larger quantities to be completed, labor and material costs are unknown that far in advance.
8. For future preservation efforts after the initial restoration, I would have a contractor perform a cursory review from the ground every 2 - 5 years and provide any recommendations. It would be recommended that maybe budgeting \$50,000 within the first 5 years would be prudent in case something is noticed and needs to be addressed.

If you have any questions, please contact me at (262) 408-3960.

Thank you for your continued interest in Structurewerks.

Sincerely,

*Eric Johnson*

Eric Johnson  
VP Sales and Operations



# Starin Park Water Tower - Demolition

## Engineer's Opinion of Probable Construction Cost

Project: Starin Park Water Tower Assessment  
 Date: 12/29/2022

Item	Description	Unit Cost	Quantity	Unit	Cost
1	Dumpster for Misc (40 CY - 10 ton capacity)	\$850.00	6	Week	\$5,100
2	Building Demo	\$2.13	67,000	CF	\$142,710
3	Foundation Demo	\$15.20	444	SF	\$6,749
4	Foundation Backfill	\$16.55	263	CY	\$4,354
5	Salvage Masonry - clean and stack on pallet	\$3.76	12,500	Each	\$47,000
6	Loading and Hauling up to 5 miles	\$15.50	2,500	CY	\$38,750
7	Dump Fees - 10% of masonry materials	\$81.00	300	Tons	\$24,300
8	40 Ton Crane Use	\$3,500.00	20	Days	\$70,000
9	Fence Removal	\$4.81	2,400	LF	\$11,544
10	Site Restoration (topsoil & seed)	\$24.25	667	SY	\$16,167
Subtotal:					\$366,674
General Conditions (gen req, bond, etc)					25% \$92,000
GC Overhead & Profit					10% \$46,000
A/E Design and Oversight					5% \$23,000
Contingency					15% \$80,000

**Total: \$610,000**

\* All totals and subtotals are rounded up based on the level of detail in the design



**STATE OF WISCONSIN**  
**Employment Relations Commission**

2418 Crossroads Drive, Suite 1000, Madison, WI 53718-7896  
Telephone: 608-243-2424 • Facsimile: 608-243-2433  
E-mail: [werc@werc.state.wi.us](mailto:werc@werc.state.wi.us) • <http://werc.wi.gov>

**James J. Daley**  
Chairman

June 28, 2024

**VIA EMAIL**

John Weidl: [citymanager@whitewater-wi.gov](mailto:citymanager@whitewater-wi.gov)  
City Manager, City of Whitewater

Kyle Gulya: [kyle.gulya@vonbriesen.com](mailto:kyle.gulya@vonbriesen.com)  
Von Briesen & Roper, S.C.

Patrick Kilbane: [Pkilbane580@gmail.com](mailto:Pkilbane580@gmail.com)  
Service Representative, IAFF Local 580-Janesville

Re: City of Whitewater (Firefighter); Case ID: 413.0003 / Case Type: E\_ME

Dear Parties:

Enclosed is a copy of a Petition for Election filed with the Wisconsin Employment Relations Commission involving certain employees of the City of Whitewater. The Commission places a very high priority on the prompt disposition of election petitions and hopes the parties can reach a voluntary agreement on all issues that need to be resolved before an election can be conducted. I am available to help you voluntarily resolve any and all issues.

Any party who is concerned with the length of time it may take to reach such an agreement can request that a hearing on the petition be scheduled. A hearing will be scheduled for a date within thirty (30) days of my receipt of a hearing request unless all parties agree to a different timeframe.

If the City of Whitewater believes there are no issues that need to be resolved, Mr. Weidl / Attorney Gulya should sign the enclosed stipulation, attach an initialed list of names of the employees the City of Whitewater contends are eligible to vote in the election, and email the stipulation and eligibility list to Mr. Kilbane on or before Friday, July 19, 2024. If the stipulation and proposed eligibility list are acceptable to Mr. Kilbane, he should sign the stipulation, initial the eligibility list, and email them to me as soon as possible.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Peter G. Davis'.

Peter G. Davis

Email: [PeterG.Davis@wisconsin.gov](mailto:PeterG.Davis@wisconsin.gov)

PGD/cog  
Enclosure

JUN 28 2024

WERC-01  
E/E\_ME  
09-18

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

**State of Wisconsin**  
**Employment Relations Commission**  
2418 Crossroads Drive, Suite 1000, Madison, WI 53718-7896  
Phone: 608-243-2424 Fax: 608-243-2433  
Email: werc@werc.state.wi.us

**PETITION FOR ELECTION**  
(Pursuant to § 111.05 of WEPA or § 111.70(4)(d) of MERA or § 111.83 of SELRA)

413.0003

Complete and submit this form and attach a showing of interest in support of the request if required.

The initiating party requests the Wisconsin Employment Relations Commission to conduct an election among the employees of the Employer named herein and to certify to the parties the results of such election.

**All Information is Required**

<b>Name of Labor Organization</b>		<b>Name of Employer</b>	
Janesville Fire Fighters, IAFF L-580		City of Whitewater, WI	
<b>Street Address, City, State, Zip Code</b>		<b>Street Address, City, State, Zip Code</b>	
303 Milton Avenue Janesville, WI 53545		312 W. Whitewater Street Whitewater, WI 53190	
<b>Telephone No.</b>	<b>Email Address</b>	<b>Telephone No.</b>	<b>Email Address</b>
608-931-5200	wiskiej@gmail.com	262-473-0104	citymanager@whitewater-wi.gov
<b>Name of Representative</b>		<b>Name of Representative</b>	
Justin Wiskie, President IAFF L-580		John Weidl, City Manager	
<b>Street Address, City, State, Zip Code (if different)</b>		<b>Street Address, City, State, Zip Code (if different)</b>	
<b>Telephone No.</b>	<b>Email Address</b>	<b>Telephone No.</b>	<b>Email Address</b>
<b>Name of Representative (if needed)</b>		<b>Name of Representative (if needed)</b>	
Patrick Kilbane, IAFF Service Representative		Kyle Gulya, Attorney von Briesen & Roper, s.c.	
<b>Street Address, City, State, Zip Code</b>		<b>Street Address, City, State, Zip Code</b>	
1430 21st Avenue Rice Lake, WI 54868		10 East Doty Street, Suite 900 Madison, WI 53703	
<b>Telephone No.</b>	<b>Email Address</b>	<b>Telephone No.</b>	<b>Email Address</b>
608-201-6406	pkilbane580@gmail.com	608-316-3177	kyle.gulya@vonbriesen.com
<b>Describe the Collective Bargaining Unit with Inclusions and Exclusions</b>			
All full-time fire fighter and EMT employees including the ranks of Lieutenant and Captain, excluding the ranks of Chief, Asst. Chief, EMS Chief, Paid-on-Call, volunteer, managerial and			
<b>Approximate Number of Employees in Bargaining Unit</b>	12 <i>confidential employees (COJ)</i>		
<b>Select Applicable Statement:</b>			
<input type="checkbox"/> Unit includes craft employees <input type="checkbox"/> Unit includes professional employees <input type="checkbox"/> Unit consists of supervisory employees <input checked="" type="checkbox"/> Unit includes none of the above			

List the Name, Address, Telephone Number, and Email Address of Any Union Who Currently Represents the Employees Involved.

N/A

I declare that I have read the contents of this petition and that the statements it contains are true and correct to the best of my knowledge.

<b>Name</b>	Patrick Kilbane	<b>Title</b>	IAFF Service Representative
<b>Signature</b>		<b>Date</b>	

JUN 28 2024

Gallagher, Carolyn - WERC

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

**From:** Patrick Kilbane <pkilbane580@gmail.com>  
**Sent:** Friday, June 28, 2024 2:11 PM  
**To:** WERC  
**Cc:** Justin Wiskie; Jason Daskam; citymanager@whitewater-wi.gov; Kyle J. Gulya  
**Subject:** Petition for Election  
**Attachments:** Petition for Election Whitewater, WI.pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Afternoon,

Please find attached a Petition for Election regarding certain employees of the City of Whitewater, WI (Fire Department). Thank you for your attention to this matter.

Patrick Kilbane  
IAFF Service Representative  
1430 21st Avenue  
Rice Lake, WI 54868

608-201-6406